

**GOVERNMENT**

**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

No.: 80/2006/NĐ-CP

*Hanoi, 09<sup>th</sup> August 2006*

**DECREE**

**On Detailed Regulations and Guidelines for Implementation of  
Some Articles of Law on Environmental Protection**

**GOVERNMENT**

Pursuant to Law on Government Organization dated 25 December 2001;

Pursuant to Law on Environmental Protection dated 29 November 2005;

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

**DECREE**

**Chapter I**  
**GENERAL PROVISIONS**

**Article 1. Scope of adjustment**

The Decree makes detailed stipulation and instructions on the implementation of some articles of Law on Environmental Protection in regards of environmental standards, strategic environmental assessment (S.E.A), environmental impacts assessment (E.I.A) and environmental protection commitments; environmental protection in production, business, and services; hazardous waste management; disclosure of environmental information and data.

**Article 2: Subjects of application**

The Decree is applied to state agencies, organizations, households, and individuals in the country; overseas Vietnamese, foreign organizations and individuals carrying out activities in the territory of the Socialist Republic of Vietnam.

**Chapter II**  
**DETAILED REGULATIONS**

**Part 1**  
**ENVIRONMENTAL STANDARDS**

**Article 3: Principles of applying national waste standards according to  
roadmap, region, area, and sector**

1. Coefficients of region, area, sector are the values which are multiplied by value of each pollution parameter within the national waste standards to define the applicable values to each specific region, area, and sector so as to match with requirements of environmental protection.

2. Roadmap of applying the national waste standards is stipulated in accordance with requirements of stricter environmental protection in each period and published in the decisions for forced application.

3. The principles for calculation of coefficients waste standards are as follows:

a) The regional and area coefficients of waste standard are defined to stricter direction on those areas that are declared as natural conservation areas, sensitive ecological areas, urban areas, dense residential quarters, and areas of polluted environment;

b) The sectoral coefficients of waste standards are defined based on special features of environment for specific production sector.

**Article 4: Responsibilities of formulation and competent authority of  
promulgating, announcing the forced application of N.E.Ss (National  
environmental standards)**

1. The formulation of national environmental standards is stipulated as follows:

a) The Ministry of Natural Resources and Environment shall guide methodology of formulation, lead and cooperate with relevant ministries and sectors in defining national environmental standards needed to be issued and assign for formulation of national environmental standards;

b) Ministries, ministerial-level agencies, and agencies belonging to the Government are responsible for formulating the national environmental standards according to scope of sectors and fields assigned and submitting to the Ministry of Natural Resources and Environment for appraisal and promulgation.

2. The Ministry of Natural Resources and Environment shall issue and announce mandatory application of national environmental standards to each region, area, and sector.

**Article 5: Orders, procedures for formulation, appraisal, issuance, promulgation of mandatory application of National Environmental Standards**

1. The national environmental standards are formulated based on following steps:

a) Reference to relevant international standards or to ones of those countries which have compatible conditions to Vietnam;

b) Evaluation of fundamental requirements to the national environmental standards and forecast of impacts for the forced application of the national environmental standards;

c) Defining scope of adjustment, applied objects, parameters and critical values of each factor of national environmental standards attached with standard methods of measuring, sampling, and analysing to define that factor;

d) Drafting of environmental standards;

đ) Collecting ideas from stakeholders and completing the draft of national environmental standards;

e) Requesting the Ministry of Natural Resources and Environment to appraise and promulgate.

2. The application dossiers for technical appraisal of national environmental standards include:

a) Application letter for technical appraisal of environmental standard;

b) Justification paper on necessity, objectives, formulating process, unanimous issues, and different opinions of agencies formulating the environmental standards;

c) Draft of environmental standards.

3. The technical appraisal and promulgation of national environmental standards is stipulated as follows:

a) Upon receipt of the valid application dossiers for appraisal, the Ministry of Natural Resources and Environment shall establish Technical Board of national environmental standards including experts having professional knowledge and experiences related to standards and authorized representatives from relevant ministries, ministerial-level agencies, and agencies belonging to the Government;

b) Within thirty (30) working days from the date of receiving valid application dossiers, the Technical Board mentioned in item a) of this clause shall be responsible for appraising and submitting to the Ministry of Natural Resources and Environment the appraisal results of draft national environmental standards.

Within fifteen working days from the date of receiving appraisal results, the Ministry of Natural Resources and Environment shall decide on issuance of the national environmental standards; in case the Ministry does not agree with appraisal results or does not accept to issue the national environmental standards, it will require the Technical Board to re-appraise or request drafting agency to improve the draft national environmental standards.

4. The promulgation of mandatory application of national environmental standards is stipulated as follows:

a) Based on the national environmental standards, the Ministry of Natural Resources and Environment defines the application roadmap, coefficients to each specific region, area, and sector in compliance with principles in Article 3 of this Decree and announces for mandatory application;

b) Organizations and individuals are responsible for compliance with the national environmental standards since the decision comes into force.

5. The Technical Board of national environmental standards is a technical consulting unit which is set up and operates (if required) to assist the Ministry of Natural Resources and Environment in appraising the draft national environmental standards and dissolves itself after completion of its duty.

The Ministry of Natural Resources and Environment stipulates on specific activities of the Technical Board.

**Part 2**  
**STRATEGIC ENVIRONMENTAL ASSESSMENT,**  
**ENVIRONMENTAL IMPACTS ASSESSMENT**  
**AND ENVIRONMENTAL PROTECTION COMMITMENTS**

**Article 6: List of projects that must have environmental impact assessment (E.I.A) reports, financial mechanism guidance for activities of making E.I.A reports, appraising, monitoring implementation of E.I.A reports**

1. Projects must have E.I.A reports as stipulated in Annex 1 attached with this Decree.

2. Ministry of Finance leads and cooperates with Ministry of Natural Resources and Environment in making reports, appraising, monitoring implementation of strategic environmental assessment (S.E.A) reports, E.I.A reports and environmental protection commitments (E.P.Cs).

**Article 7: Inter-sectoral and inter-provincial projects under responsibilities of appraisal and approval of E.I.A reports by Ministry of Natural Resources and Environment**

The inter-sectoral and inter-provincial projects under responsibilities of appraisal and approval of E.I.A reports by Ministry of Natural Resources and Environment are stipulated in Annex 2 attached with this Decree.

**Article 8: Conditions and scope of operation for consulting organizations in the field of making S.E.A and E.I.A reports**

1. The consulting organizations in the field of making S.E.A and E.I.A reports must meet the following conditions:

a) Having technological, engineering and environmental experts with professional qualification in accordance with the fields of the projects;

b) Having facilities and equipment with necessary quality standards in accordance with regulations of measuring, taking environmental samples and other relating samples that match with features and implementation sites of the projects;

c) Having material-technical base, laboratories with necessary reliability to handle, analyze environmental samples and other related samples of the

projects. In case, there is no laboratory as required, the consulting organizations must contract with other laboratories that meet the given requirements.

2. All national and foreign organizations registering to operate in Vietnam which meet all conditions as stipulated in Clause 1 of this Article are allowed to provide consulting services on making S.E.A or E.I.A reports, except projects in the fields of national security, defence and those relating to national secrets.

3. Agencies, units contracting with consulting organizations which provide consulting services on making S.E.A or E.I.A reports shall be responsible for checking those capacity of meeting conditions stipulated in Clause 1 of this article before contracting with them.

**Article 9: Application dossiers for technical appraisal of S.E.A, E.I.A reports and registering environmental protection commitments:**

1. Application dossiers for technical appraisal of S.E.A reports include:

a) Application Letter for technical appraisal by the project owners;

b) S.E.A reports;

c) Draft strategies, planning, and plans;

2. Application dossiers for appraisal of E.I.A reports include:

a) Application Letter for technical appraisal by the project owners;

b) E.I.A report;

c) Feasible study report or investment report of the project;

3. Application dossiers for registering environmental protection commitments include:

a) Environmental protection commitments;

b) Feasible study report or investment report of the project.

4. Application dossiers for technical appraisal of S.E.A reports, application dossiers for E.I.A reports, and application dossiers for registering environmental protection commitments are all sent to the competent authorities as stipulated in Articles 17, 21 and 26 of Law on Environmental Protection.

5. Ministry of Natural Resources and Environment shall provide instructions on forms, number of application dossiers for technical appraisal of S.E.A reports,

application dossiers for E.I.A reports, application dossiers for registering environmental protection commitments.

6. In case the dossiers do not meet requirements, within 5 (five) working days from the date of receiving the dossiers, the agencies receiving files are responsible for informing the project owners to supplement or complete the dossiers.

#### **Article 10: Appraisal of S.E.A reports**

1. The Heads of agencies stipulated in Clause 7 of Article 17 of Law on Environmental Protection shall make decisions on the establishment of Appraisal Council for S.E.A reports of the projects.

2. Appraisal results of S.E.A reports are expressed under the form of minutes of Appraisal Council with full contents, conclusions and signatures of chairperson and secretary of the Council.

3. Minister of Natural Resources and Environment reports to the National Assembly, the Government, the Prime Minister on appraisal results of S.E.A reports attached with copies of minutes of Appraisal Council as background for approval of projects.

4. Specialized agencies on environmental protection of ministries, ministerial-level agencies and agencies belonging to the Government, Provincial/Municipal People's committees under the Central Government make reports to minister, heads or leaders of competent agencies for approval of projects on appraisal results of S.E.A reports attached with copies of minutes of Appraisal Council as background for approval of projects.

5. Appraisal Council for S.E.A reports operates in accordance with regulations issued by Minister of Natural Resources and Environment.

#### **Article 11: Appraisal of E.I.A reports**

1. Heads or leaders of agencies stipulated in Clause 7 of Article 17 of Law on Environmental Protection shall make decisions on the establishment of Appraisal Councils for E.I.A reports of the projects.

2. Based on the technological, technical and environmental complexity of the projects, the heads or leaders of agencies stipulated in Clause 7 of Article 17 of Law on Environmental Protection make decisions on the selection of appraisal form through the Appraisal Council or Appraisal Service Providers. For the projects in the fields of national security and defence and those relating to

national secrets, only service providers in the fields of national security and defence are selected

3. The Appraisal Council or Appraisal Service Providers have the functions of providing consulting services for competent agencies to consider and evaluate the quality of E.I.A reports as background for considering and approving in accordance with the regulations.

4. In necessary circumstances, before official meetings of the Appraisal Council, the responsible agencies can exercise supporting appraisal modalities as follows:

a) Survey on the project implementation site and surrounding location;

b) Taking samples for reference analysis;

c) Collecting opinions of communities surrounding the project implementation site;

d) Collecting critical opinions from experts outside the Appraisal Council, relevant scientific and technological agencies, social and vocational organizations, and non-governmental organizations;

d) Organizing appraisal meetings on specific topics.

5. The Appraisal Council and Appraisal Service Providers on E.I.A reports are operate in accordance with regulations issued by Minister of Natural Resources and Environment.

#### **Article 12: Time duration for appraisal of S.E.A and E.I.A reports**

1. Time duration for appraisal of projects under the competence authority of making decision and approval of the National Assembly, the Government, the Prime Minister as well as inter-sectoral and inter-provincial projects is 45 (forty five) working days since the date of receiving valid application dossiers.

2. For projects that are not in the scope of Clause 1 of this article, time duration for appraisal is 30 (thirty) working days since the date of receiving valid application dossiers.

3. In case, S.E.A or E.I.A reports are not approved and must be re-appraised, time duration for re-appraising are as stipulated in Clauses 1 and 2 of this article.

### **Article 13: Making additional E.I.A reports**

1. Additional E.I.A reports must be made in the following cases:

a) Changes in location, scale, designed capacity and technology of the projects;

b) Only twenty four (24) months after the approval date of E.I.A reports, the project should be executed.

2. Content of additional E.I.A reports includes:

a) Changes in contents of the projects;

b) Changes in naturally environmental status and socio-economic factors until the date of making additional E.I.A reports;

c) Changes in environmental impacts and measures to minimize negative impacts;

d) Changes in programs of environmental management and monitoring of the projects;

đ) Other changes.

3. Within thirty (30) working days from the date of receiving valid application dossiers, the competent State agencies which are responsible for approval of E.I.A reports shall consider and approve additional E.I.A reports.

### **Article 14: Responsibilities of the project owners after E.I.A reports are approved**

1. Reports on contents of decisions on approval of E.I.A reports attached with copy of approval decision are submitted to District People's committees.

2. At the project implementation site, posting publicly summary of approved E.I.A reports, which mention clearly types and amount of wastes; technology and equipment of waste treatment; treatment level of typical parameters of wastes compared with standards; other environmental protection measures.

3. Designing and building environmental treating works:

a) Based on the principle diagram of environmental treating works proposed in the approved E.I.A reports, it should make a detailed design and construct

these works in compliance with current regulations on investment and construction;

b) After the detailed designs of environmental treating works are approved, there must be a report to the State agencies which make approval for E.I.A reports on building plan attached with detailed design dossier of environmental treating works for monitoring and supervision;

4. Environmental protection during the project construction process:

a) During the project construction, it should carry out measures of environmental protection, minimizing negative environmental impacts caused by the projects and making environmental monitoring in accordance with the requirements of approved E.I.A reports as well as other requirements in the approval decision of E.I.A reports;

b) During the project execution, if there is any adjustment, changes in approved or certified environmental protection contents and measures, there must be reports to agencies which make approval or make confirmation and it shall be executed only upon receipt of approval in writing from these agencies;

c) During the project execution and test running process, if there occurs environmental pollution, the execution must be paused immediately and reported timely to local state management agencies on environmental protection and agencies which make approval for E.I.A reports;

d) The project should be responsible for cooperating and making favourable conditions for the State management agencies on environmental protection to monitor, supervise implementation of environmental protection contents, measures of the project; to provide fully related information and data if required.

5. Testing operation of environmental treating works:

a) After construction and installation of environmental treating works is completed and hand-overed, it should make testing operation of environmental treating works in order to check technical and environmental parameters in accordance with the approved design;

b) The testing operation plan must be developed and reported to agencies that approved E.I.A reports, Provincial Departments of Natural Resources and Environment, Environmental Protection Divisions at the district and community levels where projects are executed in order to arrange plan of supervision and examination;

c) In case, the project is not able to make measurement and analysis of technical and environmental parameters by itself, it should be responsible for contracting with those agencies which have enough professional and technological capacity to conduct measurement and analysis;

d) After completion of testing operation, the report and request for confirmation of testing operation results of environmental treatment works must be sent to agencies which make approval for E.I.A reports to certify.

