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

*Hanoi, December 29, 2022***LAW****ENVIRONMENTAL PROTECTION**

Law on Environmental Protection No. 72/2020/QH14 dated November 17, 2020 of the National Assembly, effective from January 1, 2022, is amended and supplemented by:

Law on Inspection No. 11/2022/QH15 dated November 14, 2022 of the National Assembly, effective from July 1, 2023.

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Environmental Protection [\[1\]](#).

Chapter I**GENERAL PROVISIONS****Article 1. Scope of regulation**

This Law regulates environmental protection activities; rights, obligations and responsibilities of agencies, organizations, communities, households and individuals in environmental protection activities.

Article 2. Subjects of application

This Law applies to agencies, organizations, communities, households and individuals in the territory of the Socialist Republic of Vietnam, including the mainland, islands, seas, underground and airspace.

Article 3. Interpretation of terms

In this Law, the following terms are construed as follows:

1. *The environment* includes natural and artificial physical elements that are closely related to each other, surrounding humans, and affecting the lives, economy, society, existence, and development of humans, organisms, and nature.
2. *Environmental protection activities* are activities to prevent and limit negative impacts on the environment; respond to environmental incidents; overcome environmental pollution and degradation, improve environmental quality; rationally use natural resources, biodiversity and respond to climate change.
3. *Environmental components* are the physical elements that make up the environment, including soil, water, air, organisms, sound, light and other physical forms.
4. *National environmental protection planning* is the arrangement and orientation of spatial distribution of zoning for environmental quality management, nature and biodiversity conservation, waste management, environmental monitoring and warning in a defined territory to protect the environment, serving the goal of sustainable national development for a defined period.
5. *Strategic environmental assessment* is the process of identifying and forecasting trends of major environmental issues, serving as a basis for integrating and mainstreaming environmental protection solutions into policies, strategies and planning.

6. *Preliminary environmental impact assessment* is the review and identification of key environmental issues of an investment project during the pre-feasibility study phase or the investment project proposal phase.
7. *Environmental impact assessment* is the process of analyzing, evaluating, identifying, forecasting the environmental impact of an investment project and proposing measures to minimize negative impacts on the environment.
8. *An environmental license* is a document issued by a competent state management agency to organizations and individuals engaged in production, business and service activities that are permitted to discharge waste into the environment, manage waste, and import scrap from foreign countries as raw materials for production, along with requirements and conditions on environmental protection as prescribed by law.
9. *Environmental registration* is the act of the investment project owner, production, business and service establishment registering with the state management agency the contents related to waste discharge and environmental protection measures of the investment project, production, business and service establishment (hereinafter referred to as investment project, establishment).
10. *Environmental technical regulations* are mandatory regulations applying the limits of environmental quality parameters, the content of pollutants in raw materials, fuels, materials, equipment, products, goods, waste, technical and management requirements issued by competent state agencies in accordance with the provisions of law on standards and technical regulations.
11. *Environmental standards* are voluntary regulations applying limits on environmental quality parameters, pollutant content in waste, technical and management requirements announced by competent state agencies or organizations according to the provisions of law on standards and technical regulations.
12. *Environmental pollution* is the change in physical, chemical and biological properties of environmental components that is not in accordance with environmental technical regulations and environmental standards, causing adverse effects on human health, living organisms and nature.
13. *Environmental degradation* is the decline in quality and quantity of environmental components, causing adverse effects on human health, living organisms and nature.
14. *Environmental incidents* are incidents that occur during human activities or due to abnormal changes in nature, causing serious environmental pollution and degradation.
15. *Pollutants* are chemical substances or physical or biological agents that, when present in the environment at levels exceeding permissible levels, cause environmental pollution.
16. *Persistent pollutants* are highly toxic, difficult to decompose, capable of bioaccumulating and spreading in the environment, adversely affecting the environment and human health.
17. *Persistent organic pollutant* means a persistent pollutant as defined in the Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as the Stockholm Convention).
18. *Waste* is matter in solid, liquid, gaseous or other forms discharged from production, business, service, living or other activities.
19. *Solid waste* is waste in solid or sludge form.
20. *Hazardous waste* is waste containing toxic, radioactive, infectious, flammable, explosive, corrosive, poisonous or other hazardous properties.
21. *Waste co-processing* is the combination of an existing production process to recycle, treat, recover energy from waste, in which waste is used as raw material, material, alternative fuel or is treated.
22. *Pollution control* is the process of preventing, detecting, stopping and treating pollution.
23. *The carrying capacity of the environment* is the limit of the environment's tolerance to the impact factors so that the environment can recover itself.

24. *Environmental protection technical infrastructure* includes waste collection, storage, transportation, treatment, environmental monitoring systems and other environmental protection works.
25. *Environmental monitoring* is the continuous, periodic, ad hoc, systematic monitoring of environmental components, factors affecting the environment, and waste to provide information to assess the current state of the environment, changes in environmental quality, and negative impacts on the environment.
26. *Trial operation of waste treatment facilities* is the operation to check and evaluate the efficiency and compliance with environmental protection requirements for waste treatment facilities of investment project owners, facilities, concentrated production, business and service areas, and industrial clusters.
27. *Scrap* is material recovered, classified, selected from materials and products discarded during production, business, service or consumption activities to be used as raw materials for another production process.
28. *A residential community* is a community of people living in the same hamlet, village, village, village, neighborhood group or similar residential area in the territory of the Socialist Republic of Vietnam.
29. *Greenhouse gases* are gases in the atmosphere that cause the greenhouse effect.
30. *The greenhouse effect* is the phenomenon of the Sun's radiant energy being absorbed in the atmosphere and converted into heat, causing global warming.
31. *Greenhouse gas emission reduction* is an activity aimed at reducing the level or intensity of greenhouse gas emissions and increasing greenhouse gas absorption.
32. *Climate change response* is human activity to adapt to climate change and reduce greenhouse gas emissions.
33. *Greenhouse gas emission quota* is the amount of greenhouse gas that a country, organization or individual is allowed to emit within a specified period of time, calculated in tons of carbon dioxide (CO₂) or equivalent tons of carbon dioxide (CO₂).
34. *The ozone layer* is a layer in the Earth's stratosphere that protects the Earth from harmful ultraviolet radiation from the Sun.
35. *A carbon credit* is a tradable certificate representing the right to emit one tonne of carbon dioxide (CO₂) or one tonne of carbon dioxide (CO₂) equivalent.
36. *Best available technology* is the best technical solution selected to ensure practicality, effectiveness in preventing and controlling pollution, and minimizing negative impacts on the environment.
37. *Concentrated production, business and service areas* include industrial parks, export processing zones, high-tech zones and industrial production functional areas of economic zones.
38. *The project owner* is the investor or project investor according to the provisions of law on investment, public investment, investment in the form of public-private partnership, and construction.

Article 4. Principles of environmental protection

1. Environmental protection is the right, obligation and responsibility of all agencies, organizations, communities, households and individuals.
2. Environmental protection is a condition, foundation, central and prerequisite for sustainable socio-economic development. Environmental protection activities must be linked to economic development, resource management and considered and evaluated during the implementation of development activities.

3. Environmental protection is harmoniously linked with social security, children's rights, gender equality, and ensuring everyone's right to live in a clean environment.
4. Environmental protection activities must be carried out regularly, publicly and transparently; priority must be given to forecasting and preventing pollution, incidents and environmental degradation, managing environmental risks, minimizing waste generation, and increasing the reuse and recycling of waste to exploit the resource value of waste.
5. Environmental protection must be consistent with the laws, natural characteristics, culture, history, market mechanisms, and socio-economic development level; promote the development of ethnic minority and mountainous areas.
6. Agencies, organizations, communities, households and individuals who benefit from the environment have the obligation to contribute financially to environmental protection activities; those who cause pollution, incidents and environmental degradation must pay, compensate for damage, remedy, handle and bear other responsibilities according to the provisions of law.
7. Environmental protection activities must ensure that they do not harm national sovereignty, security and interests, and are closely linked to regional and global environmental protection.

Article 5. State policy on environmental protection

1. Create favorable conditions for agencies, organizations, communities, households and individuals to participate in implementing, inspecting and supervising environmental protection activities.
2. Propaganda and education combined with administrative, economic and other measures to enhance compliance with environmental protection laws and build a culture of environmental protection.
3. Focus on biodiversity conservation, environmental protection of natural heritage; exploitation, rational and economical use of natural resources; development of clean energy and renewable energy; development of technical infrastructure to protect the environment.
4. Prioritize environmental pollution treatment, restore degraded natural ecosystems, and focus on protecting the residential environment.
5. Diversify investment capital sources for environmental protection; allocate a separate expenditure for environmental protection in the state budget with a gradually increasing proportion according to the state budget's capacity and environmental protection requirements and tasks; prioritize funding sources for key environmental protection tasks.
6. Ensure the rights of organizations, communities, households and individuals contributing to environmental protection activities; provide incentives and support for environmental protection activities; promote environmentally friendly products and services.
7. Strengthen scientific research, develop pollution treatment, recycling and waste treatment technologies; prioritize the transfer and application of advanced technology, high technology, environmentally friendly technology, and the best available techniques; strengthen human resource training in environmental protection.
8. Honor and reward agencies, organizations, communities, households and individuals who have made positive contributions to environmental protection activities in accordance with the provisions of law.
9. Expand and strengthen international integration and cooperation and implement international commitments on environmental protection.
10. Conduct investment project screening according to environmental criteria; apply appropriate environmental management tools for each stage of investment strategies, plans, programs and projects.
11. Integrate and promote circular economic and green economic models in the development and implementation of strategies, plans, programs, projects and projects for socio-economic development.

Article 6. Prohibited acts in environmental protection activities

1. Transporting, burying, filling, dumping, discharging, or burning solid waste and hazardous waste not in accordance with technical procedures or regulations of environmental protection laws.
2. Discharging untreated wastewater and exhaust gas into the environment that does not meet environmental technical standards.
3. Dispersing and releasing into the environment toxic substances, harmful viruses that can infect humans, animals, unverified microorganisms, dead animals due to epidemics and other toxic agents harmful to human health, living organisms and nature.
4. Causing noise and vibration exceeding the permitted level according to environmental technical standards; discharging smoke, dust, and toxic gases into the air.
5. Implementing investment projects or discharging waste without meeting the conditions prescribed by environmental protection laws.
6. Import, temporary import, re-export, transit of waste from foreign countries in any form.
7. Illegal import of used vehicles, machinery and equipment for dismantling and recycling.
8. Failure to implement works, measures, and activities to prevent, respond to, and remedy environmental incidents in accordance with the provisions of the law on environmental protection and other relevant provisions of law.
9. Concealing acts of environmental pollution, obstructing, distorting information, and committing fraud in environmental protection activities leading to negative consequences for the environment.
10. Producing and trading products that are harmful to human health, living organisms and nature; producing and using raw materials and construction materials containing toxic elements exceeding the permitted level according to environmental technical regulations.
11. Production, import, temporary import, re-export and consumption of ozone-depleting substances in accordance with the provisions of the international treaty on ozone-depleting substances to which the Socialist Republic of Vietnam is a member.
12. Vandalism and illegal encroachment of natural heritage.
13. Vandalizing or encroaching on facilities, equipment, or means serving environmental protection activities.
14. Taking advantage of position and power to violate environmental protection laws.

Chapter II

PROTECTING ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGE

Section 1. PROTECTION OF WATER ENVIRONMENT

Article 7. General provisions on surface water environment protection

1. Water quality, sediment and aquatic environment of surface water sources must be monitored and evaluated; the carrying capacity of surface water environment must be calculated, determined and announced.
2. Discharge sources into the surface water environment must be managed in accordance with the purpose of use and the carrying capacity of the surface water environment. The results of the environmental impact assessment report appraisal shall not be approved or environmental licenses shall be granted to new investment projects that directly discharge wastewater into the surface water environment that is no longer able to carry the load as announced by the competent state agency, except in cases where the investment

project owner has a wastewater treatment plan that meets environmental technical standards on surface water quality before discharging into the receiving environment or has a plan for recirculation and reuse to avoid generating additional wastewater or in cases where the investment project treats pollution, renovates, restores, and improves the environmental quality of polluted areas.

3. Protection of river water environment must be based on an integrated basin-based management approach, linked to biodiversity conservation, aquatic environment protection, management of water source protection corridors, and rational exploitation and use of water resources.

Article 8. Surface water environment protection activities

1. Contents of surface water environment protection include:

- a) Statistics, assessment, reduction and treatment of wastewater discharged into surface water environment;
- b) Monitoring and evaluating the quality of water, sediments, and aquatic environment of surface water sources and disclosing information to serve the management, exploitation and use of surface water;
- c) Investigate and assess the carrying capacity of the surface water environment; announce areas where the surface water environment no longer has carrying capacity; assess the quota for wastewater discharge into the surface water environment;
- d) Pollution treatment, remediation, restoration and improvement of polluted surface water environment;
- d) Monitor and evaluate the quality of surface water and international river sediments and share information in accordance with environmental protection laws, international laws and practices.

2. The Ministry of Natural Resources and Environment has the following responsibilities:

- a) Guidance on assessing the carrying capacity of surface water environment for rivers and lakes; guidance on assessing the quality of surface water environment;
- b) Organize the assessment of surface water quality, sediment, and the carrying capacity of surface water environment for inter-provincial rivers and lakes; organize inventory, assessment of waste sources, pollution levels, and organize pollution treatment of inter-provincial rivers and lakes; develop and submit to the Prime Minister for promulgation a plan for surface water quality management for inter-provincial rivers and lakes that play an important role in socio-economic development and environmental protection;
- c) Inspect the implementation of the surface water quality management plan for inter-provincial rivers and lakes and solutions to prevent and minimize water pollution and improve water quality in inter-provincial rivers and lakes.