**Article 15: Responsibility of the state agencies after approval of E.I.A reports**

1. Ministries, ministerial-level agencies, and agencies belonging to the Government send original of approval decision of E.I.A reports to Provincial People's Committees where the projects are executed.

2. Provincial People's Committees send its carbon copy of approval decision of E.I.A reports and ones of ministries, ministerial-level agencies, and agencies belonging to the Government to District People's Committees where the projects are executed.

3. The competent state agencies after approval of E.I.A reports are responsible for:

a) Considering and comparing dossiers of design, construction and installation of environmental treating works and approved E.I.A reports; in case, there is any discrepancies in comparison with E.I.A reports, within 7 (seven) working days from the date of receiving dossiers or reports, the announcement letter must be sent to the project owners for adjustment or completion;

b) Receiving and handling requests, proposals of project owners, organizations, individuals relating to the execution of environmental protection contents, measures during the process of conducting and installing projects;

c) Arranging plan and conducting supervision, examination of execution of environmental protection contents and measures; within authority, handling or requesting for handling any violations;

d) Organizing examination and supervision of testing operation of environmental treating works upon receipt of testing operating plan submitted by the project owners;

đ) Examining and certifying testing operation results of environmental treating works;

e) Filing and managing all after-appraisal operation dossiers and documents sent by the project owners, relevant agencies and individuals.

**Article 16: Dossiers, order, and procedures for examination and certifying of execution of requirements given in the approval decision of E.I.A reports**

1. Dossiers for examination and certifying include:

a) Request for examination and certifying;

b) Report describing environmental protection works and measures mentioned in E.I.A reports attached with design dossiers and technical parameters of environmental protection works and equipment;

Environmental protection and treating works must be technically superintended before requesting for examination and certifying.

c) Relevant certificates, recognition, superintendence certificates.

2. Within 15 (fifteen) working days from the date of receiving valid dossiers from project owners, agencies that make approval decisions on E.I.A reports shall be responsible for examining and confirming in writing that project owners have completed the contents of E.I.A reports. In case, there is any complex matter that requires to lengthen the examination time, the additional time should not exceed 10 (ten) working days. In case, through examination the project owners are found out not to execute adequately and fully contents of E.I.A reports, it should require the project owners to continue execution and report to the competent agencies which make approval on E.I.A reports for making consideration and confirmation.

3. Contents needed to be examined and certified for each specific project are carried out according to contents of approved E.I.A reports, especially the following contents:

a) The waste water collecting and treating system;

b) Equipment for collecting, filing hazardous wastes and measures of treating hazardous wastes;

c) Normal solid waste management measures;

d) Measures and equipment for collection and treatment of waste dust and gaseous waste;

d) Measures and equipment for treating noise and vibration;

e) Plans, measures and necessary conditions for the prevention of environmental incidents.

4. Specific form and content of reporting and certifying documents in accordance with instructions made by the Ministry of Natural Resources and Environment.

#### **Article 17: Registering of environmental protection commitments**

1. After receiving valid dossiers within time duration as stipulated in Clause 2 of Article 26 of Law on Environmental Protection, the People's Committees at district or communal levels are authorized to issue certificates to those objects who register environmental protection commitments.

2. Form and contents of certificates for registering environmental protection commitments shall be instructed by the Ministry of Natural Resources and Environment.

### **Part 3**

#### **ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS, SERVICE**

#### **Article 18: Establishments of producing and providing friendly environmental products and services**

1. Establishments of producing and providing friendly environmental products and services are those should meet the following requirements:

a) Strictly abiding Law on Environmental Protection and certified to meet environmental standards;

b) Having product managing policy during its cycle and managing waste in compliance with law, where over 70% of total wastes are re-used and re-processed;

c) Successful application and granted ISO 14001 certificate on environmental management;

d) Saving more than 10% of total fuels, energy, water compare used with common consumption benchmarks;

đ) Taking part in and contributing actively to programs of increasing community awareness, public environmental protection;

e) Not protested by surrounding communities as an friendly environmental establishments.

2. Friendly environmental products are those that meet one of the following requirements:

a) Products re-processed from waste that meet environmental standards;

b) Products disposed after use that are easy disintegrated in natural environment;

c) Products not causing environmental pollution that are produced to replace natural materials;

d) Organic agricultural products;

đ) Products that are granted ecological certificate by the state recognized organization.

3. Establishments of producing and providing friendly environmental products and services are entitled preference policies and support from the state in accordance with the legal regulations.

4. The Ministry of Natural Resources and Environment shall provide guidance on evaluation, examination and procedures of recognizing establishments of producing and providing friendly environmental products and services.

#### **Article 19: Environmental protection with importation, temporary importation, and transit of scraps**

1. Organizations, individuals importing scraps which don't comply with regulations mentioned in Clauses 1 and 2 of Article 43 of Law on Environmental Protection, depending on nature, extent of violation, they shall be dealt by being administratively or be criminally prosecuted. In case of causing damages, they must compensate in accordance with the legal regulations.

2. Temporary importation and transit of scraps must be conducted strictly in compliance with following requirements:

a) No unpacking, open, use and causing dispersal of scraps during the process of transportation or storage in Vietnam;



b) Do not change nature or weights of scraps;

c) Re-exportation, transit of all scraps that are brought into Vietnam territory.

3. The transit of scraps through Vietnam territory must meet requirements of environmental protection which are similar to transit goods as provided in Article 42 of Law on Environmental Protection.

#### **Part 4 WASTE MANAGEMENT**

##### **Article 20: Responsibilities of hazardous waste management of the State agencies**

1. Ministry of Natural Resources and environment is responsible for:

a) Providing guideline of procedures for minimizing, making statistics, reporting and managing hazardous wastes;

b) Issuing list of hazardous wastes;

c) Granting license and operating code of hazardous waste management for those organizations managing hazardous wastes in two or more provinces/centrally managed cities;

d) Providing guideline for transportation of hazardous wastes to abroad for treatment in accordance with the international treaties that Vietnam is a member in case there is no available suitable treatment technology and equipment in Vietnam.

2. People's Committees of Provinces and centrally managed cities are responsible for:

a) Collecting statistic data and conducting evaluation on hazardous wastes in the locality and formulating suitable managing measures;

b) Arranging sites, making necessary conditions for managing hazardous wastes in the locality so as to suit with the approved plan of collecting, treating, and burying wastes;

c) Granting permits and operating codes of managing hazardous wastes for those organizations which manage wastes within the provinces/cities, excluding those cases mentioned in item c) of clause 1 of this article.

##### **Article 21: Collection and disposal of used and discarded products**

1. Products mentioned in clause 1 of article 67 of Law on Environmental Protection must have signs on hazardous level, recycling ability to define responsibilities and measures of collection and disposal after expiry dates or discarded by consumers.

In case of importation, importing organizations, individuals must register amounts and necessary information of products with state management agencies on environmental protection at the central level to define responsibilities and measures of collecting and treating used products being discarded by consumers.

2. Based on real situation and demand of environmental protection in each period, the Ministry of Natural Resources and Environment submits regulations on collection and disposal of expired or used products to the Prime Minister.

#### **Part 5 OTHER REGULATIONS**

##### **Article 18: Appraisal and assessment of environmental technology and management of biological products used in environmental protection**

1. Environmental technology for appraisal or assessment includes:

a) Newly invented environmental technologies;

b) Environmental technologies that are imported without clear origin;

c) Other environmental technologies as required by the suppliers, users or the competent state agencies.

2. The disclosures, recognition and transfer of environmental technologies that are appraised, evaluated is conducted according to the legal documents on science and technology.

3. The Ministry of Science and Technology takes lead and cooperates with the Ministry of Natural Resources and Environment shall provide detailed instructions on assessment of environmental technology in accordance with the legal documents on science and technology.

4. The Ministry of Natural Resources and Environment shall issue the list of biological products that are used in the prevention, minimization and treatment of wastes and are prohibited from importing due to causing environmental pollution.



### **Article 23: Disclosure of environmental information and data**

1. Responsibilities of environmental information, data openness stipulated in clause 1 of Article 104 of Law on Environmental Protection is conducted according to the following regulations:

a) The Ministry of Natural Resources and Environment is responsible for publication of national environment information and data;

b) Ministries, ministerial-level agencies, agencies belonging to the Government are responsible for publication of environmental information and data in their respected sectors;

c) The specialized agencies on environmental protection of people's committees at all levels are responsible for publication of environment information and data in their localities;

d) Management boards of economic zones, industrial zones, export processing zones; owners of production or service establishments are responsible for publication of environmental information and data within their management scopes.

2. Forms of publication of environmental information and data are stipulated as follows:

a) Broad distribution in the form of books, or articles in newspapers and in organizations' websites in cases mentioned in points a) and b) of clause 1 of this Article;

b) Broad distribution in the form of books, or articles in newspapers and in organizations' websites (if available), reports in meetings of Peoples' Councils, announcements in residential area meetings, posting at head offices of the agencies and the people's committees at communes/wards and district towns for cases mentioned in points c) and d) of clause 1 of this Article.

### **Chapter III Implementation provisions**

#### **Article 24: Implementation Effectiveness**

1. This Decree shall take effect 15 days from the date of gazetting.

2. Following decrees are revoked:

a) Decree No. 175/CP dated 18 October 1994 by the Government on implementation of 1993 Law on Environmental Protection;

b) Decree No. 143/2003/ND-CP dated 12 July 2004 by the Government on amendment and supplementation of Article 17 of Decree No. 175/CP dated 18 October 1994 by the Government on implementation of 1993 Law on Environmental Protection.

### **Article 25: Implementation responsibilities**

1. The Ministry of Natural Resources and Environment is responsible for providing guideline for implementation of this Decree.

2. Ministers, Heads of ministerial-level agencies, Heads of agencies belonging to the Government, Chairpersons of People's Committees of Provinces and centrally managed cities are responsible for implementing this Decree./.

#### **Sent to:**

- The Secretariat of Central Committee of the Communist Party of Vietnam;  
- Prime Minister, Deputy Prime Ministers;  
- Ministries, ministerial-level agencies, and agencies belonging to the Government;  
- People Councils and People Committees of provinces, cities directly under administration of the central government;  
- Office and Commissions of Central Committee of the Communist Party of Vietnam;  
- Nationalities Council, Committees of the National Assembly  
- The Office of the National Assembly;  
- The Office of the State President;  
- Supreme People's Court;  
- Central Offices of mass organisations;  
- National Academy of Public Administration;  
- Government Office: Minister-Chairman, Vice Minister-Chairmen, Head of Research Board and Deputy Heads of Research Board, the Government website, 112 Management Board, the Speaker of Prime Minister, other Departments and subordinate agencies, Gattezing.  
- File:archives, KG (5 copies), Hoa (320 copies)

**On behalf of the Government  
PRIME MINISTER**

(signed)  
**Nguyen Tan Dung**

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness

**Annex 1:**  
**List of projects that must make E.I.A reports**

*(Attached with Decree No. 80/2006/NĐ-CP dated 09th August 2006 by the Government on detailed regulations and guideline for implementation of some articles of Law on Environmental Protection )*

No.	Projects	Scale
1	Projects of national importance	All
2	Projects that use partly or wholly land area, or have bad influence on natural conservation areas, national parks, historical and cultural vestiges, famous landscapes that are ranked or not yet but gazetted by people's committees of provinces and cities directly under the central government as protected areas.	All
3	Projects that are potentially risky for bad impacts directly on water sources of river basins, coastal seas, or areas with protected ecology	All
4	Atomic power station projects	All
5	Thermonuclear power station projects	All
6	Nuclear reactors projects	All
7	Projects of construction of production, business, and service establishments that use radioactive or generate radioactive wastes	All
8	Telecommunication infrastructure projects	All
9	Projects of building infrastructure of urban centers, residential areas	All
10	Projects of building infrastructure of industrial zones, high-tech zones, industrial groups, export processing zones, craft groups	All
11	Projects of building infrastructure of industrial zones, trading zones	All
12	Projects of new construction, improvement, upgrading roads from grades I to III	All
13	Projects of new construction of roads grade IV	Length from 50 km or more
14	Projects of new construction, improvement, upgrading railways	Length from 100 km or

		more
15	Projects of new construction of permanent bridges in roads and railways	Length from 200 m or more (excluding path)
16	Projects of new construction, improvement, upgrading traffic works	Resettlement from 2000 people or more
17	Projects of ship building or repairing	Capacity from 1000 DWT or more
18	Projects of new factory or repairing, installing locomotive carriages and automobiles	Capacity from 500 vehicles per annum or more
19	Projects of building, improving, upgrade river and sea ports	Capacity from 1000 DWT or more
20	Airports	All
21	Projects of subway, tunnels	Length from 500 meters or more
22	Projects of high railway	Length from 2,000 meters or more
23	Projects of oil, gas exploitation	All
24	Projects of oil refinery (except LPG extracting, lubricant production projects)	All
25	Projects of building oil, gas pipelines	All
26	Projects of gasoline, oil stock	Capacity from 1000 m <sup>3</sup> or more
27	Projects of petrochemical products (surface activated substances, methanol)	All
28	Projects of ship cleaning	All
29	Projects of building oil, gas storage	All
30	Thermo-electric stations projects	Capacity from 500 MW or more
31	Hydro-electric stations projects	Lake with capacity from 1,000,000 m <sup>3</sup> of water or

		more
32	Projects of high voltage electricity lines	Length from 50 km or more
33	Projects of melting and forging iron and steel and non ferrous metals	Capacity from 5,000 tons of products per annum or more
34	Projects of plastic factory	Capacity from 1,000 tons of products per annum or more
35	Projects of chemical fertilizer factory	Capacity from 10,000 tons of products per annum or more
36	Projects of chemical, pesticide factory	Capacity from 10 tons or more
37	Projects of paint, basic chemicals factory	Capacity from 1,000 tons of products per annum or more
38	Projects of washing chemical, additives factory	Capacity from 1,000 tons of products per annum or more
39	Projects of pesticide factory	Capacity from 500 tons of products per annum or more
40	Projects of rubber latex factory	Capacity from 1,000 tons of products per annum or more
41	Projects of rubber processing factory	Capacity from 1,000 tons of products per annum or more
42	Projects of medicine, cosmetic factory	Capacity from 50 tons of products per annum or more

43	Projects of auto tires and tractors factory	Capacity from 50,000 tons of products per annum or more
44	Projects of battery factory	Capacity from 50,000 kW per annum or more
45	Projects of cement factory	Capacity from 50,000 tons of cement per annum or more
46	Projects of tile, brick factory	Capacity from 20 million bricks per annum or more
47	Projects of factory of other construction materials	Capacity from 10,000 tons of products per annum or more
48	Projects of exploiting construction materials (soil, rock, sand, stone) in land.	Capacity from 50,000 m <sup>3</sup> of material per annum or more
49	Projects of exploiting, dredging materials in river-bed (sand, stone)	Capacity from 50,000 m <sup>3</sup> of material per annum or more
50	Projects of solid minerals exploitation (without using chemicals)	Capacity of solid minerals and soil from 100,000 m <sup>3</sup> per annum or more
51	Projects of solid material exploitation, processing with hazardous waste or using chemicals	All
52	Projects of processing solid minerals	Capacity from 50,000 m <sup>3</sup> of products per annum or more
53	Projects of exploitation of underground water.	Capacity from 1,000 m <sup>3</sup> of water/ per day

		and night or more
54	Projects of exploitation of surface water	Capacity from 10,000 m <sup>3</sup> of water/ per day and night or more
55	Projects of food processing factory	Capacity from 1,000 tons of products per annum or more
56	Projects of frozen aquatic product processing factory	Capacity from 1,000 tons of products per annum or more
57	Projects of sugar factory	Capacity from 20,000 tons of sugar-cane per annum or more
58	Projects of alcohol factory	Capacity from 100,000 liters of products per annum or more
59	Projects of brewery, beverage factory	Capacity from 500,000 liters of products per annum or more
60	Projects of glutamate factory	Capacity from 5,000 tons of products per annum or more
61	Projects of milk processing factory	Capacity from 10,000 tons of products per annum or more
62	Projects of coffee processing factory	Capacity from 5,000 tons of products per annum or more
63	Projects of tobacco factory	Capacity from 50,000 packets per annum or

		more
64	Projects of cattle/poultry abattoir's	Capacity from 100 cattle's/day, 1000 poultries/day or more
65	Projects of ice factory	Capacity from 500 ice bars/day or 25,000 kg of ice/ day or more
66	Projects of agricultural product, cereal factory	Capacity from 10,000 tons of products per annum or more
67	Projects of tapioca processing factory	Capacity from 1,000 tons of products per annum or more
68	Projects of leather factory	All
69	Projects of textile, dyeing factory	All
70	Projects of textile, undyeing factory	Capacity from 10,000,000 meters of clothes per annum or more
71	Projects of mechanical, machine manufacturing factory	Capacity from 1,000 tons of products per annum or more
72	Projects of paper, pulp factory	Capacity from 100,000 m <sup>2</sup> per annum or more
73	Projects of electric and electronic component factory	Capacity from 10,000 equipments per annum or more
74	Projects of electric and electronic parts factory	Capacity from 10,000 tons of products per

		annum or more
75	Projects of fine art factory	Capacity from 1,000,000 tons of products per annum or more
76	Projects of construction of lakes, irrigation lakes	Capacity from 1,000,000 m <sup>3</sup> of water or more
77	Projects of system of irrigation, prevention of salination	Covering area from 500 ha or more
78	Projects of sea dyke	All
79	Projects of intensive/partly intensive aquaculture	Water area from 10 ha or more
80	Projects of occasional culture aquaculture	Water area from 50 ha or more
81	Projects of Aquaculture on sand	All
82	Projects of intensive cattle farm	From 100 cattles or more
83	Projects of intensive poultry farm	From 10,000 poultries or more
84	Projects of food processing factory for cattle, poultry	Capacity from 10,000 tons of products per annum or more
85	Projects of forest planting and exploitation	Area from 1,000 ha or more
86	Projects of intensive area for cassava, sugar-cane	Area from 100 ha or more
87	Projects of intensive area for coffee	Area from 100 ha or more
88	Projects of intensive area for tea	Area from 100 ha or more
89	Projects of intensive area for rubber	Area from 200 ha or more
90	Projects of tourism and recreational areas	Area from 5 ha

		or more
91	Projects of golf courses	From 18 holes or more
92	Projects of hotels, hostels	From 50 rooms or more
93	Projects of hospitals	From 50 beds or more
94	Projects of factory of recycling, treating solid waste	All
95	Projects of making burial ground of industrial and hazardous waste	All
96	Projects of making burial ground of domestic wastes	From 100 families or more
97	Projects of building intensive system of industrial waste water treatment that is not in industrial zone, export processing zones, high tech zones	Capacity from 1,000 m3 of waste water/day and night or more
98	Projects of construction of concentrated system of treatment of domestic waste water	Capacity from 1,000 m3 of waste water/day and night
99	Projects of building the complete incarnation	All
100	Projects of building cemetery	Area from 15 ha or more
101	Projects of appropriating protective forests, chopping mangrove forests, specialized-use forests, seas-encroaching areas	Area from 5 ha or more
102	Projects of appropriating natural forests	Area from 50 ha or more

ON BEHALF OF THE GOVERNMENT

THE PRIME MINISTER  
Nguyen Tan Dung signed

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness

## Annex 2

### List of inter-sectoral AND inter-provincial projects under responsibilities of appraisal and approval of E.I.A reports by Ministry of Natural Resources and environment

(Attached with Decree No. 80/2006/NĐ-CP dated 09th August 2006 by the Government on detailed regulations and guideline for implementation of some articles of Law on Environmental Protection )

1. Projects that use part or whole area of the national parks, natural conservation areas, biosphere reservation, national historical, cultural sites, world heritage sites;
2. Projects of atomic power stations, thermo power stations, atomic reactors;
3. Projects of thermo-electric station with capacity from 300 MW to 500 MW with location far away from residential areas less than 2 km; other thermo-electric station projects with capacity from 500 MW or more;
4. Projects of hydro-power stations, irrigation projects with capacity of the lake from 100,000,000 m3 of water or more or having influence on surface and underground water sources of from 02 or more provinces, cities directly under the central government;
5. Projects of chopping mangrove forest, specialized-use forest from 20 ha or more or logging other natural forests from 200 ha or more as plan of changing land-use purposes that are approved by the Government.
6. Projects of aquaculture on sand with area from 100 ha or more;
7. Projects of oil refinery or petrochemical factories, projects of basic chemicals factory, pesticides, washing chemicals, additives, chemical fertilizers with capacity from 20,000 tons of products per annum or more; projects of battery production with capacity from 300,000 Wh per annum or more; projects of cement factories with capacity from 1,200,000 tons of cement per annum or more; projects of factories or production workshops containing radioactives or generating radioactive waste;

8. Projects of oil exploitation; projects of solid minerals exploitation with capacity from 500,000 m<sup>3</sup> per annum or more (including waste land, rocks, poor ore); projects of exploitation of radioactive metal ores, rare earth; projects of underground water exploitation with capacity from 50,000 m<sup>3</sup> of water per day and night or more, surface water exploitation from 500,000 m<sup>3</sup> of water per day and night or more;
9. Projects of building infrastructure for concentrated production, business, service area from 200 ha or more; Projects of building ports for ships with load from 50,000 DWT or more; Projects of iron and steel melting with capacity from 300,000 tons of products per annum or more.
10. Projects of recycling, treating and burying hazardous wastes;
11. Projects that contain at least one or more items listed in projects from 1 to 9 above.
12. Other projects mentioned in Annex 1 those are located in 2 or more provinces or cities directly under the central government./.

ON BEHALF OF THE GOVERNMENT  
THE PRIME MINISTER  
Nguyen Tan Dung signed

**MINISTRY OF NATURAL  
RESOURCES AND ENVIRONMENT**

**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

*Hanoi, September 8<sup>th</sup> 2006*

No. 08/2006/TT-BTNMT

**CIRCULAR**

**On guideline for strategic environmental assessment, environmental impact assessment and environmental protection**

Pursuant to Law on Environmental Protection dated 29 November 2005;

Pursuant to Decree No.80/2006/ND-CP dated 09 August 2006 of the Government on Detailed guideline for implementation of some articles of Law on Environment protection;

Pursuant to Decree No.91/2002/ND-CP dated 11 November 2002 of the Government on the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

Ministry of Natural Resources and Environment guides for implementation some contents of strategic environmental assessment, environmental impact assessment and environmental protection as follows:

**I. GENERAL PROVISIONS**

**1. Scope of adjustment**

1.1. The Decree makes detailed instructions on the implementation of some contents of Law on Environmental Protection dated 29 November 2005 (hereinafter called Law on Environmental Protection) in regards of strategic environmental assessment (S.E.A), environmental impacts assessment (E.I.A) and environmental protection commitments and Decree No.80/2006/NĐ-CP of the Government dated 09 August 2006 on detailed stipulation and instructions on the implementation of some articles of Law on Environmental Protection, includes:

a) Elaboration and appraisal of strategic environmental assessment reports;

b) Elaboration, appraisal and approval of environmental impact assessment reports and additional environmental impact assessment reports; executing and supervising the implementation of environmental protection in environmental impact assessment reports, additional environmental impact assessment reports and approved decisions.



c) Elaborate, registration and confirmation of written environmental protection commitments

1.2. This Circular does not apply to works are executing (so-called executing projects), includes works that have not applied regulation on elaboration, appraisal and approval of environmental impact assessment report

1.3. Strategies, master plans, plans, in national security and defense fields and those relating to national secret projects are instructed in other documents

## **2. Subjects of applications**

This Circular is applied to state agencies, organizations, households and individuals in the country; foreign organizations and individuals (hereinafter called organizations and individuals) carrying out activities related to contents of point 1.1, section 1, part I of this Circular.

## **3. Application of environmental standards**

When elaborating environmental impact assessment reports or project environmental protection commitments, it is required to apply Vietnam compulsory environmental standards; environmental standards must follow in accordance with the international treaties that Vietnam is a member.

# **II. ELABORATION, APPRAISAL OF STRATEGIC ENVIRONMENTAL ASSESSMENT REPORTS**

## **1. Elaboration of strategic environmental assessment reports**

1.1. Agencies assigned to formulate projects mentioned in Article 14 of the Law on Environmental Protection (hereinafter called project owners) have to elaborate S.E.A reports and set up a S.E.A working group, including experts on environment, scientists with qualifications relevant to the field of projects to execute S.E.A and elaborate S.E.A reports of strategies (master plans and plans)

1.2. The S.E.A must follow the structure and qualify the requirements of contents mentioned at Annex 1 of this Circular

## **2. Dossiers for appraisal of S.E.A reports**

2.1. Project owners send dossiers for appraisal of S.E.A reports to the competent authorities as stipulated in Clause 7 of Article 17 of Law on Environmental Protection.

2.2. Numbers and form of dossiers for appraisal are stipulated as follows:

a) 01 (one) letter of request for appraisal S.E.A reports as stipulated in Annex 2 of this Circular;

b) 07 (seven) stapled copies of S.E.A reports as stipulated in Annex 3 of this Circular, including names, signatures and titles of project owners and stamps at supplemental cover of each report.

c) 01 (one) draft strategies, (master plans, plans).

2.3. In case that the appraisal committee has more than 07 members, or in other necessary cases for appraisal, project owners must provide more S.E.A reports as requirement of appraisal agencies.

## **3. Appraisal of S.E.A reports**

3.1. Upon receipt of the valid and qualified application dossiers for appraisal, appraisal agencies set up Appraisal Council; the number of members of the Appraisal Council is decided in accordance with provisions on Clause 2,3 and 4, Article 17 of the Law on Environmental Protection, and the project quality, scale and environmental requirements, but includes at least 07 (seven) members.

3.2. In the time limit stipulated in the Clause 1 and 2 of Article 12 of the Decree No.80/2006/ND-CP, appraisal agencies must complete appraisal of S.E.A reports.

3.3. Organization and operation of the Appraisal Council must follow the Regulation on organization and operation of Appraisal Council of S.E.A and Appraisal Council of E.I.A reports attached to the Decision No.13/2006/QĐ-BTNMT dated September 8<sup>th</sup> 2006 issued by Minister of Natural Resources and Environment.

3.4. Reporting appraisal results is stipulated in Clause 3 and 4 of Article 10, Decree No.80/2006/ND-CP.

# **III. ELABORATION, APPRAISAL AND APPROVAL OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS; IMPLEMENTATION, SUPERVISION AND CONFIRMATION OF IMPLEMENTING CONTENTS OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS**

## **1. Elaboration of environmental impact assessment reports**

1.1. Organizations, individuals are project owners, who subject to elaboration of E.I.A reports as stipulated in Annex I and Annex II of Decree No.80/2006/ND-CP (hereinafter called project owners), may elaborate E.I.A reports by themselves or hire competent consultancy service organizations to do the E.I.A and elaborate E.I.A reports of the projects as stipulated in Article 8 of Decree No.80/2006/ND-CP.

1.2. The E.I.A must follow the structure and qualify the requirements of contents mentioned at Annex 4 of this Circular.

## **2. Community consultations**

2.1. Project owners send documents to the People Committee and the People Council at commune level to report on the project main contents, project

negative environmental impacts, measures for minimizing these negative environmental impact and request for written comments.

2.2. In case People Committee or Fatherland Front Committee at commune level requires for dialogue, project owners must co-ordinate. Dialogue results are expressed under the form of minutes, in which all comments are reflected, including project owners' agree and disagree opinions; the minutes must have signatures (name, title) of the chairman of the dialogue and project owners or representatives of project owners; and lists of participants are attached.

2.3. Agree and disagree opinions made by the People Committee and Fatherland Front Committee at commune level and participants of the dialogue must be reflected in the contents of E.I.A reports.

2.4. Written comment documents made by the People Committee and Fatherland Front Committee at commune level and other community consultations (if any) must be copied and attached to the annex of the project E.I.A report.

### **3. Dossiers for appraisal of E.I.A reports**

3.1. Projects owners send dossiers for appraisal of E.I.A reports to competent authorities on appraisal E.I.A as stipulated in Clause 7 of Article 21 of Law on Environmental Protection.

3.2. Numbers and form of dossiers for appraisal are stipulated as follows:

- a) 01 (one) letter of request from project owners for appraisal and approval E.I.A reports as stipulated in Annex 5 of this Circular;
- b) 07 (seven) stapled copies of E.I.A reports as stipulated in Annex 6 of this Circular, including names, signatures and titles of project owners and stamp at supplemental cover of each report.
- c) 01 (one) draft feasible study report or investment report of project.

3.3. In case that the appraisal committee has more than 07 members, or in other necessary cases for appraisal, project owners must provide more S.E.A reports as requirement of appraisal agencies.