3. The People's Committee at provincial level has the following responsibilities:

- a) Identify intra-provincial rivers, lakes and other surface water sources in the area that play an important role in socio-economic development and environmental protection; identify sanitary protection zones for domestic water sources, establish a protection corridor for surface water sources in the area; identify aquatic areas;
- b) Publicly disclose information on sources of discharge into the surface water environment in the area; collect information and data on the current status of the surface water environment, discharge sources and total discharge volume into the surface water environment of inter-provincial rivers and lakes in the management area according to the guidance of the Ministry of Natural Resources and Environment; direct the organization of damage assessment caused by pollution and treatment of surface water pollution in the area according to regulations;
- c) Organize activities to prevent and control discharge sources into surface water sources in the area; implement solutions to prevent and minimize surface water pollution, improve surface water quality in the area according to the surface water quality management plan;

- d) Organize the assessment of surface water and sediment quality, assess the carrying capacity and wastewater discharge quota for surface water sources subject to the provisions of Point a of this Clause; publish information on surface water environments in the area that are no longer able to carry the load;
- d) Issue and organize the implementation of surface water quality management plans for subjects specified in Point a of this Clause; organize the implementation of surface water quality management plans for inter-provincial rivers and lakes in the area.

Article 9. Surface water quality management plan

1. The surface water quality management plan for inter-provincial rivers and lakes must be consistent with the National Environmental Protection Plan. The surface water quality management plan for the subjects specified in Point a, Clause 3, Article 8 of this Law must be consistent with the National Environmental Protection Plan and environmental protection contents in regional and provincial planning.
2. The main contents of the surface water quality management plan include:
 - a) Assess and forecast trends in surface water quality changes; goals and targets of the plan; determine sanitary protection zones for domestic water intake areas, surface water source protection corridors; determine aquatic life areas;
 - b) Current status of distribution of point pollution sources and area pollution sources generating water pollutants in the affected area; risk of cross-border surface water pollution;
 - c) Type and total amount of pollutants discharged into surface water environment;
 - d) Assess the carrying capacity, discharge zoning, wastewater discharge quotas; determine goals and roadmap for reducing discharge into surface water environments that are no longer able to carry the load;
 - d) Measures to prevent and minimize surface water pollution; solutions for cooperation, information sharing and management of transboundary surface water pollution;
 - e) Solutions to protect and improve surface water quality;
 - g) Implementation organization.
3. Surface water quality management plan is established for a 5-year period.
4. The Government shall detail the contents, order and procedures for promulgating plans for surface water quality management.

Article 10. Protection of underground water environment

1. Underground water sources must be monitored and evaluated to have timely response measures when detecting environmental parameters exceeding the permissible levels according to national environmental technical regulations or there is a decrease in water levels according to regulations.
2. Drilling and exploitation of underground water must have measures to prevent pollution of the underground water environment.
3. Facilities using toxic chemicals and radioactive substances must have measures to ensure that toxic chemicals and radioactive substances do not leak or spread into underground water sources.
4. Facilities, warehouses, storage yards, raw materials, fuels, chemicals, and waste storage and treatment areas must be built to ensure technical safety and not cause pollution to the underground water environment.
5. Agencies, organizations, communities, households and individuals that pollute the underground water environment are responsible for handling the pollution.

6. The protection of underground water environment must comply with the provisions of this Law, the law on water resources and other relevant legal provisions.

7. The Minister of Natural Resources and Environment shall detail the protection of underground water environment.

8. The People's Committee at the provincial level is responsible for protecting the underground water environment in the area according to the provisions of law.

Article 11. Protection of marine environment

1. Sources of discharge into the marine environment must be investigated, assessed and measures taken to prevent, minimize, strictly control and treat them to meet environmental protection requirements.

2. Areas at risk of marine and island environmental pollution must be assessed, identified and announced in accordance with the provisions of law on marine and island resources and environment.

3. Activities of exploiting resources from the sea and islands and other socio-economic activities must be consistent with planning and meet requirements of environmental protection and sustainable development.

4. Protection of marine environment must ensure close and effective coordination among relevant agencies, organizations and individuals; coordination between Vietnamese state agencies and foreign agencies and organizations in sharing information, assessing marine environment quality and controlling transboundary marine environmental pollution.

5. Protection of marine environment must comply with the provisions of this Law, laws on marine and island resources and environment, and other relevant legal provisions.

Section 2. PROTECTION OF AIR ENVIRONMENT

Article 12. General provisions on air environment protection

1. Organizations, households and individuals engaged in production, business and service activities that emit dust and exhaust gases that have negative impacts on the environment must be responsible for minimizing and handling them in accordance with the provisions of law.

2. Air quality must be monitored regularly, continuously and published according to the provisions of law.

3. Air pollution must be reported and warned promptly to minimize the impact on public health.

4. Sources of dust and gas emissions must be monitored, evaluated and controlled according to the provisions of law.

Article 13. Air quality management plan

1. The air quality management plan includes the national air quality management plan and the provincial air quality management plan. The national air quality management plan must be consistent with the national environmental protection plan. The provincial air quality management plan must be consistent with the national air quality management plan and provincial planning, which is the basis for organizing the implementation and management of air quality.

2. The duration of the National Plan on Air Quality Management is 05 years. The duration of the provincial air quality management plan is determined based on the scope, level of air pollution, management and improvement solutions, and local conditions and resources for implementation.

3. The main contents of the National Plan on air quality management include:

- a) Assess national air pollution management and control; identify the main causes of air pollution;
- b) Overall objectives and specific objectives;

c) Tasks and solutions for air quality management;

d) Priority programs and projects to implement tasks and solutions; develop coordination regulations and measures to manage inter-regional and inter-provincial air quality;

d) Implementation organization.

4. The main contents of the provincial air quality management plan include:

a) Assessment of local air quality;

b) Assessment of air quality management; air environment monitoring; identification and assessment of major emission sources; emission inventory; air quality modeling;

c) Analyze and identify the causes of air pollution;

d) Assess the impact of air pollution on public health;

d) Objectives and scope of air quality management;

e) Tasks and solutions for air quality management;

g) Implementation organization.

5. The Government shall detail the contents, order and procedures for promulgating air quality management plans.

Article 14. Responsibility for implementing air quality management

1. The Prime Minister shall promulgate and direct the implementation of the National Plan on air quality management; direct the implementation of emergency measures in case of serious air pollution at inter-provincial, inter-regional and cross-border levels.

2. The Ministry of Natural Resources and Environment has the following responsibilities:

a) Develop and submit to the Prime Minister for promulgation the National Plan on air quality management and organize its implementation;

b) Guidance on developing provincial-level air quality management plans and air quality assessment methods.

3. The People's Committee at provincial level has the following responsibilities:

a) Issue and organize the implementation of provincial-level air quality management plans;

b) Assess, monitor and publicize information on air quality; warn the community and implement remedial measures in case air pollution affects public health;

c) Organize the implementation of emergency measures in case of serious air pollution in the area.

4. The Government shall detail this Article.

Section 3. PROTECTION OF LAND ENVIRONMENT

Article 15. General provisions on soil environmental protection

1. Planning, plans, projects and activities using land must consider the impact on the land environment, have solutions to prevent pollution, environmental degradation and protect the land environment.

2. Agencies, organizations, communities, households and individuals using land are responsible for protecting the soil environment; treating, improving and restoring the soil environment in areas of soil

pollution caused by themselves.

3. The State shall treat, renovate and restore the soil environment in areas contaminated with soil pollution due to historical reasons or where the organization or individual causing the pollution cannot be identified.

4. The Government shall detail regulations on soil environmental protection.

Article 16. Classification of soil pollution areas

1. A soil pollution area is a land area with pollutants exceeding the permissible level according to environmental technical standards, causing adverse effects on the environment and public health.

2. Soil pollution areas are classified according to criteria of pollution source, spread ability, and affected objects.

3. Soil pollution areas are classified according to the level of pollution, including polluted areas, seriously polluted areas and especially seriously polluted areas.

Article 17. Management of soil environmental quality

1. Soil environmental quality must be investigated, assessed, classified and information disclosed according to the provisions of law.

2. Land areas at risk of contamination must be monitored and supervised.

3. Areas of soil pollution must be investigated, assessed, zoned, treated, rehabilitated and restored.

4. Land areas contaminated with dioxin originating from herbicides used in war, residual pesticides and other toxic substances must be investigated, assessed, zoned and treated to ensure environmental protection requirements.

Article 18. Treatment, improvement and restoration of soil environment

1. Investigate, evaluate, classify soil pollution areas, determine causes, scope and level of pollution, treat, improve and restore soil environment.

2. Implement measures to control areas of soil pollution including zoning, warning, not allowing or restricting activities to minimize impacts on human health.

3. Develop and implement plans for treatment, improvement and restoration of the soil environment; prioritize treatment of areas with serious and especially serious pollution levels.

4. Monitoring and evaluating soil quality after treatment, improvement and restoration of soil environment.

Article 19. Responsibility for protecting the soil environment

1. The Ministry of Natural Resources and Environment has the following responsibilities:

a) Detailed regulations on criteria for determining and classifying soil pollution areas according to pollution levels;

b) Preside over and coordinate with ministries, ministerial-level agencies, and relevant agencies in developing and directing the implementation of plans for handling, remediating, and restoring particularly serious soil environmental pollution in the cases specified in Clause 3, Article 15 of this Law ; organize investigation, assessment, and public disclosure of information on soil environmental quality;

c) Submit to the Prime Minister for promulgation a plan to handle, renovate and restore areas with particularly serious soil pollution in the cases specified in Clause 3, Article 15 of this Law ;

d) Compile a list of soil pollution areas; develop and update the national environmental information and database system and publish information on soil pollution areas nationwide.

2. The Ministry of National Defense and the Ministry of Public Security shall preside over and coordinate with the People's Committees at the provincial level to organize the handling, improvement and restoration of areas polluted with environmental pollution on national defense land, security land and other areas in accordance with the provisions of law.

3. The People's Committee at provincial level has the following responsibilities:

a) Conduct investigation, assessment, identification and delimitation of areas at risk of soil pollution, areas of soil pollution in the locality and determine the responsibility of organizations and individuals causing pollution;

b) Handling of soil pollution areas and areas of serious soil pollution in the cases specified in Clause 3, Article 15 of this Law ;

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

d) Update information on soil pollution areas in the locality into the information system and environmental database as prescribed.

Section 4. PROTECTION OF THE NATURAL HERITAGE ENVIRONMENT

Article 20. Natural heritage

1. Natural heritage includes:

a) National parks, nature reserves, species-habitat conservation areas, and landscape protection areas are established in accordance with the provisions of the law on biodiversity, forestry and fisheries; scenic spots recognized as cultural heritage are established in accordance with the provisions of the law on cultural heritage;

b) Natural heritage recognized by international organizations;

c) Other natural heritages established and recognized according to the provisions of this Law.

2. The establishment and recognition of natural heritage under Point c, Clause 1 of this Article is based on one of the following criteria:

a) Has outstanding, unique or rare natural beauty;

b) Having typical values in terms of ecological and biological evolution or natural habitat of endangered, precious, rare, endemic species or containing specific ecosystems, representing a natural ecological region or having other special biodiversity values that need to be preserved;

c) Has outstanding, unique geological and geomorphological features or contains physical traces of the Earth's development stages;

d) Of particular importance in regulating climate, protecting water resources, maintaining ecological balance, and providing natural ecosystem services.

3. The Government shall detail the criteria, order, procedures and authority for establishing and recognizing natural heritages specified in Point c, Clause 1 of this Article; the order, procedures and authority for nominating for recognition of natural heritages specified in Point b, Clause 1 of this Article.

Article 21. Contents of environmental protection of natural heritage

1. Investigation, assessment, management and protection of natural heritage environment.

2. Protection of natural heritage environment is a content of national environmental protection planning, regional planning and provincial planning.

3. Agencies, organizations, communities, households and individuals are responsible for protecting natural heritage. Organizations, communities, households and individuals participating in the management and protection of natural heritage environments are entitled to benefits from payments for natural ecosystem services in accordance with the provisions of law.

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

Chapter III

NATIONAL ENVIRONMENTAL PROTECTION STRATEGY, NATIONAL ENVIRONMENTAL PROTECTION PLANNING; ENVIRONMENTAL PROTECTION CONTENT IN REGIONAL PLANNING, PROVINCIAL PLANNING

Article 22. National environmental protection strategy

1. The national environmental protection strategy is the basis for developing national environmental protection planning, integrating environmental protection requirements into socio-economic development strategies and plans.

2. The contents of the National Environmental Protection Strategy include:

- a) Viewpoints, visions and goals;
- b) Tasks;
- c) Implementation solutions;
- d) Key programs, projects and plans;
- d) Implementation plan and resources.

3. The national environmental protection strategy is developed for a 10-year period, with a 30-year vision.

4. The Ministry of Natural Resources and Environment shall develop and submit to the Prime Minister for approval the National Environmental Protection Strategy.

Article 23. National environmental protection planning

1. The basis for formulating the National Environmental Protection Plan is implemented according to the provisions of the law on planning and the following bases:

- a) National environmental protection strategy in the same development stage;
- b) Climate change scenarios in the same development stage.

2. The content of the National Environmental Protection Plan; the establishment, appraisal, approval, and adjustment of the National Environmental Protection Plan and the period of the National Environmental Protection Plan shall be carried out in accordance with the provisions of law on planning.

3. The Ministry of Natural Resources and Environment organizes the preparation of the National Environmental Protection Plan.

4. The Government regulates the determination of environmental zoning in the National Environmental Protection Plan.

Article 24. Environmental protection content in regional and provincial planning

1. Environmental protection content in regional and provincial planning must comply with the provisions of law on planning.
2. The Government shall prescribe the determination of environmental zoning in provincial planning. The Ministry of Natural Resources and Environment shall develop environmental protection content in regional planning; and provide guidance on the development of environmental protection content in provincial planning.
3. Provincial environmental protection agencies develop environmental protection content in provincial planning.