### **4. Appraisal of E.I.A reports through Appraisal Council**

4.1. Upon receipt of the valid and qualified application dossiers for appraisal, appraisal agencies set up Appraisal Council; the number of members of the Appraisal Council is decided in accordance with provisions on Clause 2,3 and 4 of Article 21, Law on Environmental Protection, and the project quality, scale and environmental requirements, but includes at least 07 (seven) members.

4.2. Organization and operation of the Appraisal Council must follow the Regulation on organization and operation of Appraisal Council of S.E.A and Appraisal Council of E.I.A reports attached to the Decision No.13/2006/QĐ-BTNMT dated September 8th 2006 issued by Minister of Natural Resources and Environment.

### **5. Appraisal of E.I.A reports through Appraisal services organizations**

5.1. Selected organizations to conduct appraisal of E.I.A reports must meet following conditions:

- a) Having qualified and professional experts relevant to requirements of appraisal E.I.A reports;
- b) Having facilities, equipment and material-technical bases with necessary quality and reliability to measure, take environmental samples, handle, analyze samples and other relating samples that match with features and sites of projects; in case of not qualifying requirements, it is needed to have hire contract with qualified organizations or individuals.
- c) Fulfill other legal related requirements.

5.2. Operation of appraisal organizations follows regulations issued by Ministry of Natural Resources and Environment.

### **6. Finalization of E.I.A reports**

6.1. Within 3 (three) days after receiving results from Appraisal Council or Appraisal Service organizations, appraisal agencies must have written documents reporting appraisal results to project owners and requirements of finalizing or re-elaborating E.I.A reports.

6.2. In case E.I.A need to be modified, project owners conduct modifying, sign at the left bottom of each page and copy following number of pages to send to appraisal agencies and attached with explanatory documents for the modification for examination and approval:

a) For E.I.A reports belonging to approval competence of Ministry of Natural Resources and Environment, the number of reports must be enough to send to: Ministry of Natural Resources (04 copies and 01 CD copy); Provincial People Committee where project is executed (01 copy); Sectoral Ministries/agencies govern the project (01 copy). In case project site belonging to 2 or more provinces, cities directly belonging to Central, the number of E.I.A reports is increased equal to the number of additional provinces.

b) For E.I.A reports under approval of Ministries, ministerial-level agencies, Government agencies, the number of reports must be provided enough to send to following addresses: Authority-related Ministries, line ministries (03 copies and 01 CD copy); Provincial People committee where project is located

(01 copy); Ministry of Natural Resources and Environment (01 copy)

c) For E.I.A reports under authority of provincial People Committee, the number of reports must be provided 03 copies and 01 CD to send to Provincial People Committee where project is located.

### **7. Reappraisal of E.I.A**

7.1. In case E.I.A reports are not approved by Appraisal Council, reappraisal of E.I.A is conducted under request of project owners.

7.2. Reappraisal of E.I.A reports is conducted by the earlier Appraisal Council or Appraisal Service Organization; in necessary case, competent E.I.A approval agencies set up new Council or select new appraisal organization for reappraisal.

### **8. Approval of E.I.A reports**

8.1. Decision on granting approval of E.I.A report is followed form as stipulated in Annex 7 of this Circular.

8.2. In case that possibility negative impacts to environment have not been fully reflected in E.I.A due to objective reasons such as not available detailed project data or existing situation and environmental capacity, unreliable risk analysis and other unavoidable situation, competent approval agencies must pay attention to attached requirement of approval decision.

### **9. Certifying and sending dossiers of approved E.I.A reports**

9.1. After approval of E.I.A report, competence approval agencies certify at the back of supplement cover of each E.I.A report as form stipulated in Annex 8 of this Circular.

9.2. Competence approval agencies is responsible for sending certified E.I.A reports to project owners and other related agencies as stipulated in Point 6.2 Item 6 Part III of this Circular; sending original document and copies of approval decision of E.I.A report is stipulated at Clause 1 and 2, Article 15 of Decree No. 80/2006/NĐ-CP.

### **10. Elaboration, appraisal and approval of additional E.I.A reports**

10.1. Project owners as stipulated in Clause 1 Article 13 of Decree No.80/2006/ND-CP have responsibility of elaborating additional E.I.A reports to submit to EIA approval agencies for appraisal and approval before implementing projects.

10.2. Additional EIA reports must reflect the structure and qualify requirements of contents as stipulated in Annex 9 of this Circular.

c) 01 (one) draft strategies, (master plans, plans).

10.3. Numbers and form of dossiers for appraisal and approval additional EIA are stipulated as follows:

a) 01 (one) letter of request for appraisal and approval E.I.A reports as stipulated in Annex 10 of this Circular;

b) 05 (five) stapled copies of additional E.I.A reports as stipulated in Annex 11 of this Circular, including names, signatures and titles of project owners and stamps at supplemental cover of each report. In necessary cases, due to requirements of appraisal, project owners must provide more additional EIA reports as requested by appraisal agencies.

c) 01 (one) copy of previously approved E.I.A reports;

d) 01 (one) certified copy of previously Decision of EIA reports approval;

e) 01 (one) explanatory report on changes in contents of projects.

10.4. Appraisal of additional E.I.A reports is based on written comments made by scientists, administrators with relevant professional and qualifications; in necessary cases, it is required to have comments from state administration agencies on environment where project is located. Comments, evaluations are required to follow form as stipulated in Annex 12 of this Circular.

10.5. In case invalid dossiers, unqualified for appraisal, within 05 (five) working days from the receiving day, competent appraisal agency must have document to inform project owner reason for revising and modifying.

10.6. Approval Decision on additional E.I.A report is elaborated basing on form stipulated in Annex 13 of this Circular, and valid to enclose with previous approved E.I.A report. In case of not granting approval, competent approval agency must reply by written document with detail explanatory.

10.7. Approved additional E.I.A report must be certified at the back of supplemental cover as form stipulated in Annex 8 of this Circular.

10.8. Amount of approved and certified additional E.I.A reports must be enough to enclose with the original additional approval decision to send to addresses that previously received E.I.A report.

### **11. Content and format of report, announcement from project owner on implementing contents of environmental impact assessment report**

11.1. Document to report People Committee at district level where project is executed on the content of approval decision on E.I.A reports is elaborated as form stipulated in Annex 14 of this Circular.

11.2. A summary of approved E.I.A report must follow form stipulated in Annex 15 of this Circular.

11.3. Report on plan of building environmental treatment and protection works is elaborated as form stipulated in Annex 16 of this Circular.

11.4. Report on plans of experimental operation of environmental treatment and protection works must follow form stipulated in Annex 17 of this Circular.

11.5. Report on implementation of contents and requirements of approval decision on E.I.A report must follow form stipulated in Annex 18 of this Circular.

11.6. Document to request certifying implementation of contents and requirements of approval decision on E.I.A report of Project is elaborated as form stipulated in Annex 19 of this Circular.

## **12. Verifying the implementation of contents in E.I.A report, additional E.I.A report**

12.1. Competent agencies to approve E.I.A report send representatives to coordinate with state administration agencies on environmental protection at local level to verify the implementation of approved E.I.A reports as stipulated in point c and point d, clause 3, Article 15 of Decree No.80/2006/ND-CP. In necessary case, competent agencies to approve E.I.A reports set up the verification group. Decision to set up the verification group is elaborated as form stipulated in Annex 20 of this Circular.

12.2. Verification and examination activities to certify the implementing contents of reports and requirements of approval decision on E.I.A reports of Project are stipulated in Clause 3 Article 16 of Decree No.80/2006/ND-CP, includes:

- a) Study and consider the dossiers requesting for certification from project owners;
- b) Conduct verification at place where project is executed.

12.3. Verification results is presented in proceedings as form stipulated in Annex 21 of this Circular and must be verified by representatives from competent verifying agencies, and signed by project owners and state administration agencies on environmental protection.

## **13. Certifying implementation of contents of reports and requirements of approval decision on EIA reports**

13.1. Certification paper for implementing contents of reports and requirements of approval decision on EIA reports is elaborated as form stipulated in Annex 22 of this Circular. In case of unqualified for certifying, competent approval agencies have responsibility of inform reasons to project owners

13.2. Certification paper is enclosed with approval decision of EIA report for convenience of verifying and monitoring

## **14. Technical examination for environmental treatment and protection works**

14.1. Technical examination for environmental treatment and protection works must comply with legal regulation on investment and building.

14.2. Organizations that designed, built environmental treatment and protection works or components of works are not allowed to conduct technical examination of that works or components of works.

## **IV. ELABORATION, REGISTRATION, CERTIFICATION OF ENVIRONMENTAL PROTECTION COMMITMENT**

### **1. Elaboration of environmental protection commitment**

1.1. Project owners who are subject of having environmental protection commitment stipulated in Article 25 of Law on Environment Protection (hereinafter called project owners) have responsibility of elaborating environmental protection commitment.

1.2. Structure and content requirements of environmental protection commitment must follow regulation stipulated in Annex 23 of this Circular.

### **2. Register environmental protection commitment**

2.1. Project owners have responsibility to send dossier registering for environmental protection commitment to People Committee at district level or authorized People Committee at commune level where project is executed to register and certify.

2.2. In case project belonging to 02 (two) or more districts, towns, cities belonging to provinces or upper, project owners choose one People Committee at district level belonging to province to send dossier registering for environmental protection commitment.

2.3. The amount and form of dossier registering environmental protection commitment are regulated as follows:

a) 01 (one) document requesting for certifying register of environmental protection commitment as form stipulated in Annex 24 of this Circular;

b) 03 (three) copies of environmental protection commitment using form stipulated in Annex 25 of this Circular with full name, title of project owner and sealed at supplemental cover of each copy; in case authorizing to People Committee at commune level to certify, send another 01 (one) copy of environmental protection commitment (for project belonging to 01 commune); in case that project belonging to 02 more district, the amount of copies of

environmental protection commitment to be sent must be increased, equal to the amount of increased districts.

c) 01 (one) draft of feasible study report or investment report of the project.

### **3. Certify register of environmental protection commitment**

3.1. In case of qualified dossier, People Committee at district or commune level is authorized to certify register of environmental protection commitment of project owner as stipulated in Annex 36 of this Circular.

3.2. Competent certifying agency must certify at the back of supplemental cover of every registered environmental protection commitment paper as stipulated in Annex 8 of this Circular.

### **4. Sending certified environmental protection**

4.1. In case of registering and certifying at district level, People Committee at district level send 01 (one) certified dossier of environmental protection commitment enclosing with certificate document to project owner for implementing.

In case that project belonging to 02 or more districts, People Committee at district level where certifies the environmental protection commitment has responsibility of sending the other related People Committee 01 (one) environmental protection commitment enclosing with certificate document.

4.2. In case of registering and certifying at commune level, People Committee at commune level send certified dossier to following addresses:

a) Project owner 01 (one) environmental protection commitment enclosing with one copy of certified paper to implement.

b) People committee at district level 01 (one) environmental protection commitment enclosing with one copy of certified paper.

### **5. Authorizing to certify environmental protection**

5.1. People Committee at district level authorizes to People Committee at commune level by written document as form stipulated in Annex 27 of this Circular.

5.2. Order, procedure, and timeline for registering and certifying at commune level follow regulation stipulated in Item 2, 3 and 4 of Part IV of this Circular

5.3. People Committee at district level does not authorize to People Committee at commune level in case project belonging to 02 or more districts, towns, cities belonging to province

## **V. IMPLEMENTATION PROVISIONS**

1. Ministries, Ministerial-level agencies, agencies belonging to the Government, People Committees all levels are responsible for implementing this Circular.

2. This Decree shall take effect 15 days from date of appearing on Public Gazette and replace Circular No.490/1998/TT-BKHCHNMT dated April 29th 1998, issued by Ministry of Science, Technology and Environment guiding on elaborating and appraising environmental impact assessment reports of investment projects.

3. Difficulties occurred in implementing process, must be reported in time to Ministry of Natural Resources and Environment for consideration and solving./.

### **Receivers:**

- The Office of Central Party;
- The Office of the Government
- The Office of the National Assembly;
- The Office of the State President;
- Central Party's Economic Commission;
- Central Party's Science and Education Commission;
- National Assembly's Science, Technology and Environment Committee;
- Ministries, ministerial-level agencies, and agencies belonging to the Government;
- Supreme People's Court;
- Supreme People's Procuracies;
- Central Offices of mass organizations;
- People Councils and People Committees of provinces, cities directly under administration of the central government;
- Provincial Department of Natural Resources and Environment;
- Document Checking Bureau (Ministry of Justices);
- Official gazette;
- Government Website;
- File.

**MINISTER**

**Mai Ai Truc**



**Appendix 1**  
**STRUCTURE AND REQUIRED CONTENTS OF**  
**STRATEGIC ENVIRONMENTAL ASSESSMENT**

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitments)*

**GENERAL INTRODUCTION**

**1. Project profile**

- Summary of project set up and conditions, in which indicating what type the projects are, new, additional, expanded or other projects.
- Competent authorized organizations, agencies approve projects.

**2. Legal and technical basis for strategic environmental assessment (S.E.A)**

List of legal and technical documents, on which the project S.E.A and S.E.A report base, and in which indicating fully and accurately: codes, names, issuing date, and issuing agencies of each document.

**3. Organization and implementation of S.E.A**

- Summary of organization, operational formats of the S.E.A expertise team, which established by project owners;
- List of people that directly participate in implementation of S.E.A and in preparation of S.E.A reports;
- Summary of working progress and discussion of the S.E.A expertise team and the expertise team on strategic project/master plans/plans in order to make linkage of environmental issues into each stage of projects.

**Chapter 1: OVERVIEW OF OBJECTIVES, SCOPE AND NATURES OF ENVIRONMENTAL RELATED PROJECTS**

**1.1. Project owner:** full and accurate names, addresses and contacts of owner; and full names and working titles of head of owners.

**1.2. Project objectives:** long time and short time objectives of projects.

**1.3. Project scope:**

- *On spatial and temporal aspects:* Geographical configuration (including co-ordinates, boundaries...) of the project areas, including a geographical map showing relations with neighboring areas, with clear legends; project length.
- *On operational aspect:* General introduction of all activities and coverage of projects.

**1.4. Natures of environmental related projects:**

- Exploitation and use of environmental factors and natural resources; making improvement and changes of man-made landscape, natural landscape and other natural objects during project implementation.
- Building, upgrading, expansion, operation, use, and abolishment of infrastructural works of transportation, post and telecommunication, power supply, water supply and of other works during project implementation.
- Building, upgrading, expansion, operation, use, and abolishment of cultural works of culture, social development, religion, belief, and historical relics and of other related works during project implementation; resident removing and resettlement during project implementation.