Chapter IV

STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT, ENVIRONMENTAL LICENSING

Section 1. STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 25. Subjects required to conduct strategic environmental assessment

1. National strategy for exploitation and use of resources.
2. National master plan; National marine spatial plan; National land use plan; regional plan; provincial plan; special administrative-economic unit plan.
3. National and regional sectoral and industry development strategies, national sectoral planning and technical and specialized planning with major impacts on the environment in the list prescribed by the Government.
4. Adjustment of planning objectives specified in Clauses 2 and 3 of this Article.

Article 26. Implementation of strategic environmental assessment

1. Agencies and organizations assigned the task of developing strategies and plans as prescribed in Article 25 of this Law are responsible for assessing the strategic environment simultaneously with the process of developing such strategies and plans .
2. The results of the strategic environmental assessment of the strategy specified in Clause 1 and Clause 3, Article 25 of this Law shall be integrated into the strategy approval dossier.
3. The results of strategic environmental assessment of the planning specified in Clause 2 and Clause 3, Article 25 of this Law shall be prepared in a separate report attached to the planning appraisal dossier.
4. The agency in charge of planning appraisal is responsible for appraising the results of strategic environmental assessment during the planning appraisal process. The agency approving the strategy is responsible for reviewing the results of strategic environmental assessment during the approval process .
5. The Ministry of Natural Resources and Environment shall provide written comments on the content of strategic environmental assessment for strategies and plans.
6. The results of strategic environmental assessment are one of the bases for competent authorities to consider and approve strategies and plans.

Article 27. Contents of strategic environmental assessment

1. The strategic environmental assessment content of the strategy includes:
 - a) Assess the conformity of policies related to environmental protection in the strategy with the viewpoints, goals, and policies on environmental protection and sustainable development, international treaties on

environmental protection to which the Socialist Republic of Vietnam is a member, and in accordance with the provisions of this Law;

b) Propose plans to adjust and improve the content of the strategy to ensure consistency with the viewpoints, goals, and policies on environmental protection and sustainable development, international treaties on environmental protection to which the Socialist Republic of Vietnam is a member, and in accordance with the provisions of this Law.

2. The strategic environmental assessment content of the planning includes:

a) The contents of the planning have the potential to impact the environment ;

b) Scope of strategic environmental assessment ;

c) Environmental components and natural heritage that are likely to be affected by planning;

d) Applied strategic environmental assessment methods ;

d) Compare and evaluate the conformity of planning viewpoints and objectives with viewpoints, objectives, policies on environmental protection, strategies, national environmental protection planning, environmental protection contents in regional planning, provincial planning;

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

g) Impact of climate change;

h) Forecast results of positive and negative trends of major environmental issues when implementing the planning; solutions to maintain positive trends and minimize negative trends of major environmental issues;

i) Environmental protection orientation during planning implementation;

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

l) Issues to note regarding environmental protection (if any) , recommended directions and solutions .

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

Section 2. ENVIRONMENTAL CRITERIA FOR CLASSIFYING INVESTMENT PROJECTS AND PRELIMINARY ASSESSMENT OF ENVIRONMENTAL IMPACT

Article 28. Environmental criteria for classifying investment projects

1. Environmental criteria for classifying investment projects include:

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

b) Land use area, land with water surface, sea area; scale of natural resource exploitation;

c) Environmentally sensitive factors include concentrated residential areas; water sources used for domestic water supply purposes; nature reserves as prescribed by law on biodiversity and aquatic products; types of forests as prescribed by law on forestry; tangible cultural heritage, other natural heritage; land for growing rice from 02 crops or more; important wetlands; requirements for migration, resettlement and other environmentally sensitive factors.

2. Based on the environmental criteria specified in Clause 1 of this Article, investment projects are classified into groups I, II, III and IV.

3. Group I investment projects are projects with a high risk of negative environmental impacts, including:

- a) Projects in the production, business and service sectors that pose a risk of causing environmental pollution on a large scale and with large capacity; projects providing hazardous waste treatment services; projects importing scrap from abroad as raw materials for production;
- b) Projects in the production, business and service sector that are at risk of causing environmental pollution with an average scale and capacity but have environmentally sensitive factors; projects that are not in the production, business and service sector that are at risk of causing environmental pollution with a large scale and capacity but have environmentally sensitive factors;
- c) Projects using land, land with water surface, sea areas on a large scale or on a medium scale but with environmentally sensitive factors;
- d) Mineral and water resource exploitation projects with large scale and capacity or with medium scale and capacity but with environmentally sensitive factors;
- d) Projects requiring conversion of land use purposes of medium scale or larger but with environmentally sensitive factors;
- e) Projects requiring large-scale migration and resettlement.

4. Group II investment projects are projects with the risk of negative impacts on the environment, except for projects specified in Clause 3 of this Article, including:

- a) Projects in the production, business and service sectors with a risk of causing environmental pollution with average scale and capacity;
- b) Projects in the production, business and service sector that are at risk of causing environmental pollution with small scale and capacity but have environmentally sensitive factors; projects not in the production, business and service sector that are at risk of causing environmental pollution with medium scale and capacity but have environmentally sensitive factors;
- c) Projects using land, land with water surface, sea areas with medium scale or small scale but with environmentally sensitive factors;
- d) Mineral and water resource exploitation projects with medium scale and capacity or with small scale and capacity but with environmentally sensitive factors;
- d) Projects requiring land use conversion on a small scale but with environmentally sensitive factors;
- e) Projects requiring migration and resettlement on a medium scale.

5. Group III investment projects are projects with low risk of negative impacts on the environment, except for projects specified in Clauses 3 and 4 of this Article, including:

- a) Projects in the production, business and service sectors that pose a risk of causing environmental pollution with small scale and capacity;
- b) Projects that do not fall into the category of production, business or services that pose a risk of causing environmental pollution, generating wastewater, dust, and exhaust gas that must be treated, or generating hazardous waste that must be managed in accordance with regulations on waste management.

6. Group IV investment projects are projects that do not pose a risk of adverse environmental impacts, including projects not covered by the provisions of Clauses 3, 4 and 5 of this Article.

7. The Government shall detail Clause 1 and promulgate a list of investment project types specified in Clauses 3, 4 and 5 of this Article.

Article 29. Preliminary environmental impact assessment

1. The subjects required to conduct preliminary environmental impact assessment are group I investment projects specified in Clause 3, Article 28 of this Law.
2. The time for preliminary environmental impact assessment is carried out during the pre-feasibility study stage of construction investment, investment policy proposal, and request for approval of investment policy for investment projects that are subject to request for decision or approval of investment policy according to the provisions of law on investment, public investment, investment under the public-private partnership method, and construction.
3. The contents of the preliminary environmental impact assessment include:
 - a) Assess the suitability of the investment project implementation location with the National Environmental Protection Strategy, National Environmental Protection Plan, environmental protection content in regional planning, provincial planning and other relevant planning;
 - b) Identify and forecast the main environmental impacts of the investment project on the environment based on the scale, production technology and location of the project;
 - c) Identify environmentally sensitive factors of the investment project implementation area according to location options (if any);
 - d) Analyze, evaluate, and select options regarding scale, production technology, waste treatment technology, location of investment projects, and measures to minimize environmental impacts;
 - d) Identify key environmental issues and the scope of environmental impacts that need to be considered during the environmental impact assessment process.
4. Agencies, organizations and individuals proposing investment projects subject to the provisions of Clause 1 of this Article shall conduct a preliminary environmental impact assessment. The contents of the preliminary environmental impact assessment shall be considered by the competent state agency at the same time as the application for decision or approval of the investment policy.

Section 3. ENVIRONMENTAL IMPACT ASSESSMENT

Article 30. Subjects required to conduct environmental impact assessment

1. Subjects required to conduct environmental impact assessment include:
 - a) Group I investment projects specified in Clause 3, Article 28 of this Law ;
 - b) Group II investment projects specified in points c, d, dd and e, Clause 4, Article 28 of this Law .
2. The subjects specified in Clause 1 of this Article belonging to urgent public investment projects as prescribed by the law on public investment are not required to conduct environmental impact assessment.

Article 31. Implementation of environmental impact assessment

1. Environmental impact assessment is carried out by the project owner himself or through a qualified consulting unit. Environmental impact assessment is carried out simultaneously with the preparation of the project feasibility study report or document equivalent to the project feasibility study report.
2. The results of environmental impact assessment are presented in an environmental impact assessment report.
3. Each investment project prepares an environmental impact assessment report.

Article 32. Contents of environmental impact assessment report

1. The main contents of the environmental impact assessment report include:

- a) Origin of the investment project, investment project owner , competent authority approving the investment project; legal and technical basis; environmental impact assessment method and other methods used (if any);
- b) The conformity of the investment project with the national environmental protection plan, regional planning, provincial planning, legal provisions on environmental protection and other relevant legal provisions;
- c) Assess the selection of technology, construction items and activities of investment projects that are likely to have negative impacts on the environment;
- d) Natural, socio-economic conditions, biodiversity; assessment of current environmental status; identification of affected objects, sensitive environmental factors where the investment project is implemented; explanation of the suitability of the selected location for implementing the investment project ;
- d) Identify , evaluate and forecast the main environmental impacts and waste generated during the stages of the investment project on the environment; scale and nature of waste; impacts on biodiversity, natural heritage, historical - cultural relics and other sensitive factors; impacts due to site clearance, migration and resettlement (if any); identify and evaluate possible environmental incidents of the investment project;
- e) Facilities and measures for waste collection, storage and treatment;
- g) Measures to minimize other negative impacts of the investment project on the environment; environmental improvement and restoration plan (if any); biodiversity compensation plan (if any); environmental incident prevention and response plan;
- h) Environmental management and monitoring program;
- i) Consultation results;
- k) Conclusions, recommendations and commitments of the investment project owner.

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

Article 33. Consultation in environmental impact assessment

1. The subjects of consultation include:

- a) Residential communities and individuals directly affected by investment projects;
- b) Agencies and organizations directly related to the investment project.

2. Responsibilities for conducting consultation are specified as follows:

- a) The investment project owner must consult with the subjects specified in Clause 1 of this Article and is encouraged to consult with experts during the process of conducting environmental impact assessment;
- b) The agencies and organizations specified in Point b, Clause 1 of this Article shall be responsible for responding to the investment project owner in writing regarding the consulted content within the prescribed time limit; in case the prescribed time limit expires without a written response, it shall be deemed to agree with the consulted content.

3. Consultation content during the environmental impact assessment process includes:

- a) Location of investment project implementation;
- b) Environmental impact of investment projects;
- c) Measures to minimize negative impacts on the environment;

d) Environmental management and monitoring program; environmental incident prevention and response plan;

d) Other contents related to the investment project.

4. Consultation is conducted through posting on the website and one or more of the following forms:

a) Organize meetings to collect opinions;

b) Get written opinions.

5. The consultation results are important information for the investment project owner to study and propose solutions to minimize the impact of the investment project on the environment and complete the environmental impact assessment report. The consultation results must be fully and honestly accepted, reflecting the opinions and recommendations of the consulted subjects and subjects interested in the investment project (if any). In case the opinions and recommendations are not accepted, the investment project owner must fully and clearly explain. The investment project owner must be responsible before the law for the content and results of the consultation in the environmental impact assessment report.

6. Investment projects in the list of state secrets do not have to undergo consultation.

7. The Government shall detail this Article.

Article 34. Appraisal of environmental impact assessment reports

1. The application for environmental impact assessment report appraisal includes:

a) Document requesting appraisal of environmental impact assessment report;

b) Environmental impact assessment report;

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

2. For construction investment projects that are subject to appraisal of the feasibility study report by a specialized construction agency according to the provisions of the law on construction, the investment project owner may simultaneously submit the application for appraisal of the environmental impact assessment report with the application for appraisal of the feasibility study report; the submission time is decided by the investment project owner but must be before the conclusion of the appraisal of the feasibility study report is available.

3. The appraisal of environmental impact assessment reports is regulated as follows:

a) The appraisal agency shall issue a decision to establish an appraisal council consisting of at least 07 members; send the decision to establish the council together with the documents specified in Point b and Point c, Clause 1 of this Article to each member of the council;

b) The appraisal council must have at least one-third of its total members being experts. Experts who are members of the council must have expertise in the environment or other fields related to the investment project and have at least 07 years of working experience if they have a bachelor's degree or equivalent degree, at least 03 years if they have a master's degree or equivalent degree, at least 02 years if they have a doctorate degree or equivalent degree;

c) Experts participating in the environmental impact assessment of an investment project may not participate in the council appraising the environmental impact assessment report of that project;

d) In case the investment project involves the discharge of wastewater into an irrigation project, the appraisal council must have a representative of the state agency managing the irrigation project; the appraisal agency must obtain written opinions and consensus from the state agency managing the irrigation project before approving the appraisal results.

The state agency managing irrigation works is responsible for sending members to participate in the appraisal council and giving written opinions on the approval of appraisal results within the time limit for receiving opinions; in case the time limit for receiving opinions expires without a written response, it is considered that it agrees with the content of the environmental impact assessment report;

d) Members of the appraisal council are responsible for studying the appraisal request file, writing comments on the appraisal content specified in Clause 7 of this Article and are legally responsible for their comments and assessments;

e) The appraisal agency shall review, evaluate and synthesize the opinions of appraisal council members and opinions of relevant agencies and organizations (if any) as a basis for deciding on the approval of the appraisal results of the environmental impact assessment report.

4. If necessary, the appraisal agency shall conduct a field survey and obtain opinions from agencies, organizations and experts to appraise the environmental impact assessment report.

5. During the appraisal period, in case there is a request to edit or supplement the environmental impact assessment report, the appraisal agency is responsible for notifying the investment project owner in writing for implementation.

6. The time limit for appraisal of environmental impact assessment reports is calculated from the date of receipt of complete and valid dossiers and is stipulated as follows:

a) No more than 45 days for group I investment projects specified in Clause 3, Article 28 of this Law ;

b) No more than 30 days for group II investment projects specified in points c, d, dd and e, Clause 4, Article 28 of this Law ;

c) Within the time limit specified in Point a and Point b of this Clause, the appraisal authority shall be responsible for notifying the investment project owner in writing of the appraisal results. The time for the investment project owner to revise and supplement the environmental impact assessment report at the request of the appraisal authority and the time for reviewing and issuing the approval decision specified in Clause 9 of this Article shall not be included in the appraisal period;

d) The appraisal period specified in Point a and Point b of this Clause may be extended by decision of the Prime Minister.

7. Contents of environmental impact assessment report appraisal include:

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

b) The suitability of the environmental impact assessment method and other methods used (if any);

c) Conformity in identifying and determining construction items and activities of the investment project that are likely to have adverse impacts on the environment;

d) Conformity of the results of the assessment of the current state of the environment and biodiversity; identification of affected objects and environmentally sensitive factors where the investment project is implemented;

d) Conformity of the results of identification and forecasting of main impacts and waste generated from investment projects on the environment; forecasting of environmental incidents;

e) Suitability and feasibility of environmental protection works and measures; environmental improvement and restoration plan (if any); biodiversity compensation plan (if any); environmental incident prevention and response plan of the investment project;

g) The suitability of the environmental management and monitoring program; the completeness and feasibility of the environmental protection commitments of the investment project owner.

8. The Prime Minister shall decide on the organization of appraisal of environmental impact assessment reports of investment projects that exceed the domestic appraisal capacity and require hiring foreign consultants to appraise. The results of appraisal of environmental impact assessment reports by foreign consultants shall be the basis for competent state agencies specified in Article 35 of this Law to approve the results of appraisal of environmental impact assessment reports.

9. Within 20 days from the date of receipt of the environmental impact assessment report which has been revised and supplemented as requested (if any) by the appraisal agency, the head of the appraisal agency shall be responsible for issuing a decision approving the results of the appraisal of the environmental impact assessment report; in case of disapproval, a written response must be sent to the investment project owner stating the reasons.

10. The submission of the application for environmental impact assessment report appraisal, receipt, processing and notification of the results of environmental impact assessment report appraisal shall be carried out through one of the following forms: direct submission, by post or electronic copy via the online public service system at the request of the investment project owner.

11. The Minister of Natural Resources and Environment shall specify in detail the organization and operation of the appraisal council; publicize the list of appraisal councils; forms of documents and materials of the dossier requesting appraisal of environmental impact assessment reports, decisions approving the results of appraisal of environmental impact assessment reports; and the time limit for collecting opinions specified in Point d, Clause 3 of this Article.

Article 35. Authority to appraise environmental impact assessment reports

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

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

b) Group II investment projects specified in Points c, d, dd and e, Clause 4, Article 28 of this Law are under the authority to decide or approve investment policies of the National Assembly and the Prime Minister; investment projects located in two or more provincial-level administrative units; investment projects located in sea areas where the administrative management responsibility of the provincial People's Committee has not been determined; investment projects under the authority to grant mineral exploitation licenses, licenses to exploit and use water resources, licenses to dump at sea, and decisions on sea area allocation of the Ministry of Natural Resources and Environment.

2. The Ministry of National Defense and the Ministry of Public Security shall organize the appraisal of environmental impact assessment reports for investment projects related to state secrets on national defense and security.

3. The provincial People's Committee shall organize the appraisal of environmental impact assessment reports for investment projects in the locality, except for the subjects specified in Clause 1 and Clause 2 of this Article. Ministries and ministerial-level agencies shall coordinate with the provincial People's Committee where the project is located to appraise environmental impact assessment reports for investment projects under their authority to decide on investment policies and investment decisions.

Article 36. Decision approving the results of appraisal of environmental impact assessment report

1. The decision to approve the results of the environmental impact assessment report appraisal is one of the bases for the competent authority to perform the following tasks:

a) Granting and adjusting mineral exploitation licenses for mineral exploitation investment projects;

b) Approve exploration plans and mine development plans for oil and gas exploration and exploitation investment projects;

- c) Approve the feasibility study report for investment projects under the public-private partnership method;
- d) Conclusion of appraisal of feasibility study report for construction investment project;
- d) Granting environmental licenses;
- e) Granting of sea dumping permits; decision on assignment of sea areas;
- g) Investment decision for investment projects not subject to the provisions of points a, b, c, d, dd and e of this clause.

2. Except for investment projects related to state secrets, the appraisal agency shall send the decision approving the results of the appraisal of the environmental impact assessment report to the investment project owner and relevant agencies according to the following provisions:

- a) The Ministry of Natural Resources and Environment shall send to the People's Committee of the province where the investment project is implemented and other agencies in accordance with relevant laws. The People's Committee of the province shall send to the specialized environmental protection agency of the province, the People's Committee of the district, the People's Committee of the commune where the investment project is implemented and the Management Board of industrial parks, export processing zones, high-tech zones, economic zones of the province or centrally-run city for investment projects implemented in concentrated production, business and service areas;
- b) The provincial People's Committee shall send to the Ministry of Natural Resources and Environment, the provincial environmental protection authority, the district People's Committee, the commune People's Committee where the investment project is implemented and the Management Board of industrial parks, export processing zones, high-tech zones, and economic zones of the province or centrally-run city for investment projects implemented in concentrated production, business, and service areas.

3. In case of change of investment project owner, the new investment project owner is responsible for continuing to implement the decision approving the results of environmental impact assessment report appraisal and notifying the environmental impact assessment report appraisal agency and the provincial-level environmental protection authority.

Article 37. Responsibilities of investment project owners after the decision approving the results of appraisal of environmental impact assessment reports is issued

- 1. Adjust and supplement the contents of the investment project and the environmental impact assessment report to be consistent with the contents and requirements on environmental protection stated in the decision approving the results of the environmental impact assessment report appraisal.
- 2. Fully implement the contents of the decision approving the results of the environmental impact assessment report appraisal.
- 3. Have a written notice of the completion of the environmental protection project to the agency that approved the results of the environmental impact assessment report appraisal before putting the project into official operation in case the investment project is not subject to an environmental license.
- 4. During the preparation and implementation of the investment project before operation, in case there is any change compared to the decision approving the results of the environmental impact assessment report appraisal, the investment project owner shall have the following responsibilities:
 - a) Conduct environmental impact assessment for investment projects when there is one of the following changes in scale, capacity, production technology or other changes that increase negative impacts on the environment;
 - b) Report to competent state agencies for consideration and approval in the process of granting environmental licenses for investment projects subject to environmental licenses in case of changes in production technology, waste treatment technology, location of direct discharge of treated wastewater into

water sources but not falling under the cases specified in Point a of this Clause; supplement industries and occupations attracting investment in concentrated production, business and service areas, industrial clusters;

c) Self-assess environmental impacts, consider, decide and be legally responsible for other changes not specified in Point a and Point b of this Clause; integrate in the report proposing the issuance of an environmental license (if any).

5. Publicly disclose the environmental impact assessment report that has been approved for appraisal results according to the provisions of Article 114 of this Law , except for information that is a state secret or a business secret as prescribed by law.

6. Carry out other requirements as prescribed by law on environmental protection.

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

Article 38. Responsibilities of the agency appraising environmental impact assessment reports

1. Responsible for the appraisal results and decision to approve the appraisal results of the environmental impact assessment report.

2. Publicly announce on the electronic information portal the decision to approve the results of the appraisal of the environmental impact assessment report, except for information that is a state secret or a business secret as prescribed by law.

3. Develop and integrate environmental impact assessment database into national environmental database.

Article 39. Subjects required to have environmental licenses

1. Investment projects in groups I, II and III that generate wastewater, dust and exhaust gas discharged into the environment must be treated or generate hazardous waste that must be managed according to waste management regulations when officially put into operation.

2. Investment projects, facilities, concentrated production, business and service zones, and industrial clusters operating before the effective date of this Law have environmental criteria as the subjects specified in Clause 1 of this Article.

3. The subjects specified in Clause 1 of this Article are cases of urgent public investment projects according to the provisions of the law on public investment exempted from environmental licenses.

Article 40. Contents of environmental license

1. The content of the environmental license includes general information about the investment project, facility, concentrated production, business and service area, industrial cluster; content of the environmental license; requirements on environmental protection; duration of the environmental license; other content (if any).

2. Environmental licensing contents include:

a) Source of wastewater; maximum wastewater discharge; wastewater flow; pollutants and limit values of pollutants in wastewater flow; location, method of wastewater discharge and wastewater receiving source;

b) Source of emission; maximum emission flow; emission stream; pollutants and limit values of pollutants according to emission stream; location and method of emission discharge;

c) Sources and limit values for noise and vibration;

d) Hazardous waste treatment facilities and equipment systems; hazardous waste codes and permitted treatment volumes, number of hazardous waste transfer stations, operating areas for investment projects, and facilities providing hazardous waste treatment services;

d) Type and quantity of scrap allowed to be imported for investment projects and facilities importing scrap from foreign countries as raw materials for production.

3. Environmental protection requirements include:

a) There are facilities and measures to collect and treat wastewater and exhaust gas, and minimize noise and vibration to meet requirements; in case of discharging wastewater into irrigation works, there must be requirements on environmental protection for the water source of the irrigation works;

b) Have measures, systems, works, equipment for storage, transportation, transit, preliminary processing, and treatment that meet technical and management process requirements for investment projects and facilities providing hazardous waste treatment services;

c) Have warehouses and yards for storing scrap that meet regulations; recycling equipment systems; plans for handling impurities; and re-export plans for investment projects and facilities that import scrap from abroad as raw materials for production;

d) Have an environmental management and monitoring plan, an environmental incident prevention and response plan; equipment and facilities for environmental incident prevention and response, and environmental monitoring;

d) Management of domestic solid waste, common industrial solid waste, hazardous waste; environmental improvement and restoration; biodiversity compensation according to law provisions;

e) Other requirements on environmental protection (if any).

4. The term of the environmental license is specified as follows:

a) 07 years for group I investment projects;

b) 07 năm đối với cơ sở sản xuất, kinh doanh, dịch vụ, khu sản xuất, kinh doanh, dịch vụ tập trung, cụm công nghiệp hoạt động trước ngày Luật này có hiệu lực thi hành có tiêu chí về môi trường như dự án đầu tư nhóm I;

c) 10 năm đối với đối tượng không thuộc quy định tại điểm a và điểm b khoản này;

d) Thời hạn của giấy phép môi trường có thể ngắn hơn thời hạn quy định tại các điểm a, b và c khoản này theo đề nghị của chủ dự án đầu tư, cơ sở, chủ đầu tư xây dựng và kinh doanh hạ tầng khu sản xuất, kinh doanh, dịch vụ tập trung, cụm công nghiệp (sau đây gọi chung là chủ dự án đầu tư, cơ sở).

5. Bộ trưởng Bộ Tài nguyên và Môi trường ban hành mẫu giấy phép môi trường.

Điều 41. Thẩm quyền cấp giấy phép môi trường

1. Bộ Tài nguyên và Môi trường cấp giấy phép môi trường đối với các đối tượng sau đây, trừ trường hợp quy định tại khoản 2 Điều này:

a) Đối tượng quy định tại Điều 39 của Luật này đã được Bộ Tài nguyên và Môi trường phê duyệt kết quả thẩm định báo cáo đánh giá tác động môi trường;

b) Đối tượng quy định tại Điều 39 của Luật này nằm trên địa bàn từ 02 đơn vị hành chính cấp tỉnh trở lên hoặc nằm trên vùng biển chưa xác định trách nhiệm quản lý hành chính của Ủy ban nhân dân cấp tỉnh; cơ sở có nhập khẩu phế liệu từ nước ngoài làm nguyên liệu sản xuất, cơ sở thực hiện dịch vụ xử lý chất thải nguy hại.

2. Bộ Quốc phòng, Bộ Công an cấp giấy phép môi trường đối với các dự án đầu tư, cơ sở thuộc bí mật nhà nước về quốc phòng, an ninh.

3. Ủy ban nhân dân cấp tỉnh cấp giấy phép môi trường đối với các đối tượng sau đây, trừ trường hợp quy định tại khoản 1 và khoản 2 Điều này:

- a) Dự án đầu tư nhóm II quy định tại Điều 39 của Luật này;
- b) Dự án đầu tư nhóm III quy định tại Điều 39 của Luật này nằm trên địa bàn từ 02 đơn vị hành chính cấp huyện trở lên;
- c) Đối tượng quy định tại khoản 2 Điều 39 của Luật này đã được Ủy ban nhân dân cấp tỉnh hoặc Bộ, cơ quan ngang Bộ phê duyệt kết quả thẩm định báo cáo đánh giá tác động môi trường.

4. Ủy ban nhân dân cấp huyện cấp giấy phép môi trường đối với đối tượng quy định tại Điều 39 của Luật này, trừ trường hợp quy định tại các khoản 1, 2 và 3 Điều này.

Điều 42. Căn cứ và thời điểm cấp giấy phép môi trường

1. Căn cứ cấp giấy phép môi trường bao gồm:

- a) Hồ sơ đề nghị cấp giấy phép môi trường quy định tại khoản 1 Điều 43 của Luật này;
- b) Báo cáo đánh giá tác động môi trường đã được cơ quan nhà nước có thẩm quyền phê duyệt kết quả thẩm định (nếu có);
- c) Quy hoạch bảo vệ môi trường quốc gia, quy hoạch tỉnh, phân vùng môi trường, khả năng chịu tải của môi trường theo quyết định của cơ quan nhà nước có thẩm quyền, trừ trường hợp quy định tại điểm e khoản này;
- d) Quy chuẩn kỹ thuật môi trường;
- d) Provisions of law on environmental protection, water resources and other relevant provisions of law;
- e) At the time of granting an environmental license, in case the national environmental protection plan, provincial plan, environmental zoning, and environmental carrying capacity have not been issued by a competent state agency, the granting of an environmental license shall be carried out based on points a, b, d, and dd of this clause.