**Chapter 2: GENERAL DESCRIPTION OF NATURAL, ECONOMIC, SOCIAL AND ENVIRONMENTAL CONDITIONS RELATING TO PROJECTS**

**2.1. Natural and environmental condition:**

- *Geographical and geological condition:* General description of geographical (including topographic and geomorphologic) and geological condition of the project and neighboring areas within Vietnam's territory is followed up by indicating clearly what objects and processes would be impacted by projects; and indicating what data sources and documents would be used or referred to.

- *Meteorological and hydrographical condition:* General description of meteorological and hydrographical condition of the project and neighboring areas within Vietnam's territory is followed up by indicating clearly what objects and processes would be impacted by projects; and indicating what data sources and documents would be used or referred to.

- *Current situation of factors of the natural environment:* General description of current situation of environmental factors of land, water, air, creature, ecosystem and other natural environmental factors of the project and neighboring areas within Vietnam's territory is followed up by indicating clearly what objects and processes would be impacted by projects; and indicating what data sources and documents would be used or referred to.

**2.2. Economic and social condition:**

- *Economic condition:* General description of current situation of basic economic sectors (industry, agriculture, transportation, mining, tourism, trade, services and others) of the project and neighboring areas within Vietnam's territory is followed up by indicating clearly what sectors would be impacted by projects; and indicating what data sources and documents would be used or referred to.

- *Social condition:* General description of current situation and operation of cultural, social, religious and belief, historical works and other relating works

in the project and neighboring areas within Vietnam's territory is followed up by indicating clearly what works would be impacted by projects; and indicating what data sources and documents would be used or referred to.

### **Chapter 3: ESTIMATION OF POSSIBLE NEGATIVE IMPACTS TO THE ENVIRONMENT DURING PROJECT IMPLEMENTATION**

#### **3.1 Causes of impacts**

- *Impacts that relate to wastes*: estimation of all possibilities of producing solid, liquid and air wastes as well as other wastes during project implementation.

- *Impacts that do not relate to wastes*: estimation of all causes of impacts that do not relate to wastes, such as eroded, slide, collapsed, and sunk land; erosion of river, stream, lake and sea banks; raised level of river, stream, lake and sea bed; changes of surface water level and underground water; salt water invasion; alum water invasion; changes of micro climate; degrading of environmental factors; changes of bio-diversification and other causes.

#### **3.2. Objects and scope of impacts**

- *Impacted objects that relate to wastes*: estimation of all natural, economic, culture, social, religious, belief, historical objects and others in the project areas and neighboring areas within Vietnam's territory that are impacted with relation to wastes during project implementation; sketching out spatial and temporal scope of impacts.

- *Impacted objects that do not relate to wastes*: estimation of all natural, economic, culture, social, religious, belief, historical objects and others in the project areas and neighboring areas within Vietnam's territory that are impacted with no relation to wastes during project implementation, such as: eroded, slide, collapsed, and sunk land; erosion of river, stream, lake and sea banks; raised level of river, stream, lake and sea bed; changes of surface water level and underground water; salt water invasion; alum water invasion; changes of micro climate; degrading of environmental factors; changes of bio-diversification and others; sketching out spatial and temporal scope of impacts.

#### **3.3. Changing trend of natural, environmental, economic and social condition**

- *Changing trend of natural condition*: Forecasting changes of geographical (including topographical and geomorphologic), geological, meteorological and hydrographical condition; changes of natural and man-made landscapes, and bio-diversification in the project areas and neighboring areas within Vietnam's territory during and not during project implementation. If methodologies and data are available and allowable, changing trend should be described by charts, graphs, maps and other visible illustration forms.

- *Changing trend of environmental factors*: Forecasting changes of environmental factors, such as land, water, air, creatures, ecosystem and other

natural environmental factors in the project areas and neighboring areas within Vietnam's territory during and not during project implementation. If methodologies and data are available and allowable, changing trend should be described by charts, graphs, maps and other visible illustration forms.

- *Changing trend of economic and social condition*: Forecasting negative changes of basic economic sectors and cultural, religious, belief, historical relic works and other related works in the project areas and neighboring areas within Vietnam's territory during and not during project implementation. If methodologies and data are available and allowable, changing trend should be described by charts, graphs, maps and other visible illustration forms.

#### **3.4. Assessment on the consistency between the project viewpoints and targets and those of the environmental protection.**

- Comparisons project viewpoints, targets with those of the environmental protection, which are identified and approved by sectors and authorities in relating official documents, such as: resolutions, Party's directives, State's legal documents; strategies, master plans and plans on environmental protection; strategies, master plans and plans on exploitation and use of natural resources; and other relating official documents.

- Forecasting impacts and influence of project viewpoints and targets on those of the environmental protection in the above mentioned documents.

### **Chapter 4: BIBLIOGRAPHY OF DATA SOURCES AND ASSESSMENT METHODS**

#### **4.1. Data sources**

- *Data of reference*:

+ List of documents and data sources of reference with following information: name, time of publication, authors, place of archives or issuance.

+ Evaluation of detail, reliable and update degree of the data sources and documents.

- *Data and information created by project owners*:

+ List of data and information created; time and place of creation.

+ Evaluation of detail, reliable and update degree of data and information created.

#### **4.2. Methods applied in the S.E.A. process**

- *List of methods applied*: Full list of methods that are applied in the S.E.A. process and S.E.A. reports, including S.E.A. methods, surveys, studies, researches, experiments and other relating methods.

- *Evaluation of reliable degree of applied methods*: Evaluation is made on the basis of qualitative or quantitative scales depending on the natures and specific characteristics of applied methods.



### 4.3. Comments on detail and reliable degree of evaluations

Making objective comments on detail and reliable degree of evaluations, which are on possible impacts and changing trend of natural, environmental, economic and social condition during and not during project implementation. For issues that still lack of necessary reliability, it needs to identify objective and subjective reasons (e.g. lacking of information and data; available data is not update; lacking of methods; methods has limited reliability; weak professional skill of S.E.A staff; other reasons).

## Chapter 5: GENERAL DIRECTION AND MEASURES TO SOLVE ENVIRONMENTAL PROBLEMS DURING PROJECT IMPLEMENTATION

### 5.1. General direction

- General direction to link environmental issues with the whole project implementation process.

- General direction to link environmental issues with the specific individual project implementation stage and components.

### 5.2. Direction for environmental impact assessment during project preparation stage

- Identifying what areas should be paid more attention to in term of environmental impact assessment (E.I.A.) during project preparation stage; main reasons.

- Identifying what sectors and activities should be paid more attention to in term of E.I.A. during project preparation stage; main reasons.

### 5.3. Technical measures

- Overall technical measures to solve environmental problems during the whole project implementation process.

- Overall and specific technical measures to solve environmental problems during the specific and individual project implementation stages.

### 5.4. Management measures

- Overall management and organization measures to solve environmental problems during the whole project implementation process.

- Overall and specific management and organization measures to solve environmental problems during the specific and individual project implementation stages.

### 5.5. Environmental monitoring and management program

Developing a program on environmental monitoring and management during project implementation, in which clear identification and proposals are as follows:

- Contents, location, organizations, and methods of implementation;

- Coordination modes among agencies during implementation;
- Reporting regime.

## CONCLUSION AND RECOMMENDATION

### 1. On the appropriation of viewpoints and targets

- Evaluation and conclusion on the appropriation of viewpoints and targets of projects with those of the environmental protection, which are identified and approved by authorities and sectors in relating official documents as mentioned in Part 3.4 (Chapter 3) above;

- Recommendation to surmount relating obstacles.

### 2. On negative impacts to the environment

- Overall conclusion on the degree of negative impacts to the environment during the whole project implementation process; possibilities and scale of surmounting;

- Conclusion on the degree of negative impacts to the environment during the specific and individual project implementation stages; possibilities and scale of surmounting;

- Environmental problems that cannot be surmounted; reasons; proposed solutions.

### 3. On project approval

On the environmental basis, conclusion is made:

- Projects can be approved; points should be considered when approving (if there are any); or

- Project cannot be approved; reasons.

### 4. Other conclusion and recommendation

-----

**Appendix 2**  
**SAMPLE PROPOSAL DOCUMENT FOR APPRAISING A STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT**

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitment)*

.....(1).....  
**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

No.:.....  
 Sub: proposal for appraising strategic environmental assessment of  
 Project.....(2).....  
 (Location), date..... month.....year.....

To: .....(3).....

We are: .....(1)....., owner of project:.....(2)..... approved  
 by .....(4).....

Address: .....

Tel: .....; Fax: .....; E-mail: .....

send to .....(3)..... following documents:

- One (01) draft of strategy/master plan/plan;
- Seven (07) copies of reports of Project's strategic environmental assessment in Vietnamese.

We assure the verity of all data and information in the above mentioned documents. If there is any fraud, we will bear full responsibly to laws of the Socialist Republic of Vietnam

We request ...(3)... its appraisal on our Project's strategic environmental assessment.

**Recipients:**

- As above;
- 
- Archive .....

.....(5).....  
 (Signature, Full names, Title, Stamp)

**Notes:**

- (1) Organization, enterprise the owner of project;
- (2) Full names of project;
- (3) Organization appraising the S.E.A.;
- (4) Organization approving the project;
- (5) Head of organization, enterprise the owner.

**Appendix 3**  
**SAMPLE COVER AND UNDER COVER PAGE OF A STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT**

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitment)*

AAA...(managing agency/approval agency)...AAA  
**BBB ... (agency owns project) ... BBB**

**STRATEGIC ENVIRONMENTAL ASSESSMENT REPORT**

**STRATEGY/MASTER PLAN/PLAN**

.....  
 .....

**AGENCY OWNS PROJECT (\*)**  
 (Head's signature, full names and stamp)

**(Location), month ... year 200...**

**Note:** (\*) Only appears on the under cover page

**Appendix 4**  
**STRCUTURE AND REQUIRED CONTENTS OF AN**  
**ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitment)*

**INTRODUCTION**

**1. Project profile**

- Summary of project set up and conditions, in which indicating what type the projects are, new, additional, expanded or other projects.
- Competent authorized organizations, agencies approve projects.

**2. Legal and technical basis for environmental impact assessment (E.I.A)**

List of legal and technical documents, on which the project E.I.A. and E.I.A. report base, and in which indicating fully and accurately: codes, names, issuing date, and issuing agencies of each document.

**3. Organization of E.I.A. implementation**

- Summary of E.I.A. implementation and E.I.A. reports conducted by the owner, in which clearly indicating whether consultancy contract for E.I.A. report is used or not. If a consultancy contract is used, it needs to identify name; name of the head; and address of consultancy service provider.
- List of people that directly participate in project E.I.A. report preparation.

**Chapter 1: BRIEF DESCRIPTION OF PROJECT**

**1.1. Name of project**

Name must be the same as the name that is indicated in the project feasibility study or project investment study.

**1.2. Project owner**

Full and accurate names, addresses and contacts of owner; and full names and working titles of head of owner.

**1.3. Location of project**

Detail description of geographical configuration (including co-ordinates, boundaries...) of the project location in relation with natural factors (road network; system of rivers, streams, lakes and water ponds; mountains and hills...), social and economic factors (residential areas, urban living squares,

production-business-service activities, cultural and religious constructions, historical relics...) and other factors around the project location; and attached by a geographical map with details of above factors and clear legends.

**1.4. Main contents of project**

- Full list of details, describing scale and scope (spatial and temporal) of all construction components that need to be done during project implementation, attached by an overall ground map locating all components or individual maps of each component. Components are classified into 2 following types:

- + Main components: Those serve the main objectives of project: production, business, or services;
- + Auxiliary components: that support and supplement the main components, such as: transportation, telecommunication, power supply, water supply, rain water drainage, waste water drainage, resident removing and resettlement, green coverage for environmental protection, waste water treatment stations, solid waste collection points or treatment stations (if there are) and other constructions.

- Detail and specific description of production and operational technologies of project, and of individual components of project, attached by an illustrated diagram. In this diagram, there must be clear indication of environmental impacts, which could occur, such as: wastes and other impacts (if there are).

- Full list of machinery and equipment that are needed for project, attached by instructions of producers showing the country they are made in, year of manufacture, current condition (remaining percentage or new).

- Full list of materials, fuels, input substances and instruction of trade mark and chemical formulas (if there are).

**Chapter 2: NATURAL, ENVIRONMENTAL, ECONOMIC AND SOCIAL CONDITION**

**2.1. Natural and environmental condition:**

- *Geographical and geological condition:* Indication and description of only objects, phenomena, and processes that are impacted by project (for projects that make changes of geographical factors, landscapes; mining projects and others that relate to underground constructions, description needs to be more detail); and indicating what data sources and documents would be used or referred to.

- *Meteorological and hydrographical condition:* Indication and description of only objects, phenomena, and processes that are impacted by project (for projects that make changes of meteorological and hydrographical factors, description needs to be more detail); and indicating what data sources and documents would be used or referred to.

- *Current condition of natural environmental factors*: Indication and description of only environmental factors that are directly impacted by project, such as: air pollution or air waste emission of project (attention should be paid to areas that locate behind the project in the main wind direction), water sources that get waste water directly from project, land and animal environment that is impacted directly by wastes or other factors of project.

For air, water and land environment, it is necessary to:

+ Instruct clearly measured and analyzed data at the point that E.I.A. is conducted (note that: location of measurement and samples must be coded, showing time and location; presented in formats of tables, charts; and illustrated with diagrams of location points);

+ Evaluation of sensitivity and preliminary evaluation of bearing capacity of the environment.

## **2.2. Economic and social condition:**

- *Economic condition*: Indication of only economic activities (industry, agriculture, transportation, mining, tourism, trade, services and others) in the project areas and neighboring areas; indication of data sources and documents for reference and use.

- *Social condition*: Indication of only cultural, social, religious, belief constructions, historical relics, resident areas, urban living squares and other relating constructions in the project areas and neighboring areas; indication of data sources and documents for reference and use.

## **Chapter 3: ASSESSMENT OF ENVIRONMENTAL IMPACTS**

### **3.1 Causes of impacts**

- *Impacts that relate to waste*: Detail list of all possibilities of producing solid, liquid, air wastes and other wastes during project implementation. Quantitative calculation and detail classification (on spatial and temporal aspects) all individual possibilities. Comparisons and matching with current criteria, norms and regulation (if there are).