2. The time for granting environmental licenses is specified as follows:

- a) Investment projects subject to environmental impact assessment must have an environmental license before testing waste treatment facilities, except for the case specified in Point c of this Clause;
- b) Investment projects that are not subject to environmental impact assessment must have an environmental license before the competent state agency issues documents specified in Points a, b, c, d and g, Clause 1, Article 36 of this Law . In case the construction investment project is not subject to the appraisal of the feasibility study report by a specialized construction agency according to the provisions of the law on construction, it must have an environmental license before the competent state agency issues or adjusts the construction license;
- c) For investment projects specified in Clause 2, Article 39 of this Law that are conducting trial operations of waste treatment facilities in accordance with the provisions of law before the effective date of this Law, the investment project owner may choose to continue the trial operation to be granted an environmental license after the trial operation of the waste treatment facility is completed or prepare a dossier to be granted an environmental license before the trial operation period expires. The investment project owner is not required to re-conduct a trial operation of the waste treatment facility, but the results of the completion of the trial operation must be reported and evaluated in accordance with the provisions of Article 46 of this Law ;
- d) Production, business and service establishments, concentrated production, business and service zones, and industrial clusters specified in Clause 2, Article 39 of this Law that have officially come into operation before the effective date of this Law must have an environmental license within 36 months from the effective date of this Law, except in cases where a competent authority has granted a certificate of completion of environmental protection works, a certificate of meeting environmental standards, a certificate of eligibility for environmental protection in importing scrap from abroad as raw materials for production, a license for hazardous waste treatment, a license to discharge wastewater into water sources, a license to discharge wastewater into irrigation works (hereinafter referred to as component environmental licenses). A component

environmental license shall continue to be used as an environmental license until the expiration of the component environmental license or shall continue to be used for a period of 05 years from the effective date of this Law in case the component environmental license has no specified term.

3. In case an investment project or a production, business, service facility, concentrated production, business, service area, or industrial cluster is implemented in multiple phases, with multiple works or construction items, an environmental license may be issued for each phase, work, or construction item that generates waste. The environmental license issued later will incorporate the content of the previously issued environmental license that is still valid.

4. Environmental license is the basis for performing the following activities:

a) Conduct inspection, examination and supervision by competent state agencies of environmental protection activities of investment projects, facilities, concentrated production, business and service zones, and industrial clusters;

b) Carry out the environmental protection responsibilities of the project owner and facility.

5. In case of change of name of investment project, facility, concentrated production, business, service area, industrial cluster or investment project owner, facility, the investment project owner, facility is responsible for continuing to implement the environmental license and notifying the environmental license issuing authority to be granted a new license.

6. From the effective date of the environmental license, the decision approving the results of the environmental impact assessment report appraisal and the component environmental license expires.

Article 43. Records, order and procedures for granting environmental licenses

1. Application for environmental license includes:

a) Document requesting environmental license;

b) Report proposing the issuance of environmental license;

c) Other legal and technical documents of investment projects, facilities, concentrated production, business and service zones, and industrial clusters.

2. The order and procedures for granting environmental licenses are prescribed as follows:

a) The project owner or facility shall submit an application for an environmental license to the competent authority specified in Article 41 of this Law . The application shall be submitted in person or by post or electronically via the online public service system;

b) The competent authority to grant environmental licenses shall be responsible for organizing the reception and checking the completeness and validity of the dossier; publicizing the content of the report proposing the granting of environmental licenses, except for information classified as state secrets or business secrets as prescribed by law; consulting with relevant agencies, organizations and individuals; verifying actual information on investment projects, facilities, concentrated production, business and service areas, and industrial clusters; organizing the appraisal and granting of environmental licenses.

The process of receiving, handling administrative procedures and notifying results is carried out directly, by post or sent electronically through the online public service system at the request of the investment project owner or facility;

c) In case an investment project , facility, concentrated production, business, service area, or industrial cluster has wastewater discharge activities into irrigation works, the environmental licensing authority must obtain written opinions and consensus from the state agency managing the irrigation works before granting an environmental license;

d) In case the investment project or facility is located in a concentrated production, business, service area or industrial cluster, the environmental licensing authority must obtain written opinions from the investor in the construction and business of the infrastructure of that concentrated production, business, service area or industrial cluster before granting an environmental license.

3. The issuance of environmental licenses is carried out on the basis of appraisal of the report proposing the issuance of environmental licenses. The competent authority to issue environmental licenses shall establish an appraisal council and an inspection team in accordance with Government regulations.

For investment projects, facilities, concentrated production, business and service areas, and industrial clusters that discharge wastewater into irrigation works, the inspection team must include a representative of the state agency managing the irrigation works in the appraisal council for the report proposing the issuance of an environmental license.

The state agency managing irrigation works is responsible for sending members to participate in the appraisal council and inspection team, and giving written opinions on the issuance of environmental licenses within the time limit for receiving opinions; in case the time limit for receiving opinions expires without a written response, it is considered that it agrees with the issuance of environmental licenses.

4. The time limit for granting an environmental license is calculated from the date of receipt of a complete and valid dossier and is specified as follows:

a) No more than 45 days for environmental licenses under the environmental licensing authority of the Ministry of Natural Resources and Environment, Ministry of National Defense, and Ministry of Public Security;

b) No more than 30 days for environmental licenses under the environmental licensing authority of the Provincial People's Committee or District People's Committee;

c) The competent authority to grant environmental licenses may prescribe a shorter term for granting environmental licenses than the term specified in Point a and Point b of this Clause in accordance with the type, scale, and nature of the investment project, facility, concentrated production, business, service area, or industrial cluster.

5. Investment projects, facilities, concentrated production, business and service zones, and industrial clusters that are required to have an environmental license and conduct radiation work must, in addition to complying with the provisions of this Law, also comply with the provisions of the law on atomic energy.

6. The Government shall detail this Article.

Article 44. Issuance, adjustment, re-issuance, revocation of the right to use, and revocation of environmental licenses

1. An environmental license shall be reissued in the case specified in Clause 5, Article 42 of this Law but shall not change other contents specified in the license.

2. An environmental license shall be considered for adjustment during the license term in one of the following cases:

a) Change the licensing content specified in Clause 2, Article 40 of this Law at the request of the investment project owner, facility or according to the provisions of law, except for the case specified in Point b, Clause 3 of this Article;

b) Investment projects and facilities that provide hazardous waste treatment services or import scrap from abroad as raw materials for production after completing the trial operation process to match actual operating capacity.

3. Environmental licenses are reissued in the following cases:

a) License expired;

b) Investment projects, facilities, concentrated production, business and service zones, and industrial clusters have one of the following changes in terms of increased scale, capacity, production technology, or other changes that increase negative impacts on the environment compared to the granted environmental license, except in cases where the changed investment project is subject to environmental impact assessment.

4. Revoke the right to use an environmental license when the project owner or facility commits an administrative violation in the field of environmental protection to the extent that the right to use an environmental license must be revoked according to the provisions of law on handling administrative violations.

5. Environmental licenses are revoked in the following cases:

a) License issued by improper authority;

b) The license contains contents contrary to the provisions of law.

6. The Government shall detail this Article.

Article 45. Fees for environmental license appraisal

1. Project owners and facilities are responsible for paying fees for appraisal, issuance, re-issuance and adjustment of environmental licenses.

2. The Minister of Finance shall prescribe the regime for collection, payment, management and use of fees for appraisal of issuance, re-issuance and adjustment of environmental licenses under the environmental licensing authority of central state agencies.

3. The Provincial People's Council shall prescribe the regime for collection, payment, management and use of fees for appraisal of issuance, re-issuance and adjustment of environmental licenses under the environmental licensing authority of the Provincial People's Committee and District People's Committee in accordance with the provisions of law.

Article 46. Environmental protection works and trial operation of waste treatment works of investment projects after being granted environmental licenses

1. Environmental protection works of the investment project include:

a) Waste treatment facilities are facilities and equipment for treating wastewater, dust, exhaust gas, solid waste and hazardous waste;

b) Solid waste collection and storage facilities are facilities and equipment for collecting and storing ordinary solid waste, medical solid waste, and hazardous solid waste to meet the requirements of classification, collection, storage, reuse, recycling, and transportation of solid waste to treatment or reuse and recycling locations;

c) Other environmental protection works.

2. The owner of an investment project with a waste treatment facility specified in Point a, Clause 1 of this Article, after being granted an environmental license, must conduct a trial operation of the waste treatment facility simultaneously with the trial operation of the entire investment project or for each investment phase of the project (if any) or for an independent waste treatment facility item of the project to assess its conformity and compliance with environmental technical regulations.

3. During the trial operation of the waste treatment facility, the project investor must comply with environmental protection requirements according to the environmental license and regulations of the law on environmental protection.

4. For investment projects that provide hazardous waste treatment services or import scrap from abroad as raw materials for production, before the end of the 45-day trial operation, the investment project owner must submit a report on the results of the trial operation to the competent authority that issues the project's

environmental license. The environmental license authority is responsible for checking and deciding on the adjustment of the type and volume of hazardous waste allowed to be treated or the volume of scrap allowed to be imported and handling violations (if any) in accordance with the provisions of law.

5. The Government shall detail this Article.

Article 47. Rights and obligations of investment project owners and facilities granted environmental licenses

1. Project owners and facilities granted environmental licenses have the following rights:

- a) Be allowed to carry out the environmental licensing contents specified in the environmental license;
- b) Request for issuance, adjustment, re-issuance of environmental license;
- c) Other rights as prescribed by law.

2. Project owners and facilities granted environmental licenses have the following obligations:

- a) Correctly and fully implement the environmental protection requirements in the environmental license. In case of any changes compared to the content of the granted license, it must be reported to the licensing authority for consideration and resolution;
- b) Pay fees for appraisal, issuance, re-issuance and adjustment of environmental licenses;
- c) Comply with regulations on trial operation of waste treatment facilities of investment projects as prescribed in Article 46 of this Law ;
- d) Be responsible for the accuracy and honesty of the application for environmental license;
- d) Publicize environmental licenses, except for information that is state secrets or business secrets as prescribed by law;
- e) Provide relevant information as required by state management agencies on environmental protection during inspections and audits;
- g) Other obligations as prescribed by law.

Article 48. Responsibilities of environmental licensing authorities

- 1. Receive, inspect, appraise, and issue environmental licenses; issue, change, adjust, and reissue environmental licenses at the request of investment project owners and facilities; be responsible for the content of environmental licenses; manage and maintain records and data on environmental licenses; suspend part of activities that cause serious consequences or are likely to cause serious consequences to the environment of investment projects, facilities, concentrated production, business, and service areas, and industrial clusters; and revoke environmental licenses.
- 2. Publicly disclose environmental licenses on the electronic information portal, except for information that is state secret or business secret as prescribed by law.
- 3. Organize inspection of the implementation of environmental protection contents and requirements for investment projects, facilities, concentrated production, business and service areas, and industrial clusters according to the provisions of law.
- 4. Receive and process environmental protection recommendations regarding the contents specified in the environmental license; guide the project owner to conduct a trial operation of waste treatment facilities and remedy environmental pollution and incidents (if any) during the trial operation.
- 5. The environmental licensing authority operates, updates, and integrates data on environmental licenses into the environmental information system and database. Reporting, sharing of information, figures, and data on

environmental licenses is done online and in a connected manner in the national environmental information system and database.

Article 49. Environmental registration

1. Subjects required to register the environment include:

- a) Investment projects that generate waste are not subject to environmental licensing;
- b) Production, business and service establishments operating before the effective date of this Law that generate waste are not subject to environmental licensing.

2. The subjects specified in Clause 1 of this Article are exempted from environmental registration, including:

- a) Investment projects and facilities related to state secrets on national defense and security;
- b) Investment projects when put into operation and production, business and service establishments do not generate waste or only generate waste in small quantities, which are treated by on-site treatment facilities or managed according to regulations of local authorities ;
- c) Other subjects.

3. The People's Committee at the commune level is responsible for receiving directly, by post or receiving electronic copies through the online public service system of environmental registration of the subjects specified in Clause 1 of this Article.

For investment projects and facilities located in two or more commune-level administrative units, the project owner and facility have the right to choose the People's Committee at the commune level to register for environmental protection.

4. Environmental registration contents include:

- a) General information about investment projects and facilities;
- b) Type of production, business, service; technology, capacity, products; raw materials, fuel, chemicals used (if any);
- c) Type and volume of waste generated;
- d) Waste collection, management and treatment plan according to regulations;
- d) Commitment to environmental protection work.

5. During operation, if the investment project or facility changes the registered content, the project owner or facility is responsible for re-registering the environment before making such changes.

In case of changes in the scale and nature of an investment project or facility that is subject to environmental impact assessment or environmental licensing, the investment project owner or facility is responsible for implementing regulations on environmental impact assessment and environmental licensing in accordance with the provisions of this Law.

6. The time for environmental registration is specified as follows:

- a) Investment projects specified in Point a, Clause 1 of this Article and subject to environmental impact assessment must register for environmental protection before official operation;
- b) Investment projects specified in Point a, Clause 1 of this Article but not subject to environmental impact assessment must register for the environment before the competent authority issues a construction permit in cases where a construction permit is required under the provisions of the law on construction or before

discharging waste into the environment in cases where a construction permit is not required under the provisions of the law on construction;

c) Production, business and service establishments specified in Point b, Clause 1 of this Article must register for environment within 24 months from the effective date of this Law.

7. The People's Committee at the commune level has the following responsibilities:

a) Receiving environmental registration;

b) Inspect and handle violations of environmental protection laws by organizations and individuals registering for environmental protection according to the provisions of law;

c) Provide guidance and resolve environmental protection recommendations for content that has been registered by organizations and individuals;

d) Update environmental registration data into the national environmental information system and database.

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

9. The Minister of Natural Resources and Environment shall prescribe the environmental registration form and provide guidance on the receipt of environmental registration.