- *Impacts that do not relate to wastes*: Detail list of all impacts that do not relate to wastes, such as: eroded, slide, collapsed, and sunk land; erosion of river, stream, lake and sea banks; raised level of river, stream, lake and sea bed; changes of surface water level and underground water; salt water invasion; alum water invasion; changes of micro climate; degrading of environmental factors; changes of bio-diversification and other causes. Detail estimation of extension, time and location of impacts. Comparisons and matching with current criteria, norms and regulation (if there are).

- *Forecasting environmental risks that project may take*: Only risks that project may take during implementation and operation.

### **3.2. Objects and scope of impacts**

Listing all natural, economic, cultural, social, religious objects, historical

relics and other objects in the project areas and neighboring areas that would be impacted by wastes or non-waste substances produced by project, and by environmental risks of project during implementation; detail and specific description of impacts in term of scope, and spatial and temporal aspects.

### **3.3. Impact assessment**

- Impact assessment must concretized by causes of impacts and objects of impacts. Each impact should be assessed at very detail extent in term of degree, scope, time and location.

- Impact assessment of one project should be made detail and concretized; it must not be a general or theoretical assessment like textbooks, guidebooks or regulations.

### **3.4. Methodology assessment**

Assessment on reliability of E.I.A. methods used, reliability of available assessments; uncertain points in assessments and the reasons, what recommendation is needed.

## **Chapter 4: SOLUTIONS AND MEASURES TO MINIMIZE NEGATIVE IMPACTS, TO PREVENT AND COPE WITH ENVIRONMENTAL PROBELMS**

- *For negative impacts*:

+ Each negative impact that is already identified should go with relevant solutions to minimize it, with clear explanation of strength, weakness, feasibility, efficiency/effectiveness of the solutions. If there are no solutions or there is but infeasible, reasons should be explained and recommendation should be made so that relating agencies can have consideration and decisions.

+ It needs to prove that after solutions have been applied to what extent the negative impacts are minimized, comparisons and matching with current criteria, norms and regulations. If it does not match with criteria, norms and regulations, reasons should be explained and recommendation should be made so that relating agencies can have consideration and decisions.

- *For environmental problems*: Proposing a general solution to prevent and to cope with problems, in which the follows should be clearly indicated:

+ Contents and measures that project owners can proactively realize and implement within their capacity; evaluation on feasibility and effectiveness;

+ Contents and measures that project owners need cooperation and assistance of government agencies and other partners;

+ Unavoidable problems and proposed solutions.

## **Chapter 5: COMMITMENTS TO IMPLEMENTATION OF ENVIRONMENTAL PROTECTION MEASURES**

Commitments of project owners to implementation of measures to minimize the above mentioned negative impacts; also, commitments to

implementation of all measures and general regulations on environmental protection and relating to project implementation.

## **Chapter 6: CONSTRUCTION WORKS OF ENVIRONMENTAL TREATMENT AND ENVIRONMENTAL MONITORING AND MANAGEMENT PROGRAM**

### **6.1. List of construction works of environmental treatment**

- Full list of construction works of environmental treatment for solid, liquid, air and other wastes within the project; attached building schedules of each construction;

- Full list of construction works of environmental treatment for non-waste factors, such as eroded, slide, collapsed, and sunk land; erosion of river, stream, lake and sea banks; raised level of river, stream, lake and sea bed; changes of surface water level and underground water; salt water invasion; alum water invasion; changes of micro climate; degrading of environmental factors; changes of bio-diversification and other causes (if there are); attached building schedules of each construction.

### **6.2. Environmental monitoring and management program**

#### **6.2.1. Environmental management program**

Proposing a program to manage environmental issues during construction progress and operation of project, this include: organization and personnel for environmental management; waste management, including hazardous wastes; prevention and coping with environmental problems (excluding fire prevention and extinguishing, which will be carried out under laws on fire); and other environmental management issues that relate to project.

#### **6.2.2. Environmental monitoring program**

a) Waste monitoring: It requires monitoring waste flow/volume and other specific parameters of waste disposals according to current criteria, norms and regulation of Vietnam, at a minimum frequency of 03 (three) times a month. Monitoring points or stations must be mapped with clear legends.

b) Monitoring surrounding environment: Only monitoring specific parameters of waste disposals according to current criteria, norms and regulation of Vietnam if there are no monitoring points or stations of State in the project areas, at a minimum frequency of 06 (six) times a month. Monitoring points or stations must be mapped with clear legends.

c) Other monitoring: Only monitoring such factors as: eroded, slide, collapsed, and sunk land; erosion of river, stream, lake and sea banks; raised level of river, stream, lake and sea bed; changes of surface water level and underground water; salt water invasion; alum water invasion; changes of micro climate; degrading of environmental factors; changes of bio-diversification and other causes (if there are) if there are monitoring points or stations of State in the project areas, at an appropriate frequency to monitor spatial and temporal

changes of these factors. Monitoring points or stations must be mapped with clear legends.

## **Chapter 7: COST ESTIMATION FOR ENVIRONMENTAL CONSTRUCTIONS**

Cost estimation must be made for building and operating environmental constructions during project implementation and operation.

## **Chapter 8: COMMUNITY CONSULTATION**

### **8.1. Consultation with communal level People's Committees**

### **8.2. Consultation with communal level National Father Front Committees**

(Point 8.1 and 8.2 are presented according to the requirement mentioned in Point 2 of Part III of this Circular).

## **Chapter 9: BIBLIOGRAPHY DATA SOURCES AND ASSESSMENT METHODS**

### **9.1. Data sources**

- *Data of reference:*

- + List of documents and data sources of reference with following information: name, time of publication, authors, place of archives or issuance.

- + Evaluation of detail, reliable and update degree of the data sources and documents.

- *Data and information created by project owners:*

- + List of data and information created; time and place of creation.

- + Evaluation of detail, reliable and update degree of data and information created.

### **9.2. Methods applied in the E.I.A. process**

- *List of methods applied:* Full list of methods that are applied in the E.I.A. process and E.I.A. reports, including E.I.A. methods, surveys, studies, researches, experiments and other relating methods.

- *Evaluation of reliable degree of applied methods:* Evaluation is made on the basis of qualitative or quantitative scales depending on the natures and specific characteristics of applied methods.

### **9.3. Comments on detail and reliable degree of evaluations**

Making objective comments on detail and reliable degree of evaluations, which are on possible impacts and changing trend of natural, environmental, economic and social condition during and not during project implementation. For issues that still lack of necessary reliability, it needs to identify objective and subjective reasons (e.g. lacking of information and data; available data is not



update; lacking of methods; methods has limited reliability; weak professional skill of E.I.A staff; other reasons).

## CONCLUSION AND RECOMMENDATION

### 1. Conclusion

There must be conclusion on: impacts are fully recognized and assessed or not, what remains; overall assessment on scope and scale of identified impacts; feasibility of measures and solutions to minimize impacts; what negative impacts cannot be minimized or have no solutions due to exceeding project owner's capacity, and what recommendation.

### 2. Recommendation

Recommendation should be made to relating authorities and agencies, asking assistance to solve problems that exceed project owner's capacity./.

## Appendix 5 SAMPLE PROPOSAL DOCUMENT FOR APPRAISING AN ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitments)*

.....(1)..... **SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**  
No:..... /.....  
Sub: appraising and approving environmental impacts assessments of (Location), Date..... month.....year.....  
Project ..... (2).....

To: .....(3).....  
We are: .....(1)....., Owner of project:.....(2)..... approved by  
....(4).....  
Project location: .....  
Address: .....  
Tel: ....., Fax: ..... E-mail .....  
send to.....(3)..... following documents:  
- One (01) feasibility study of project (or investment report);  
- Seven (07) copies of Project's environmental impact assessment reports in Vietnamese.

We assure the verity of all data and information in the above mentioned documents and commit that our project does not use any prohibited chemicals and micro-organism types according to Vietnam's regulation and international conventions that Vietnam joins in. We also assure the verity and validity of all criteria, norms and regulation, which are quoted and used in the above mentioned documents.

If there is any fraud, we will bear full responsibility to laws of the Socialist Republic of Vietnam.

We request .....(3)..... its appraisal and issuing its approval decision on the Project's environmental impact assessment report.

**Recipients:** .....(5).....  
- As above;  
-  
- Archive: .....  
(Signature, Full names, Title, Stamp)

**Notes:**  
(1) Organization, enterprise the owner of project;  
(2) Full names of project;  
(3) Organization appraising the E.I.A.;  
(4) Organization approving the project;  
(5) Head of organization, enterprise the owner.

**Appendix 6**  
**SAMPLE COVER AND UNDER COVER PAGE OF AN**  
**ENVIRONMENTAL IMPACT ASSESMENT REPORT**

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitments)*

AAA...(managing agency/approval agency)...AAA

**BBB ... (agency owns project) ... BBB**

## ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Project .....  
 .....

<b>AGENCY OWNES PROJECT (*)</b> (Head's signature, names, stamp)	<b>CONSULTANCY AGENCY (*)</b> <b>PREPARES E.I.A</b> (if there is) (Head's signature, names, stamp)
---	--

(Location), month ... year 200...

Note: (\*) Only appears on the under cover page

**Appendix 7**  
**SAMPLE APPROVAL DECISION OF AN ENVIRONMENTAL**  
**IMPACT ASSESSMENT REPORT**

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitments)*

**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

.....(1).....

No: .....

(Location), date..... month.....year.....

### DECISION

**On approval of the environmental impact assessment report**  
 of Project ".....(2)....."

.....(3).....

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

Pursuant to Decree No. 80/2006/ND-CP dated August 09, 2006 of the Government on detail regulation and guidance to implement some articles of the Law on Environmental Protection;

Pursuant to Decree No. ....../ND-CP dated ..... of the Government on functions, tasks, responsibility and organization of .....(1)....;

Based on proposals of .....(4)..... (or of the Appraisal Committee of environmental impact assessment of Project.....(2).....met on date...month ... year ...., at.....);

Considering contents of the environmental impact assessment report of Project...(2)...., which has been revised, amended and is attached to the explanation letter dated ..... of.....(5)....;

Based on proposals of Sir (Madam) .....(6).....,

### DECIDES:

**Article 1.** To approve contents of the environmental impact assessment report of Project.....(2)..... of.....(5)..... (hereafter referred as Project owner).

**Article 2.** Project owner is responsible to implement exactly what has been said in the environmental impact assessment and the following compulsory requirements:



1. ....
2. ....
3. ....

**Article 3.** The environmental impact assessment of project and the requirements that are mentioned in the Article 2 of this Decision are basis for competent and authorized State administration agencies to inspect and supervise the environmental protection work of the project.

**Article 4.** During the project implementation, if there are any changes of contents of the approved environmental impact assessment report, the project owner must have official reports and can only make changes after the letter of approval of .....(1)....

**Article 5.** To authorize .....(7).....to check and monitor the environmental protection work, which are in the environmental impact assessment report and the requirements of the Article 2 of this Decision.

**Article 6.** This Decision comes to effect since the date it is signed./.

**Recipient:**

- Project owner;
- 
- Archive .....

.....(3).....  
(Signature, Full names, Title, Stamp)

**Notes:**

- (1) Organization of approval authorization;
- (2) Full names of project owner;
- (3) Head of the organization of approval authorization;
- (4) Name of appraisal service agency;
- (5) Name organization, enterprise - the project owner;
- (6) Permanent head of appraisal;
- (7) Organization given tasks of checking and monitoring after approval.

**Appendix 8**  
**SAMPLE CERTIFICATION OF ENVIRONMENTAL IMPACT**  
**ASSESSMENT REPORTS, SUPPLEMENTED ENVIRONMENTAL**  
**IMPACT ASSESSMENT REPORTS; AND REGISTERED**  
**ENVIRONMENTAL PROTECTION COMMITMENT PAPER**

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitments)*

**8a. For an environmental impact assessment report**

.....(1).....certifies: the environmental impact  
assessment report of Project.....(2).....  
is approved by the Decision No.....  
date.....month.....year.....of.....(3).....  
(Location), date ... month ... year ...  
**Head of certification agency**  
(Signature, names, title, stamp)

**8b. For a supplemented environmental impact assessment report**

.....(1).....certifies: the supplemented environmental  
impact assessment report of Project..... (2) .....  
is approved by the Decision No.....  
date.....month.....year.....of.....(3).....  
(Location), date ... month ... year ...  
**Head of certification agency**  
(Signature, names, title, stamp)

**8c. For an environmental protection commitment paper**

.....(1)..... certifies: the environmental  
protection commitment paper of Project.....(2).....  
is granted the Certification of Registration No.....  
date..... month.....year.....of.....(3).....  
(Location), date ... month ... year ...  
**Head of certification agency**  
(Signature, names, title, stamp)

**Notes:**

- (1) Organization of certification authorization;
- (2) Full names of project;
- (3) Organization of approval (or certification) authorization.

## Appendix 9

### STRUCTURE AND REQUIRED CONTENTS OF A SUPPLEMENTED ENVIRONMENTAL IMPACT ASSESSMENT REPORT

*(An attachment of the Circular No. 08/2006/TT-BTNMT dated September 8, 2006 of Ministry of Natural Resources and Environment providing guidance on strategic environmental assessment, environmental impacts assessment and environmental protection commitments)*

#### 1. Project name

Project must be named exactly as it is called in the environmental impact assessment report, which has been approved previously. If the project changes its name, old and new names must be brought up with a clear explanation of changes and legal basis.

#### 2. Project owner

Full and accurate names, addresses and contacts of owner; and full names and working titles of head of owners at the point that the supplemented environmental impact assessment report is prepared.

**3. Geographical location of project** (at the point that the supplemented environmental impact assessment report is prepared)

#### 4. Changes of contents of project

Detail description of following changes until the point that the supplemented environmental impact assessment report is prepared (if there are changes)

- 4.1. Change of implementation location;
- 4.2. Change of project's scope, designed capacity;
- 4.3. Change of production technologies;
- 4.4. Change of production materials and fuels;
- 4.5. Other changes.

**5. Changes of current situation of natural environment and economic, social factors of the project areas/unit that is operating.** (at the point that the supplemented environmental impact assessment report is prepared)

**6. Changes of environmental impacts and solutions to minimize negative impacts of project.** (at the point that the supplemented environmental impact assessment report is prepared)

**7. Changes of environmental management and monitoring program of project.** (at the point that the supplemented environmental impact assessment report is prepared)

**8. Other changes** (at the point that the supplemented environmental impact assessment report is prepared)

#### 9. Conclusion

## Annex 10

### REQUEST FORM FOR ADDITIONAL ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

.....(1).....  
No.: .....

Request on appraisal and approval of  
project additional EIA report  
.....(2).....

(Place), date..... month.....year.....

To: .....(3).....

We are: .....(1)....., Project owner of:.....(2).....

Project executing place .....

Contact address:.....

Phone:....., Fax: ..... E-mail .....

Sending.....(3)..... following dossiers:

- One (01) report on explanation of project modification;
- Five (05) copies of additional environmental impact assessment report in Vietnamese;
- One (01) copies of environmental impact assessment report accompanied with certified copy of Decision No...../..... date... month ... year... of .....(4)..... on approval of additional environmental impact assessment report of Project .....(5).....

We assure on the truthness of data, information in the above mentioned documents. If derogating, we fully take responsibility under the law of The Socialist Republic of Vietnam.

We would like to request ....(3)..... appraise and grant approval decision on Project additional environmental impact assessment report.

#### Receivers:

- Above mentioned;

-

- File...

.....(6).....

(Signed, full name, title, sealed)

#### Note:

- (1) Agency, company owned project;
- (2) Full name of Project;
- (3) Agency appraised additional environmental impact assessment report;
- (4) Agency granting approval additional environmental impact assessment report;
- (5) Name of project granted approval environmental impact assessment report;

(6) Head of agency, company owned project

**Annex 11**  
**FORM FOR COVER AND SUPPLEMENT COVER OF ADDITIONAL**  
**ENVIROMENTAL IMPACT ASSESSMENT REPORTS**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

AAA...(name of agency in charge/approved project)...AAA

**BBB ... (agency owned project) ... BBB**

**ADDITIONAL ENVIROMENTAL**  
**IMPACT ASSESSMENT REPORTS**

**PROJECT .....**  
**.....**

**AGENCY OWNED PROJECT (\*)      CONSULTANT AGENCY (\*)**  
(Head of agency signed, full name,      **DEVELOP FEASIBLE STUDY** (if any)  
sealed)      (Head of agency signed, full name, sealed)

(Place), month ... year 200...

**Note:** (\*) only used in supplemental cover

**Annex 12**  
**FORM FOR COMMENTS ON ADDITIONAL ENVIROMENTAL**  
**IMPACT ASSESSMENT REPORTS**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

**The Socialist Republic of Vietnam**  
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**FORM FOR COMMENTS ON ADDITIONAL ENVIROMENTAL**  
**IMPACT ASSESSMENT REPORTS**

1. Name of commentator :.....
2. Academic title, degree and position: .....
3. Place of work (name, address, telephone, Fax, Email):.....
4. Project .....
5. Comments on contents of additional environmental impact assessment reports:
  - 5.1. Qualified contents *(content in details):*
  - 5.2. Contents to be revised *(content in details):*
  - 5.3. Contents to be modified *(content in details):*
  - 5.4. Other comments
6. Conclusion and Evaluation *(agreement or disagreement of approval of additional environmental impact assessment reports, reason):*

*(Place of writing comments), date...month...year...*

**Commentator**  
*(Sign and full name)*

**ANNEX 13**  
**FORM FOR APPROVAL DECISION OF ADDITIONAL**  
**ENVIROMENTAL IMPACT ASSESSMENT REPORTS**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

.....(1).....  
**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

No: .....

*(Place), date..... month.....year.....*

**DECISION**

**On approval of additional environmental impact assessment**  
**Of Project ".....(2)....."**

.....(3).....

Pursuant to Law on Environmental Protection dated 29 November 2005;

Pursuant to Decree No.80/2006/ND-CP dated 09 August 2006 of the Government on Detailed guideline for implementation of some articles of Law on Environment protection;

Pursuant to Decree No. .... /ND-CP date....month....year... of the Government on the function, responsibilities, authorities and organizations of .....(1)....;

Pursuant to Document No....date....month....year... of...(4).... Requesting on appraisal and approval of additional environmental impact assessment of Project .....(2).....;

Pursuant to content of additional environmental impact assessment of Project .....(2)..... revised and supplemented with explanatory Document No....date....month....year... of.....(4).....;

As request of .....(5).....,

**DECIDES:**

**Article 1. Granting approval to content of additional EIA reports of Projects .....(2)..... of.....(4).....(hereinafter called Project owner).**

**Article 2.** Project owners have responsibility of exactly implementing contents given in additional environmental impact assessment report and following requirements:

1. ....
2. ....

3. ....

**Article 3.** Additional environmental impact assessment report of project, compulsory requirements in Article 2 of this Decision and environmental impact assessment report approved in Decision No.....(5).....date ... month... year ... of ..... (6)..... is the basis for State administration agencies on environment protection to monitor and evaluate the Project implementation of environmental protection.

**Article 4.** This decision is valid to accompany with Decision No. ...(5) ... date....month....year...of.....(6).....and comes to effects since that date it is signed./.

**Receivers:**

- Project owners;
- 
- Filed...

.....(3).....  
(Signed, Full name, Title, Sealed)

**Notes:**

- (1) Competent Approval agencies;
- (2) Full name of project;
- (3) Director or Head of competent approval agencies;
- (4) Agencies, project owners;
- (5) Document number of previous Approval Decision of E.I.A report;
- (6) Director or Head of agencies granting previous E.I.A report.

**Annex 14**

**SAMPLE REPORT TO PEOPLE COMMITTEE AT DISTRICT LEVEL  
WHERE PROJECT IS EXECUTED ON APPROVAL DECISION OF  
ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

.....(1).....

**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

No.:.....  
On report content of Approval  
Decision of Environmental  
Impact Assessment report of  
Project .....(2).....

(Place), date..... month.....year.....

To: .....(3).....(\*)

Follow regulations on environment protection, .....(1)..... report to your People Committee that our Project.....(2)..... was granted Approval Decision on Environmental Impact Assessment report by .....(4)..... (enclosed here with copy of this Decision).

.....(1)..... reports to your People Committee and at the same time would like to receive your People Committee's attention and favor in the implementing time of Project./.

**Receivers:**

- Above mentioned;
- 
- File ...

.....(5).....  
(Signed, Full name, Title, Sealed)

**Notes:**

(\*) In case that Project is belonging to various districts, report must be sent to all districts.

- (1) Agencies, project owners;
- (2) Project name;
- (3) People committee at district level;
- (4) Name of competent agencies approved project Environmental Impact Assessment reports;
- (5) Head of Agencies, project owners;

**Annex 15**  
**FORM FOR SUMMARY OF**  
**ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

**I. GENERAL INFORMATION**

**1.1. Project name:** (exact name as in feasible study report or investment report)

**1.2. Name of agency, project owner:**

**1.3. Contact address of agency, project owner:**

**1.4. Head of agency, company owned project:**

**1.5. Facilities for contact with agency, company owned project:** (telephone number, Fax, E-mail...).

**II. PROJECT EXECUTING SITE**

Describing geography position (co-ordinate, boundary) of place where project is executed, attaching with map pointing out natural objects (lakes, ponds, roads...), other socio-economic subjects (resident areas, urban areas; production, service areas; cultural, religious works and heritages ...) and other subjects around project executing site.

**III. SCALE OF PRODUCTION, BUSINESS**

Summarizing on scale/production capacity, production technology

**IV. ENVIRONMENTAL IMPACT**

**4.1. Arisen wastes**

**4.1.1. Wasted gases:**

**4.1.2. Wasted water:**

**4.1.3. Solid wastes:**

**4.1.4. Other wastes:**

(For each type of waste, detailed information on originated sources, total amount of wastes per time unit, components of wastes, and content/concentration of each component).

**4.2. Other impacts**

Summarizing impacts caused by erosion, land slide, subsidence; riverside, lakeshore, seashore erosion, consolidation of river-bottom, lake-bottom, stream bottom, changes of level of ground and underground water; salt invasion; alum invasion; micro-environmental changes; degradation of environmental components; biologic diversification and other elements.

**V. MEASURES FOR MINIMIZING NEGATIVE IMPACTS**

**5.1. Waste treatment**

- Each type of arisen waste must have a correlative environmental treatment, with explanation on the feasibility, productivity/effectiveness of treatment. In case of not available treatment or available but unfeasible for Project, reasons and recommendations should be given to related authorities for deciding and solving.

- Ability to prove that after applying method, how much waste is treated, comparison with current standards. In case of not satisfied requirements, explanation must be given in detail and recommendations to related agencies also be given for decision and solving.

**5.2. Minimizing other impacts**

Each type of arisen impact must have a correlative environmental treatment, with explanation on the feasibility, productivity/effectiveness of treatment. In case of not available treatment or available but unfeasible for Project, reasons and recommendations should be given to related authorities for deciding and solving.

**VI. IMPLEMENTATION COMMITMENT**

Commitment on Implementation of wastes treatment, minimization of other impacts raised in environmental impact assessment report; commitment of following current standards on environment; commitment of implementing other environmental protection methods as regulated by Vietnamese law.

**Project owners**  
(Signed, Full name, Title, Sealed)

## Annex 16

### SAMPLE REPORT ON PLAN OF BUILDING ENVIRONMENTAL TREATMENT AND PROTECTION WORKS

(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)

.....(1).....  
 \_\_\_\_\_  
**The Socialist Republic of Vietnam**  
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No.: .....

(Place), date..... month.....year.....

To: .....(2).....

### PLAN ON BUILDING ENVIRONMENTAL TREATMENT AND PROTECTION WORKS

of Project.....(3).....

1. Project executing site:.....
2. Name of agency, company owned project:.....  
 Contact address:.....  
 Tel:....., Fax:....., E-mail:.....
3. Name of works building agency, company:.....  
 Contact address:.....  
 Tel:....., Fax:....., E-mail:.....
4. Plan on building environmental treatment and protection works (*detail on progress of works; deadline for completing attaching with detail blueprint of works*):
  - 4.1. Wasted water treatment works:
  - 4.2. Wasted gases treatment works:
  - 4.3. Other wasted solid treatment works:
  - 4.4. Other environmental treatment and protection works:
5. Suggestions and recommendations on modifying or changing approved environmental protection contents and measures (*if any, details on contents of modification and adjustment; analysis and assessment of satisfying capacity to these modified or adjusted requirements on environmental protection*).

#### Receivers:

- Above mentioned; .....(4).....  
 (signed, full name, title, sealed)

- File ...

#### Notes:

- (1) Name of agency, company owned project;
- (2) Name of competent agency approved Project Environmental Impact Assessment Report;
- (3) Name of project;
- (4) Head of agency, company owned project.

## Annex 17

### Form for report on plan of experimental ENVIRONMENTAL TREATMENT AND PROTECTION WORKS

(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)

.....(1).....  
 \_\_\_\_\_  
**The Socialist Republic of Vietnam**  
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No: .....

(Place), date..... month.....year.....

To:.....(2).....

### PLAN OF TESTING ENVIRONMENTAL TREATMENT AND PROTECTION WORKS

Of Project: .....(3).....

1. Project executing site: .....
  2. Name of agency owned project: .....
  3. Name of hired agency for measuring and analyzing environment: (in case of hiring)  
 Contact address: .....  
 Tel:....., Fax: ....., E-mail:.....
  4. Tentative time for experimental running: .....
  5. Plan for environmental measuring, collecting samples and analyzing:
    - Equipment for measuring, collecting samples and analyzing
    - Method of measuring, collecting samples and analyzing
    - Place of measuring and collecting samples (map attached)
    - Times of measuring, collecting samples and analyzing
    - Measuring parameter, collecting samples and analyzing
- Receivers:** .....(4).....  
 - Above mentioned; (signed, full name, title, sealed)  
 - File ...

#### Notes:

- (1) Name of agency, company owned project;
- (2) Name of competent agency approved Project Environmental Impact Assessment Report;
- (3) Name of project;
- (4) Head of agency, company owned project.



**Annex 18**  
**FORM FOR REPORT ON COMPLETION OF CONTENTS AND**  
**REQUIREMENTS OF APPROVAL DECISION OF ENVIROMENTAL**  
**IMPACT ASSESSMENT REPORT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

.....(1).....  
**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

No.: .....  
 (Place), date..... month.....year.....

To: .....(2).....  
**REPORT ON COMPLETION OF CONTENTS AND REQUIREMENTS**  
**OF APPROVAL DECISION OF ENVIROMENTAL IMPACT**  
**ASSESSMENT REPORT**

Of Project:.....

**1. Project executing site:**

**2. Name of agency, company owned project:**

Contact address:

Tel.:....., Fax: ....., E-mail:.....

**3. Name of hired agencies for environmental measuring and analyzing: (if any)**

Contact address:

Tel.:....., Fax: ....., E-mail:.....

**4. Timing for measuring, collecting and analyzing:**

**5. Equipment, method of measuring, collecting and analyzing samples to be used**

**6. Results of experimental running environmental treatment works**

**6.1. Wasted gases treatment works** (presentation as following table)

**6.2. Wasted water treatment works** (presentation as following table)

Times of measuring, collecting samples for analyzing(**); Comparison standard.	Wasted output (unit)	Wasted content for specific polluted parameter (*) for Project		
		Parameter A (Unit)	Parameter B (Unit)	etc...
(1)	(2)	(3)	(4)	(5)
1 <sup>st</sup> time				
2 <sup>nd</sup> time				

3 <sup>rd</sup> time				
Vietnamese standards .....				

**Notes:**

(\*) Specific pollution parameters are waste parameter directly or indirectly produced by Project.

(\*\*) Times of measuring, collecting samples for analyzing are at least 3 (three) times in different of time in normal condition to ensure the examination and evaluation of representative function and the stability of waste.

**6.3. Solid wastes treatment works**

(Results are presented following current regulation on administration of normal solid wastes and dangerous solid)

**6.4. Other environmental treatment works** (if any)

**7. Implementation results of other contents on environmental protection**

(Results are presented basing on contents of environmental protection raised in report and requirements attached with approval decision of environmental impact assessment report)

**8. Commitment**

We commit that above mentioned information and data are true, if there are any wrong statements, we fully take responsibility under the law./.

**Recievers:**

- Above mentioned;

-

- File ...

.....(3).....  
 (signed, full name, title, sealed)

**Notes:**

(1) Name of agency, company owned project;

(2) Name of competent agency to approve environmental impact assessment report of Project;

(3) Head of agency, company owned project.

**Annex 19**  
**FORM FOR DOCUMENT REQUESTING FOR CERTIFICATION OF**  
**IMPLEMENTING CONTENTS OF REPORTS AND REQUIREMENTS**  
**OF APPROVAL DECISION OF ENVIRONMENTAL IMPACT**  
**ASSESSMENT REPORT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

.....(1).....  
**The Socialist Republic of Vietnam**  
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No:.....