Chapter V

ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS AND SERVICE ACTIVITIES; URBAN AND RURAL AREAS; IN SOME FIELDS

Section 1. ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS AND SERVICE ACTIVITIES

Article 50. Environmental protection for economic zones

1. Economic zones must have environmental protection infrastructure including:

a) Solid waste collection and storage system;

b) Rainwater collection and drainage system;

c) The wastewater collection, drainage and treatment system must ensure that treated wastewater meets environmental protection requirements ; the automatic and continuous wastewater monitoring system in the case of economic zones with centralized wastewater treatment systems must be automatically and continuously monitored according to the provisions of this Law;

d) Green tree area ensures the ratio according to the provisions of construction law.

2. The economic zone management board must have a specialized department on environmental protection, with personnel in charge of environmental protection trained in environmental specialties or specialized fields appropriate to the work being undertaken.

3. The economic zone management board has the following responsibilities:

a) Inspect and supervise the investment in construction of environmental protection infrastructure for industrial production functional areas in economic zones according to the provisions of law;

b) Coordinate with local state management agencies on environmental protection to appraise environmental impact assessment reports, issue environmental licenses, inspect environmental protection and perform other environmental protection work in economic zones in accordance with the provisions of law;

- c) Organize environmental protection inspections of production, business and service establishments, concentrated production, business and service areas, and industrial clusters in economic zones according to plans approved by the Provincial People's Committee;
- d) Timely detect violations of environmental protection laws by organizations and individuals and recommend handling according to law provisions;
- d) Perform other environmental protection tasks authorized by the Provincial People's Committee in accordance with the provisions of law;
- e) Report on the implementation of environmental protection work of the economic zone according to the provisions of law;
- g) Other responsibilities as prescribed by law.

Article 51. Environmental protection for concentrated production, business and service areas

1. Concentrated production, business and service areas must have environmental protection infrastructure including:

- a) Rainwater collection and drainage system; centralized wastewater collection, drainage and treatment system ensures that treated wastewater meets environmental protection requirements;
- b) Works and equipment for preventing and responding to environmental incidents related to wastewater according to the provisions of law;
- c) Automatic and continuous wastewater monitoring system for centralized wastewater treatment systems as prescribed by this Law;
- d) Green tree area ensures the ratio according to the provisions of construction law.

2. The management board of industrial parks, export processing zones, and high-tech zones of provinces and centrally-run cities must have a specialized department on environmental protection, with personnel in charge of environmental protection trained in environmental specialties or specialized fields appropriate to the work being performed.

3. The management board of industrial parks, export processing zones, and high-tech zones of provinces and centrally-run cities has the following responsibilities:

- a) Inspect and supervise the investment in construction of environmental protection infrastructure of concentrated production, business and service areas according to the provisions of law;
- b) Coordinate with local state management agencies on environmental protection to appraise environmental impact assessment reports, issue environmental licenses, inspect environmental protection and carry out other environmental protection work in concentrated production, business and service areas according to the provisions of law;
- c) Tổ chức kiểm tra về bảo vệ môi trường đối với các cơ sở trong khu sản xuất, kinh doanh, dịch vụ tập trung theo quy định của pháp luật;
- d) Phát hiện kịp thời vi phạm pháp luật về bảo vệ môi trường của tổ chức, cá nhân và kiến nghị xử lý theo quy định của pháp luật;
- đ) Báo cáo tình hình thực hiện công tác bảo vệ môi trường của khu sản xuất, kinh doanh, dịch vụ tập trung theo quy định của pháp luật;
- e) Thực hiện nhiệm vụ bảo vệ môi trường khác do Ủy ban nhân dân cấp tỉnh ủy quyền theo quy định của pháp luật;
- g) Trách nhiệm khác theo quy định của pháp luật.

4. Chủ đầu tư xây dựng và kinh doanh hạ tầng khu sản xuất, kinh doanh, dịch vụ tập trung có trách nhiệm sau đây:

- a) Đáp ứng yêu cầu quy định tại khoản 1 Điều này;
- b) Bố trí khu vực chức năng, các loại hình sản xuất, kinh doanh, dịch vụ phù hợp với yêu cầu về bảo vệ môi trường;
- c) Đầu tư hệ thống thu gom, thoát nước mưa riêng biệt với hệ thống thu gom, thoát nước và xử lý nước thải tập trung;
- d) Thu gom, đấu nối nước thải của các cơ sở trong khu sản xuất, kinh doanh, dịch vụ tập trung vào hệ thống thu gom, thoát nước và xử lý nước thải tập trung;
- đ) Yêu cầu cơ sở đang xả nước thải sau xử lý vào hệ thống thu gom, thoát nước mưa phải chấm dứt việc xả nước thải sau xử lý vào hệ thống thu gom, thoát nước mưa trong thời hạn 24 tháng kể từ ngày Luật này có hiệu lực thi hành;
- e) Bố trí nhân sự phụ trách về bảo vệ môi trường được đào tạo chuyên ngành môi trường hoặc lĩnh vực chuyên môn phù hợp với công việc được đảm nhiệm;
- g) Phối hợp với cơ quan quản lý nhà nước về bảo vệ môi trường, Ban quản lý khu công nghiệp, khu chế xuất, khu công nghệ cao, khu kinh tế của tỉnh, thành phố trực thuộc Trung ương tổ chức thực hiện hoạt động bảo vệ môi trường; phối hợp tổ chức kiểm tra, thanh tra về bảo vệ môi trường đối với cơ sở trong khu sản xuất, kinh doanh, dịch vụ tập trung theo quy định của pháp luật;
- h) Tổ chức kiểm tra việc thực hiện cam kết về bảo vệ môi trường đối với chủ dự án đầu tư, cơ sở khi đăng ký đầu tư vào khu sản xuất, kinh doanh, dịch vụ tập trung;
- i) Phát hiện kịp thời vi phạm pháp luật về bảo vệ môi trường của tổ chức, cá nhân và kiến nghị xử lý theo quy định của pháp luật;
- k) Ban hành quy chế về bảo vệ môi trường của khu sản xuất, kinh doanh, dịch vụ tập trung phù hợp yêu cầu về bảo vệ môi trường theo quy định của pháp luật;
- l) Thực hiện quan trắc môi trường theo quy định của pháp luật;
- m) Lập báo cáo công tác bảo vệ môi trường của khu sản xuất, kinh doanh, dịch vụ tập trung gửi cơ quan chuyên môn về bảo vệ môi trường cấp tỉnh, cơ quan cấp giấy phép môi trường và Ban quản lý khu công nghiệp, khu chế xuất, khu công nghệ cao, khu kinh tế của tỉnh, thành phố trực thuộc Trung ương theo quy định của pháp luật;
- n) Trách nhiệm khác theo quy định của pháp luật.

5. Ủy ban nhân dân cấp tỉnh có trách nhiệm sau đây:

- a) Hỗ trợ đầu tư xây dựng và vận hành công trình hạ tầng bảo vệ môi trường tại các khu sản xuất, kinh doanh, dịch vụ tập trung do Nhà nước đầu tư trên địa bàn theo quy định của pháp luật;
- b) Chỉ đạo cơ quan chuyên môn, Ban quản lý khu công nghiệp, khu chế xuất, khu công nghệ cao, khu kinh tế của tỉnh, thành phố trực thuộc Trung ương thực hiện quy định của pháp luật về bảo vệ môi trường đối với khu sản xuất, kinh doanh, dịch vụ tập trung;
- c) Ban hành quy định khuyến khích, tổ chức thực hiện xã hội hóa đầu tư xây dựng, kinh doanh và vận hành công trình hạ tầng bảo vệ môi trường tại các khu sản xuất, kinh doanh, dịch vụ tập trung;
- d) Trách nhiệm khác theo quy định của pháp luật.

6. Chính phủ quy định chi tiết Điều này.

Điều 52. Bảo vệ môi trường đối với cụm công nghiệp

1. Cụm công nghiệp phải có hạ tầng bảo vệ môi trường theo quy định tại khoản 1 Điều 51 của Luật này.
2. Cụm công nghiệp đang hoạt động phải đáp ứng các yêu cầu sau đây:
 - a) Hoàn thành công trình hạ tầng bảo vệ môi trường quy định tại khoản 1 Điều 51 của Luật này trong thời hạn 24 tháng kể từ ngày Luật này có hiệu lực thi hành;
 - b) Các trường hợp đã được miễn trừ đầu nối vào hệ thống thu gom, thoát nước và xử lý nước thải tập trung phải bảo đảm nước thải sau xử lý đáp ứng yêu cầu về bảo vệ môi trường trước khi xả ra môi trường; có phương án phòng ngừa, ứng phó sự cố môi trường đối với nước thải và có hệ thống quan trắc nước thải tự động, liên tục theo quy định của pháp luật.
3. Chủ đầu tư xây dựng và kinh doanh hạ tầng cụm công nghiệp có trách nhiệm sau đây:
 - a) Đáp ứng yêu cầu quy định tại khoản 1 Điều này;
 - b) Đầu tư xây dựng và quản lý, vận hành công trình hạ tầng bảo vệ môi trường cụm công nghiệp theo quy định tại khoản 1 Điều này;
 - c) Không tiếp nhận thêm hoặc nâng công suất dự án đầu tư có phát sinh nước thải trong cụm công nghiệp khi chưa có hệ thống thu gom, thoát nước và xử lý nước thải tập trung;
 - d) Thu gom, đầu nối nước thải của các cơ sở trong cụm công nghiệp vào hệ thống thu gom, thoát nước và xử lý nước thải tập trung;
 - đ) Yêu cầu cơ sở đang xả nước thải sau xử lý vào hệ thống thu gom, thoát nước mưa phải chấm dứt việc xả nước thải sau xử lý vào hệ thống thu gom, thoát nước mưa trong thời hạn 24 tháng kể từ ngày Luật này có hiệu lực thi hành;
 - e) Bố trí ít nhất một nhân sự phụ trách về bảo vệ môi trường được đào tạo chuyên ngành môi trường hoặc lĩnh vực chuyên môn phù hợp với công việc được đảm nhiệm;
 - g) Phối hợp với cơ quan quản lý nhà nước về bảo vệ môi trường tổ chức thực hiện hoạt động bảo vệ môi trường; phối hợp kiểm tra, thanh tra về bảo vệ môi trường đối với các cơ sở trong cụm công nghiệp theo quy định của pháp luật;
 - h) Tổ chức kiểm tra việc thực hiện cam kết về bảo vệ môi trường đối với chủ dự án đầu tư, cơ sở khi đăng ký đầu tư vào cụm công nghiệp;
 - i) Phát hiện kịp thời vi phạm pháp luật về bảo vệ môi trường của tổ chức, cá nhân và kiến nghị xử lý theo quy định của pháp luật;
 - k) Ban hành quy chế về bảo vệ môi trường cụm công nghiệp phù hợp với yêu cầu về bảo vệ môi trường theo quy định của pháp luật;
 - l) Lập báo cáo công tác bảo vệ môi trường của cụm công nghiệp gửi cơ quan chuyên môn về bảo vệ môi trường cấp tỉnh, cơ quan cấp giấy phép môi trường và Ủy ban nhân dân cấp huyện theo quy định của pháp luật;
 - m) Trách nhiệm khác theo quy định của pháp luật.
4. Việc khuyến khích xã hội hóa, ưu đãi, hỗ trợ tổ chức, cá nhân tham gia đầu tư xây dựng và kinh doanh hạ tầng bảo vệ môi trường cụm công nghiệp được thực hiện theo quy định của Chính phủ và Ủy ban nhân dân cấp tỉnh trên địa bàn.
5. Ủy ban nhân dân cấp huyện có trách nhiệm sau đây:

- a) Đầu tư xây dựng, quản lý và vận hành công trình hạ tầng bảo vệ môi trường cụm công nghiệp trong trường hợp không có chủ đầu tư xây dựng và kinh doanh hạ tầng cụm công nghiệp;
- b) Lập danh mục các cụm công nghiệp không có hệ thống thu gom, thoát nước và xử lý nước thải tập trung trên địa bàn và báo cáo Ủy ban nhân dân cấp tỉnh;
- c) Trách nhiệm khác theo quy định của pháp luật.

6. Ủy ban nhân dân cấp tỉnh có trách nhiệm sau đây:

- a) Chỉ đạo cơ quan chuyên môn, Ủy ban nhân dân cấp huyện, Ủy ban nhân dân cấp xã thực hiện quy định của pháp luật về bảo vệ môi trường cụm công nghiệp;
- b) Ban hành quy định khuyến khích, tổ chức thực hiện xã hội hóa đầu tư xây dựng, kinh doanh và vận hành công trình hạ tầng bảo vệ môi trường đối với cụm công nghiệp;
- c) Ban hành lộ trình di dời dân cư sinh sống (nếu có) ra khỏi cụm công nghiệp.

Điều 53. Bảo vệ môi trường đối với cơ sở sản xuất, kinh doanh, dịch vụ

1. Cơ sở sản xuất, kinh doanh, dịch vụ có trách nhiệm sau đây:

- a) Thu gom, xử lý nước thải đáp ứng yêu cầu về bảo vệ môi trường. Trường hợp cơ sở hoạt động trong cụm công nghiệp, khu sản xuất, kinh doanh, dịch vụ tập trung hoặc trong khu đô thị, khu dân cư tập trung đã có hệ thống thu gom, thoát nước và xử lý nước thải tập trung, chủ cơ sở phải thực hiện việc đấu nối nước thải vào hệ thống thu gom, thoát nước và xử lý nước thải tập trung theo quy định của chủ đầu tư xây dựng và kinh doanh hệ thống thu gom, thoát nước và xử lý nước thải tập trung đó, trừ trường hợp cơ sở đã được miễn trừ đấu nối nước thải trước ngày Luật này có hiệu lực thi hành;
- b) Facilities operating in industrial clusters, concentrated production, business and service areas that are discharging treated wastewater into the rainwater collection and drainage system shall comply with the provisions in Point d, Clause 4, Article 51 and Point d, Clause 3, Article 52 of this Law ;
- c) Collect, classify, store, reuse, recycle and treat waste according to the provisions of this Law;
- d) Minimize, collect and treat dust, exhaust gas and unpleasant odors ; ensure no leakage or release of toxic gases into the environment; control noise , vibration, light and heat radiation;
- d) Ensure resources and equipment to prevent and respond to environmental incidents;
- e) Production, business and service establishments specified in Point b, Clause 2, Article 111 and Clause 2, Article 112 of this Law must arrange for personnel in charge of environmental protection who are trained in environmental specialties or appropriate professional fields; must have an environmental management system according to national standard TCVN ISO 14001 or international standard ISO 14001 certified;
- g) Conduct monitoring of wastewater, dust and gas emissions according to the provisions of this Law.

2. Production, business, service establishments and warehouses in the following cases must have a safe environmental distance from residential areas:

- a) Contains flammable and explosive substances;
- b) Has radioactive substances, radioactive waste or radiation equipment;
- c) Contains substances that are toxic to humans and living organisms;
- d) There is a risk of spreading dust, unpleasant odors, and noise that adversely affects human health;
- d) There is a risk of water pollution.

3. Household and individual production, business and service establishments that generate wastewater and emissions must have on-site waste treatment facilities and equipment that meet environmental protection requirements or regulations of the Provincial People's Committee.

4. The Government shall detail Clause 2 of this Article .

5. The Minister of Natural Resources and Environment shall provide technical guidance and assess the conformity of on-site waste treatment facilities and equipment to meet the environmental protection requirements specified in Clause 3 of this Article.

6. The Provincial People's Committee shall issue a roadmap for implementation for facilities specified in Clause 2 of this Article operating in the area that do not meet environmental safety distances.

Article 54. Recycling responsibilities of manufacturing and importing organizations and individuals

1. Organizations and individuals that produce or import products and packaging with recyclable value must recycle according to mandatory recycling rates and specifications, except for products and packaging that are exported or temporarily imported, re-exported or produced or imported for research, study or testing purposes.

2. Organizations and individuals specified in Clause 1 of this Article may choose to recycle products and packaging in one of the following forms:

a) Organize product and packaging recycling;

b) Contribute financially to the Vietnam Environmental Protection Fund to support product and packaging recycling.

3. Organizations and individuals specified in Clause 1 of this Article must register recycling plans and report annual recycling results to the Ministry of Natural Resources and Environment, except for the case specified in Point b, Clause 2 of this Article.

4. The contribution and use of financial contributions to support product and packaging recycling as prescribed in Point b, Clause 2 of this Article must ensure the following principles:

a) The level of financial contribution and the level of funding for recycling support are determined by the volume or unit of product or packaging;

b) Financial contributions are used to support product and packaging recycling activities specified in Clause 1 of this Article;

c) The receipt and use of financial contributions must be public, transparent, and for the right purposes in accordance with the provisions of law.

5. The Government shall specify details and roadmap for the implementation of this Article.

Article 55. Responsibility for waste collection and treatment of organizations and individuals producing and importing

1. Organizations and individuals that produce or import products or packaging containing toxic substances that are difficult to recycle or cause difficulties in collection and treatment must make financial contributions to support the activities specified in Clause 3 of this Article, except for products exported or temporarily imported, re-exported or produced or imported for research, study or testing purposes.

2. Organizations and individuals specified in Clause 1 of this Article shall make financial contributions to the Vietnam Environmental Protection Fund; the level of financial contribution is determined by the volume or unit of product or packaging.

3. Activities supported by the Vietnam Environmental Protection Fund for waste treatment include:

- a) Collection, transportation and treatment of solid waste generated from households and individuals;
 - b) Research and develop technology, techniques and innovations for treating domestic solid waste;
 - c) Collecting, transporting and handling packaging containing pesticides.
4. The receipt and use of financial contributions must be public, transparent, and for the right purposes in accordance with the provisions of law.
5. The Government shall detail this Article.

Article 56. Environmental protection in craft villages

1. Craft villages must have an environmental protection plan, a self-governing organization for environmental protection, and environmental protection infrastructure. The environmental protection infrastructure of craft villages includes:
- a) Have a wastewater and rainwater collection system to ensure the drainage needs of the craft village;
 - b) Centralized wastewater collection, drainage and treatment system (if any) ensures that treated wastewater meets environmental protection requirements ;
 - c) There is a solid waste collection point that meets technical requirements on environmental protection; the solid waste treatment area (if any) ensures regulations on solid waste management or there is a plan to transport solid waste to a solid waste treatment area outside the area .
2. Production establishments and households in craft villages must develop and implement environmental protection measures in accordance with the provisions of law; implement measures to reduce noise, vibration, light, dust, heat radiation, exhaust gas, wastewater and treat pollution on-site; collect, classify, store and treat solid waste in accordance with the provisions of law.
3. Production establishments and households in industries and occupations that are not encouraged to develop in craft villages are responsible for implementing the provisions in Clause 2 of this Article and complying with the plan to relocate and convert production industries and occupations according to regulations of competent state agencies.
4. The People's Committee at the commune level has the following responsibilities:
- a) Develop and implement environmental protection plans for craft villages in the area ;
 - b) Guidance on the activities of self-governing organizations on environmental protection in craft villages.
5. The People's Committee at district level has the following responsibilities:
- a) Synthesize budget needs for environmental protection activities in craft villages;
 - b) Direct and implement environmental protection models for craft villages; invest in the construction and operation of solid waste collection and treatment models, on-site wastewater treatment systems that meet environmental protection requirements invested by the State from construction investment funds, environmental career expenditure sources and contributions from organizations and individuals according to the provisions of law.
6. The People's Committee at provincial level has the following responsibilities:
- a) Planning, construction, renovation and development of craft villages and craft village industrial clusters associated with environmental protection;
 - b) Allocate budget for environmental protection activities in craft villages;

c) Direct and organize the assessment of pollution levels and treatment of environmental pollution in craft villages in the area;

d) Directing the construction of wastewater collection and treatment systems; collection and treatment areas for regular solid waste and hazardous waste for craft villages;

d) Have a plan to relocate facilities causing serious environmental pollution or long-term environmental pollution out of residential areas and craft villages.

7. The Government shall detail this Article.

Section 2. PROTECTION OF URBAN AND RURAL ENVIRONMENTS

Article 57. Environmental protection in urban and residential areas

1. Environmental protection in urban areas and concentrated residential areas must be implemented according to the principles of sustainable development associated with the maintenance of natural, cultural, and historical elements and ensuring the proportion of green space, landscape requirements, and environmental sanitation according to the planning.

2. Urban areas and concentrated residential areas must meet environmental protection requirements including:

a) The water supply and drainage network and public sanitation facilities must meet environmental protection requirements; the wastewater collection and treatment system must be synchronous and consistent with approved planning; in case an urban area or concentrated residential area was established before the effective date of this Law but cannot arrange land for the construction of a wastewater collection and treatment system, the provisions at Point c, Clause 5, Article 86 of this Law shall apply ;

b) Equipment, means, and locations for source classification, collection, and storage of domestic solid waste appropriate to the amount and type of waste generated by households and individuals in urban areas and concentrated residential areas;

c) There are green areas, water surfaces, and open spaces in urban areas and concentrated residential areas according to the provisions of law.

3. Công viên, vườn hoa, cây xanh, mặt nước, đường giao thông công cộng, hệ sinh thái tự nhiên phải được bảo vệ, giữ gìn, tôn tạo, đáp ứng yêu cầu về mỹ quan, bảo vệ môi trường và không được lấn chiếm, san lấp, sử dụng sai mục đích.

4. Khu dân cư, cụm dân cư phân tán phải có địa điểm lưu giữ tạm thời chất thải rắn sinh hoạt bảo đảm không gây ô nhiễm môi trường trước khi vận chuyển đến địa điểm xử lý theo quy định.

5. Chủ dự án đầu tư khu đô thị, khu dân cư tập trung phải thực hiện yêu cầu về bảo vệ môi trường quy định tại các khoản 1, 2, 3 và 4 Điều này.

Điều 58. Bảo vệ môi trường nông thôn

1. Yêu cầu về bảo vệ môi trường nông thôn được quy định như sau:

a) Tổ chức, hộ gia đình, cá nhân có hoạt động sản xuất tiểu thủ công nghiệp, nông nghiệp, chế biến phải phù hợp với quy hoạch, tuân thủ quy định của pháp luật về bảo vệ môi trường, bảo đảm không ảnh hưởng đến chất lượng môi trường xung quanh; chất thải phải được thu gom, tái sử dụng, xử lý đáp ứng yêu cầu về bảo vệ môi trường;

b) Cụm dân cư nông thôn phải có hệ thống thoát nước và biện pháp xử lý nước thải phù hợp; điểm tập kết chất thải phải được bố trí hợp lý; không chăn, thả động vật nuôi gây mất vệ sinh nơi công cộng; khuyến khích hoạt động tự quản về bảo vệ môi trường;

- c) Cảnh quan, cây xanh, ao hồ, hệ sinh thái nước mặt, nguồn nước phải được giữ gìn, bảo vệ, phục hồi và cải tạo;
- d) Chất thải phát sinh trên địa bàn nông thôn phải được quản lý theo quy định của pháp luật; chất thải sinh hoạt hữu cơ, chất thải từ chăn nuôi, chế biến và phụ phẩm nông nghiệp phải được thu hồi, tái sử dụng hoặc làm nguyên liệu sản xuất;
- đ) Chất lượng môi trường nông thôn phải được theo dõi, đánh giá; khu vực ô nhiễm phải được xác định, khoanh vùng, xử lý, cải tạo, phục hồi môi trường và thực hiện biện pháp cải thiện, nâng cao chất lượng môi trường.

2. Trách nhiệm bảo vệ môi trường nông thôn được quy định như sau:

- a) Ủy ban nhân dân cấp xã tổ chức thống kê và quản lý các loại chất thải sinh hoạt, nông nghiệp, tiểu thủ công nghiệp phát sinh trên địa bàn; tổ chức hoạt động giữ gìn vệ sinh, cải tạo cảnh quan nông thôn; quy định về hoạt động tự quản về bảo vệ môi trường trên địa bàn nông thôn;
- b) Ủy ban nhân dân cấp huyện quản lý hoạt động sản xuất, kinh doanh, dịch vụ bảo đảm tuân thủ quy định về bảo vệ môi trường theo quy hoạch được phê duyệt; quản lý công tác thu gom và xử lý chất thải quy mô cấp huyện; đầu tư, nâng cấp hệ thống thoát nước và xử lý nước thải, thu gom và xử lý chất thải rắn khu vực nông thôn; tổ chức theo dõi, đánh giá diễn biến chất lượng môi trường; khoanh vùng, xử lý, cải tạo, phục hồi và cải thiện chất lượng môi trường tại các điểm, khu vực ô nhiễm trên địa bàn nông thôn;
- c) Ủy ban nhân dân cấp tỉnh chỉ đạo, bố trí nguồn lực thực hiện nội dung về bảo vệ môi trường nông thôn; chỉ đạo, tổ chức việc xử lý các loại chất thải phát sinh trên địa bàn nông thôn; ban hành, hướng dẫn áp dụng cơ chế, chính sách ưu đãi, hỗ trợ cho hoạt động xử lý chất thải, xây dựng cảnh quan, bảo vệ môi trường nông thôn;
- d) Bộ Tài nguyên và Môi trường chủ trì, phối hợp với Bộ Nông nghiệp và Phát triển nông thôn hướng dẫn triển khai thực hiện nội dung, tiêu chí về bảo vệ môi trường nông thôn, biện pháp thu gom và xử lý chất thải phù hợp, theo dõi diễn biến chất lượng môi trường, khắc phục ô nhiễm, cải tạo và phục hồi chất lượng môi trường nông thôn;
- đ) Bộ Nông nghiệp và Phát triển nông thôn hướng dẫn việc thu gom, xử lý chất thải chăn nuôi, phụ phẩm nông nghiệp tái sử dụng cho mục đích khác; chủ trì, phối hợp với Bộ Tài nguyên và Môi trường xây dựng và tổ chức thực hiện chương trình, đề án, dự án, cơ chế, chính sách phát triển nông thôn gắn với mục tiêu bảo vệ môi trường và ứng phó với biến đổi khí hậu;
- e) Thủ tướng Chính phủ ban hành tiêu chí về bảo vệ môi trường trong xây dựng và phát triển nông thôn.

Điều 59. Bảo vệ môi trường nơi công cộng

1. Cơ quan, tổ chức, hộ gia đình, cá nhân có trách nhiệm thực hiện quy định về bảo vệ môi trường và giữ gìn vệ sinh nơi công cộng; phân loại, chuyển rác thải vào từng loại thùng chứa rác công cộng hoặc đúng nơi quy định tập trung rác thải; không để vật nuôi gây mất vệ sinh nơi công cộng.
2. Tổ chức, cá nhân quản lý công viên, khu vui chơi, giải trí, khu kinh doanh, dịch vụ tập trung, chợ, nhà ga, bến xe, bến tàu, bến cảng, bến phà và khu vực công cộng khác có trách nhiệm sau đây:
- a) Bố trí nhân lực thu gom chất thải, làm vệ sinh môi trường trong phạm vi quản lý; có nhân sự, tổ hoặc đội bảo vệ môi trường để kiểm tra, giám sát;
- b) Xây dựng, lắp đặt công trình vệ sinh công cộng, công trình xử lý nước thải tại chỗ đáp ứng yêu cầu về bảo vệ môi trường; có phương tiện, thiết bị thu gom, quản lý, xử lý chất thải đáp ứng yêu cầu về bảo vệ môi trường;
- c) Ban hành, niêm yết công khai và tổ chức thực hiện quy định, quy chế về giữ gìn vệ sinh, bảo vệ môi trường nơi công cộng thuộc phạm vi quản lý;

d) Phát hiện kịp thời vi phạm pháp luật về bảo vệ môi trường của tổ chức, cá nhân và kiến nghị xử lý theo quy định của pháp luật.