On requesting for certification of  
implementing contents of reports  
and requirements of approval  
decision of environmental impact  
assessment report

(Place), date..... month.....year.....

To: .....(2).....

We are: .....(1)....., Project owner.....(3).....

Project executing site:.....

Contact address:.....

Tel.:....., Fax:....., E-mail:.....

Sending to your ....(2) ....dossier, includes:

- 03 (three) copies of report on completing contents of report and requirements of Approval Decision of Project Environmental Impact Assessment report *(in case that project is belonged to 02 or more provinces, cities belonging to Central, the number of reports to be sent must be increased equal to the amount of increased provinces)*

- 01(one) Technical Dossier of environmental treatment and protection works;

- 01 (one) set of related certificates, appraisal papers.

We assure on the truthness of information, data provided in these above mentioned documents. If there are any wrong statements, we fully take responsibility under law of The Socialist Republic of Vietnam.

We would like to request your .....(2)..... examine and certify results of implementing contents of report and requests of Approval Decision on Project Environmental Impact Assessment report./.

**Receivers:**

- Above mentioned;

-

- File.

**Notes:**

(1) Name of agency, company owned project;

- (2) Name of competent agency approved Project Environmental Impact Assessment Report;
- (3) Name of project;
- (4) Head of agency, company owned project.

**Annex 20**  
**FORM FOR DECISION OF SETTING UP INSPECTION GROUP ON**  
**THE IMPLEMENTATION OF CONTENTS OF REPORTS AND**  
**REQUIREMENTS OF APPROVAL DECISION OF ENVIRONMENTAL**  
**IMPACT ASSESSMENT REPORT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

.....(1).....  
**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

Số: .....

(Place), date..... month.....year.....

**DECISION**  
**On Setting of Inspection Group on contents of report and requirements of**  
**approval decision of environmental impact assessment report**  
of Project .....(2).....

.....(3).....

Pursuant to Law on Environmental Protection dated 29 November 2005;

Pursuant to Decree No.80/2006/ND-CP dated 09 August 2006 of the Government on Detailed guideline for implementation of some articles of Law on Environment protection;

Pursuant to Decree No. ..../ND-CP date....month....year... of the Government on the function, responsibilities, authorities and organizations of .....(1).....;

Pursuant to Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment;

Pursuant to request of ..... (4)..... In Document No .... date ... month ... year on certifying the completion of implementing contents of report and requirements of approval decision of environmental impact assessment report of Project..... (2).....;

As request of Mr(Ms).....(5).....

## DECIDES:

**Article 1.** Setting of Inspection Group on implementing contents of report and requirements of approval decision of environmental impact assessment report of Project.....(2).....with following members:

- 1....., Group leader;
- 2....., member;

**Article 2.** The Inspection group has responsibility of coordinate with state administration agencies at local level where project is located to verify contents, requirement as stipulated in Clause 3 of Decree No.80/2006/ND-CP dated on September 8th 2006 guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment

**Article 3.** Verification must be completed before date... month ... year...

**Article 4.** This Decision takes effect from the signing day; above mentioned Mr/Ms in Article 1, Project owner.....(2).... are responsible for implementing this./.

### **Receivers:**

- Above mentioned; .....(3).....
- (signed, full name, title, sealed)
- File.

### **Notes:**

- (1) Competent agencies to set up Inspection Group;
- (2) Name of Project;
- (3) Leader or Head of competent agencies to decide;
- (4) Name of agencies, company owned;
- (5) Head of agencies authorized to inspect.

## Annex 21

### **FORM FOR MINUTE ON EXAMINING OF THE IMPLEMENTATION OF CONTENTS OF REPORTS AND REQUIREMENTS OF APPROVAL DECISION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

**The Socialist Republic of Vietnam**

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### **MINUTE ON EXAMINING OF THE IMPLEMENTATION OF CONTENTS OF REPORTS AND REQUIREMENTS OF APPROVAL DECISION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORT**

of Project.....

The inspection group on implementing contents of report and requirements of approval decision of environmental impact assessment report of Project..... formed by Decision No. ... . date ... month ... year ... of.....conducted inspection from date .... month...year .... to date .... month...year ...in...

**Members of Inspection Group include:** *(full name of Group leader and all attended members)*

**Representative of Project owners:** *(full name, title of attended people)*

**With participation of:** *(full name, title, work place of attended people)*

**I. Examination contents:** *(as stipulated in Clause 3, Article 16 of Decree No. 80/2006/NĐ-CP and other necessary requirements of competent agency to approve environmental impact assessment report decided basing on the specific situation of every project)*

**II. Comments, conclusion:**

**III. Opinions of project owner:**

The minute was elaborated at ... hour ... date ... month ... year ... in .....and clearly read to all participants./.

**Representative of Project**

*(Signed, full name, title)*

**Inspection Group leader**

*(Signed, full name)*

**Note:** Inspection Group leader and representative of Project owner must sign at the left bottom of every page of the minute (except for the last page).

## Annex 22

### FORM FOR CERTIFYING PAPER OF IMPLEMENTING CONTENTS OF REPORTS AND REQUIREMENTS OF APPROVAL DECISION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORT

(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)

.....(1).....

**The Socialist Republic of Vietnam**  
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Số: .....

(Place), date..... month.....year.....

### CERTIFYING PAPER OF IMPLEMENTING CONTENTS OF REPORTS AND REQUIREMENTS OF APPROVAL DECISION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORT

of Project .....(2).....

.....(1).....

#### CERTIFIES

**Article 1.** .....(3).....fully implemented contents of report and requirements of Decision No....date.... month....year...of.....(4).....on approving environmental impact assessment of Project .....(2).....

**Article 2.** Project owner (or agency, individual receiving works of Project to operate in reality) has responsibility of implementing following compulsory requirements:

1. Continue to observe environmental parameter as planned in approved environmental impact assessment report in the Project implementation time and operate environmental treatment and protection works of Project in reality.

2. Actively and in-time dealing whenever break-down happens and reporting instantly to state administration on environmental protection and other related state agencies for guidance and.

3. Implement the report regime as regulation; under monitoring and verifying and investigating of current regulation.

**Article 3.** This paper takes effect from signing day./.

#### Receiver:

- Project owner,

-

- File ...

.....(5).....  
(Signed, full name, title, sealed)

#### Notes:

(1) Competent agency to certify; (2) Full name of Project; (3) Name of agency, company owned project; (4) Leader of Head of Competent agency to approve environmental impact assessment report of; (5) Head of competent agency to certify.

## Annex 23

### STRUCTURE AND REQUIREMENT OF ENVIRONMENTAL PROTECTION COMMITMENT

(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)

#### I. GENERAL INFORMATION

**1.1. Project name:** (exact name as in feasible study report or investment report)

**1.2. Name of agency, project owner:**

**1.3. Contact address of agency, project owner:**

**1.4. Head of agency, company owned project:**

**1.5. Facilities for contact with agency, company owned project:** (telephone number, Fax, E-mail...).

#### II. PROJECT EXECUTING SITE

Describing geography position (co-ordinate, boundary) of place where project is executed, attaching with map pointing out natural objects (lakes, ponds, roads...), other socio-economic subjects (resident areas, urban areas; production, service areas; cultural, religious works and heritages ...) and other subjects around project executing site.

Pointing out where is the destination of receiving wasted water, wasted gases of project and what kind they are as regulation of correlative environment standards.

#### III. SCALE OF PRODUCTION, BUSINESS

Summarizing on scale/production capacity, production technology; list of equipments, machines and their conditions

#### IV. DEMAND FOR ENERGY AND FUEL

- Demand of energies and fuel provided for production calculated by day, month, year or year and method of providing.

- Demand and supplier for electricity, water for production.

#### V. ENVIRONMENTAL IMPACTS

##### 5.1. Arisen wastes

**5.1.1. Wasted gases:**

**5.1.2. Wasted water:**

**5.1.3. Solid wastes:**

**5.1.4. Other wastes:**

(For each type of waste, detailed information on originated sources, total amount of wastes per time unit, components of wastes, and content/concentration of each component).

## 5.2. Other impacts

Summarizing impacts caused by erosion, land slide, subsidence; riverside, lakeshore, seashore erosion, consolidation of river-bottom, lake-bottom, stream bottom, changes of level of ground and underground water; salt invasion; alum invasion; micro-environmental changes; degradation of environmental components; biologic diversification and other elements.

## VI. MEASURES FOR MINIMIZING NEGATIVE IMPACTS

### 6.1. Waste treatment

- Each type of arisen waste must have a correlative environmental treatment, with explanation on the feasibility, productivity/effectiveness of treatment. In case of not available treatment or available but unfeasible for Project, reasons and recommendations should be given to related authorities for deciding and solving.

- Ability to prove that after applying method, how much waste is treated, comparison with current standards. In case of not satisfied requirements, explanation must be given in detail and recommendations to related agencies also be given for decision and solving.

### 6.2. Minimizing other impacts

Each type of arisen impact must have a correlative environmental treatment, with explanation on the feasibility, productivity/effectiveness of treatment. In case of not available treatment or available but unfeasible for Project, reasons and recommendations should be given to related authorities for deciding and solving.

## VII. IMPLEMENTATION COMMITMENT

Commitment on Implementation of wastes treatment, minimization of other impacts raised in environmental impact assessment report; commitment of following current standards on environment; commitment of implementing other environmental protection methods as regulated by Vietnamese law.

**Project owner**  
(Signed, full name, title, sealed)

## Annex 24 FORM FOR REQUEST FOR CERTIFYING REGISTER PAPER OF ENVIRONMENTAL PROTECTION COMMITMENT

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

.....(1).....  
No:.....  
On requesting for certifying  
register paper of environmental  
protection commitment of Project

(Place), date..... month.....year.....

..... (2).....

To: .....(3).....

We are: .....(1)....., Project owner:.....(2).....

Project executing site:.....

Contact address:.....

Tel.:....., Fax: ..... E-mail .....

Sending .....(3)..... following dossier:

- One (01) feasible study report (or investment report) of Project;
- Three (03) environmental protection commitment of Project in Vietnamese.

We assure on the truthness of date, information in these above mention documents and commit that our Project does not use chemicals, microorganism prohibited by Vietnam regulation or international regulations and conventions that Vietnam is member. We also assure that standards, regulations copied and used in those above documents are true and valid to apply. If there are any wrong statements, we fully take responsibility under law of The Socialist Republic of Vietnam ./.

We would like to request .....(3)..... consider, register and granting certifying paper of environmental protection commitment of Project.

**Receivers:**  
- Above mentioned; .....(4).....  
- (Signed, full name, title, sealed)  
- File.

### Notes:

- (1) Name of agencies, company owned project;
- (2) Full name of Project;
- (3) Competent agency to certify register paper;
- (4) Head of agencies, company owned project.

**Annex 25**  
**FORM FOR COVER AND SUPPLEMENTAL COVER OF**  
**ENVIRONMENTAL PROTECTION COMMITMENT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

AAA...(Agency owned/approved project)...AAA (if any)  
**BBB** ... (name of agency, company owned project) ... **BBB**

**ENVIRONMENTAL PROTECTION**  
**COMMITMENT**

**PROJECT** .....  
 .....

**AGENCY/company OWNED PROJECT (\*) CONSULTANT AGENCY (\*)**  
 (Head of agency/company ELABORATE COMMITMENT (if any)  
 signed, full name, sealed) (Head of agency/company  
 full name, sealed)

(Place), month ..... year 200...

**Note:** (\*) used only at supplemental cover

**Annex 26**  
**FORM FOR CERTIFYING REGISTER PAPER OF ENVIRONMENTAL**  
**PROTECTION**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by Ministry of Natural Resources and Environment guiding on strategic environmental assessment, environmental impact assessment and environmental protection commitment)*

.....(1).....  
**The Socialist Republic of Vietnam**  
*Independence - Freedom - Happiness*

No: .....

(Place), date ..... month ..... year .....

**CERTIFICATION FOR REGISTER PAPER OF**  
**ENVIRONMENTAL PROTECTION COMMITMENT**

of Project:.....(2).....

.....(3).....

**CERTIFIES**

**Article 1.** Date.....month....year.... Project owners are .....(4)... issued document No... date ... month ... year .....to register for environmental protection commitment of Project .....(2).....

**Article 2.** Project owner has responsibility to implement exactly and fully contents of environmental protection given in environmental protection commitment.

**Article 3.** Environmental protection commitment is the basis for state administration agency on environment to monitor, examine and investigate environmental protection of Project.

**Article 4.** This certification is valid from the signing day./.

**Receivers:**

- Project owner;
- 
- File....

Representation of. .... (5).....

**HEAD**

(Signed, full name, title, sealed)

**Notes:**

- (1) Name of competent certifying agencies;
- (2) Full name of Project;
- (3) Leader or Head of competent certifying agencies;
- (4) Name of agency, company owned company;
- (5) People Committee at district level.



**Annex 27**

**FORM FOR AUTHORIZING TO CERTIFY REGISTER PAPER OF  
ENVIRONMENTAL PROTECTION COMMITMENT**

*(Attached with Circular No.08/2006/TT-BTNMT dated September 8th 2006 by  
Ministry of Natural Resources and Environment guiding on strategic  
environmental assessment, environmental impact assessment and  
environmental protection commitment)*

PEOPLE COMMITTEE

.....(1).....

**The Socialist Republic of Vietnam**

*Independence - Freedom - Happiness*

No: .....

On authorizing to certify register  
paper of environmental protection  
commitment of Project ...

*(Place), date..... month.....year.....*

.....(2).....

To: People Committee of .....(3).....

People Committee of .....(1)..... authorized to People  
Committee of.....(3)..... to certify the Environmental Protection  
Commitment of Project .....(2).....

People Committee of .....(3)..... implements exactly following  
requirements:

1. Certifying for register document of Project environmental protection  
commitment must be followed exactly regulation in Circular No.08/2006/TT-  
BTNMT dated September 8th 2006 by Ministry of Natural Resources and  
Environment guiding on strategic environmental assessment, environmental  
impact assessment and environmental protection commitment;

2. After certifying, certified dossier must be sent to People Committee  
.....(1).....and related agencies as stipulated in above mentioned Circular  
No. 08/2006/TT-BTNMT.

3. Monitoring and examining Project environmental protection activities  
is implemented as regulation of current Law../.

**Recipients:**

- Above mentioned;
- Project owners;
- 
- File...

**REPRESENTS. ....(1).....**

**Head**

(Signed, full name, title, sealed)

**Notes:**

- (1) People Committee at district level;
- (2) Full name of Project;
- (3) Authorized Committee at commune level.