3. Cơ quan thẩm định thiết kế xây dựng, cấp giấy phép xây dựng đối với đối tượng quy định tại khoản 2 Điều này theo quy định của pháp luật về xây dựng có trách nhiệm lấy ý kiến cơ quan chuyên môn về bảo vệ môi trường về công trình, thiết bị xử lý nước thải tại chỗ, thiết bị thu gom và lưu chứa tạm thời chất thải trong quá trình thẩm định, cấp giấy phép xây dựng theo quy định của Chính phủ.

Điều 60. Bảo vệ môi trường đối với hộ gia đình, cá nhân

1. Hộ gia đình, cá nhân có trách nhiệm sau đây:

a) Giảm thiểu, phân loại chất thải rắn sinh hoạt tại nguồn, thu gom và chuyển rác thải sinh hoạt đã được phân loại đến đúng nơi quy định;

b) Giảm thiểu, xử lý và xả nước thải sinh hoạt đúng nơi quy định; không để vật nuôi gây mất vệ sinh trong khu dân cư;

c) Không phát tán khí thải, gây tiếng ồn, độ rung và tác động khác gây ô nhiễm môi trường, ảnh hưởng xấu đến cộng đồng dân cư xung quanh;

d) Chi trả kinh phí dịch vụ thu gom, vận chuyển và xử lý chất thải theo quy định của pháp luật;

d) Participate in environmental protection activities in the residential community;

e) Have sanitary facilities as prescribed. In case there are no wastewater treatment facilities or equipment, when constructing new or renovating or repairing individual houses in urban areas or concentrated residential areas, on-site wastewater treatment facilities and equipment must be installed to meet environmental protection requirements as prescribed.

2. Household-scale livestock farms must ensure hygiene, not cause noise pollution or emit unpleasant odors; waste from livestock activities must be collected and treated according to regulations of the law on environmental protection and other relevant regulations of law.

3. The agency that appraises construction designs and grants construction permits for construction works and houses of households and individuals in urban areas according to the provisions of the law on construction is responsible for appraising and granting construction permits, including on-site wastewater treatment works and equipment that meet environmental protection requirements.

Section 3. ENVIRONMENTAL PROTECTION IN SOME FIELDS

Article 61. Environmental protection in agricultural production

1. Organizations and individuals producing, importing, trading and using chemicals, pesticides, veterinary drugs and fertilizers in agricultural production must comply with the provisions of the law on environmental protection and other relevant provisions of law.

2. Chemicals, pesticides, and veterinary drugs that are highly toxic, persistent, spread, accumulate in the environment, and have negative impacts on the environment and human health must be registered, inventoried, controlled, have information managed, assessed, have risks managed, and handled in accordance with the provisions of law.

3. Expired fertilizers, livestock environmental treatment products, pesticides, veterinary drugs, aquatic feed, and aquaculture environmental treatment products must be managed in accordance with relevant laws. Packaging containing fertilizers, livestock feed, aquatic feed, pesticides, veterinary drugs, aquaculture environmental treatment products, livestock waste treatment products after use, mud and food deposited during cleaning in aquaculture ponds must be managed in accordance with waste management regulations. Sludge dredged from canals, ditches, and irrigation works must be collected, reused, recycled, and managed in accordance with laws. Carcasses of animals that died due to epidemics must be collected and treated in accordance with laws on hazardous waste management and disease prevention.

4. Agricultural by-products must be collected to produce goods, used as raw materials, fuel, fertilizer production, energy production or must be treated according to regulations; do not burn crop by-products outdoors to cause environmental pollution.
5. The use of waste from livestock activities as organic fertilizer, water for irrigation or other purposes must comply with Government regulations.
6. The State has policies to encourage innovation in agricultural production models and methods towards sustainability, adaptation to climate change, water saving, limiting the use of inorganic fertilizers, chemical pesticides and environmental treatment products in agriculture; developing environmentally friendly agricultural models.
7. The Ministry of Agriculture and Rural Development is responsible for directing and organizing the management of dredged sludge from canals, ditches and irrigation works to meet environmental protection requirements.

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

1. Hospitals and other medical facilities must meet environmental protection requirements including:
 - a) Collect and treat wastewater to meet environmental protection requirements before discharging into the environment;
 - b) Classify solid waste at source; collect, store, transport and treat solid waste to meet environmental protection requirements. In case domestic solid waste or ordinary solid waste is mixed with infectious medical waste, it must be managed as infectious medical waste;
 - c) Prioritize the selection of non-incineration technology that is environmentally friendly and meets environmental protection requirements in the treatment of infectious medical waste;
 - d) Encourage the disinfection of infectious medical waste to eliminate pathogens that pose a risk of infection before transferring it to a centralized treatment site;
 - d) Have plans and equipment to prevent and respond to environmental incidents caused by medical waste;
 - e) Exhaust gas treatment meets environmental protection requirements;
 - g) Construct and operate sanitation facilities, waste collection, storage and treatment systems according to regulations.
2. Medical facilities using radioactive sources and radiation equipment must meet the requirements of the law on atomic energy.
3. Pollutants that directly affect human health must be managed as follows :
 - a) Identify, assess, warn, prevent and control pollutants that can affect human health ; human health and disease problems directly related to pollutants;
 - b) Control and treat at the source pollutants that affect human health and disease problems identified as having direct causes from pollutants ;
 - c) Manage, share and publish information on pollutants that have a direct impact on human health.
4. The Minister of Natural Resources and Environment shall detail the transportation and treatment of medical waste.
5. The Minister of Health shall detail the classification, collection, storage and management of medical waste within the premises of medical facilities ; identify, assess, warn, monitor and detect symptoms and causes of diseases and human health problems directly related to pollutants; identify and publicize the limits of

pollutants in the human body that pose a risk to human health; manage , compile statistics , share and publicize information on disease problems related to pollutants; assess costs and economic losses caused by diseases and health problems related to environmental pollution; develop , guide and organize the implementation of measures to monitor and prevent diseases and human health problems caused by pollutants ; manage, share, exchange and publicize information on pollutants that affect human health .

6. The Provincial People's Committee regulates the collection, transportation and treatment of medical solid waste in accordance with local conditions ; is responsible for implementing the management of pollutants related to human health and disease issues in the area.

Article 63. Environmental protection in burial and cremation

1. Burial and cremation areas must comply with planning; have locations and distances that meet environmental sanitation and residential landscape requirements, and do not pollute water sources and the surrounding environment.

The Government shall regulate environmental protection in burial and cremation activities in accordance with the characteristics of customs, practices, beliefs and religions.

2. The process of preserving, embalming, moving and burying corpses and remains must ensure environmental hygiene requirements.

3. Organizations and individuals providing burial and cremation services must comply with the provisions of law on environmental protection and prevention and control of infectious diseases.

4. The State encourages hygienic cremation and burial in planned cemeteries; eliminates bad burial and cremation practices that cause environmental pollution.

5. The Minister of Health regulates the burial and cremation of people who die from dangerous epidemics.

Article 64. Environmental protection in construction activities

1. Construction planning must ensure requirements on environmental protection and climate change adaptation.

2. The planning of urban areas and concentrated residential areas must aim to develop ecological urban areas, save energy, use renewable energy, and ensure the proportion of green areas, water surfaces, and landscapes according to the provisions of law.

3. The State encourages the reuse of waste from construction activities, the use of unburnt materials and environmentally friendly materials in construction.

4. When granting a construction permit, the construction design of an investment project must be appraised according to the provisions of the law on construction to ensure that the works, construction items, waste treatment equipment, and works for preventing and responding to environmental incidents comply with the provisions of the law on environmental protection.

5. Construction, renovation, repair and demolition of construction works must ensure the following environmental protection requirements:

a) Take measures to prevent dust, heat, noise, vibration, and light from emitting above the permitted levels according to environmental technical standards;

b) The transportation of materials and waste in construction activities must be carried out by suitable means, ensuring no leakage, spillage, or environmental pollution;

c) Wastewater must be collected and treated to meet environmental protection requirements ;

d) Solid waste and scrap that still have usable value must be recycled and reused according to regulations; soil, rock, and solid waste from construction activities must be reused as construction materials and site

clearance according to regulations;

d) Soil and sludge from excavation, dredging of topsoil, and pile foundation excavation activities are used to fill land for planting trees or suitable land areas;

e) Sludge generated from septic tanks and cesspools must be managed according to regulations on management of common industrial solid waste;

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

6. Waste from renovation and demolition activities of construction works of households and individuals in urban areas must be collected and transferred to competent treatment facilities according to regulations of the Provincial People's Committee, except for cases implemented according to regulations in Point d and Point dd, Clause 5 of this Article.

7. Waste from renovation or demolition activities of construction works of households and individuals in rural areas without waste collection and treatment systems must be reused or disposed of according to regulations of the Provincial People's Committee; waste must not be dumped into roads, rivers, streams, canals and other surface water sources, affecting the landscape and environment.

8. Provincial People's Committees shall regulate the collection, transportation, and treatment of construction solid waste and plan locations for dumping waste from construction activities; sludge from septic tanks, cesspools, and sludge from drainage systems.

9. The Minister of Construction is responsible for developing standards and technical regulations on the design of solid waste collection systems suitable for the classification of solid waste at source in commercial centers combined with apartments; apartment buildings combined with offices; and high-rise buildings with mixed functions.

Article 65. Environmental protection in transport activities

1. Means of transport must be inspected and certified by the inspection agency to meet environmental technical standards according to the provisions of law and international treaties to which the Socialist Republic of Vietnam is a member.

2. Vehicles transporting raw materials, materials and waste must be covered to prevent spillage and environmental pollution when participating in traffic.

3. Organizations and individuals transporting dangerous goods must ensure that they meet the conditions and capacity for environmental protection as prescribed by law.

4. The transportation of goods and materials that pose a risk of causing pollution or environmental incidents must be carried out using specialized equipment and vehicles, ensuring that there is no leakage or release into the environment.

5. Construction of traffic works must have solutions to limit and minimize impacts on terrain, landscape, geology, and natural heritage.

6. Provincial People's Committees shall regulate areas and locations for dumping and dumping of dredged materials from inland waterway and maritime transport systems; and shall have solutions for traffic diversion and environmental pollution control to limit air pollution in special-class and class I urban areas.

7. The Government shall issue preferential policies, support and encourage the development of public transport, vehicles using renewable energy, low fuel consumption, low or no emissions; a roadmap for converting and eliminating vehicles using fossil fuels and vehicles causing environmental pollution.

8. The Minister of Transport shall promulgate national technical regulations on technical safety quality and environmental protection for means of transport in accordance with the provisions of the law on transport,

product and goods quality and other relevant legal provisions; guide and organize the implementation of dredging activities in seaport waters and inland waterway waters in accordance with regulations.

Article 66. Environmental protection in cultural, sports and tourism activities

1. Organizations and individuals managing and exploiting relic sites, relic sites, tourist areas, tourist attractions, tourist accommodation establishments, venues for physical training, performance, and sports competitions, and festival organizers must comply with the provisions of Clause 2, Article 59 of this Law .

2. Individuals coming to relic sites, historical sites, tourist areas, tourist attractions, tourist accommodation establishments, places for physical training, performance, sports competitions, and festival venues must fulfill the following obligations:

- a) Comply with regulations and rules on hygiene and environmental protection;
- b) Dispose of waste in designated places; limit the generation of plastic waste;
- c) Maintain public hygiene;
- d) Do not harm the environment and living species.

3. The Minister of Culture, Sports and Tourism has the following responsibilities:

- a) Organize the implementation of environmental protection regulations for tourist accommodation establishments and tourism services; develop environmentally friendly tourist accommodation establishments and tourism services;
- b) Organize the implementation of regulations on encouraging the reduction, reuse and recycling of plastic waste in cultural, sports and tourism activities .

Article 67. Environmental protection in mineral exploration, exploitation, processing and petroleum activities

1. Organizations and individuals conducting mineral exploration, exploitation and processing must have plans to prevent and respond to environmental incidents and implement the following requirements for environmental protection, improvement and restoration:

- a) Collect and treat wastewater according to regulations;
- b) Collect and treat solid waste according to regulations on solid waste management;
- c) Take measures to prevent and limit dust dispersion, exhaust gas discharge and other negative impacts on the surrounding environment;
- d) Have a plan for environmental improvement and restoration and carry out environmental improvement and restoration in mineral exploitation activities according to the provisions of this Law and the provisions of the law on minerals;
- d) Environmental protection deposit as prescribed in Article 137 of this Law .

2. Mineral exploitation entities must develop a plan for environmental improvement and restoration, including:

- a) Mineral exploitation investment project;
- b) Mineral exploitation facilities operating before the effective date of this Law but without a plan for environmental improvement and restoration or with changes in the content of environmental improvement and restoration compared to the approved plan;

c) Mineral exploitation facilities operating before the effective date of this Law have had their environmental improvement and restoration plans approved but the funds are insufficient to implement them in accordance with the provisions of law.

3. The content of the environmental improvement and restoration plan is specified as follows:

a) Solutions for environmental improvement and restoration; analysis, evaluation, and selection of the best solutions for environmental improvement and restoration;

b) List and volume of environmental improvement and restoration items for selected solutions;

c) Implementation plan divided by year and stage of environmental improvement and restoration; environmental monitoring program during environmental improvement and restoration; plan for inspection and confirmation of completion of the plan;

d) Budget estimate for environmental improvement and restoration for each environmental improvement and restoration item; deposits according to the roadmap.

4. Toxic minerals must be stored and transported using specialized means and equipment, and covered to ensure no leakage or release into the environment.

5. The use of machinery and equipment that have negative impacts on the environment, and toxic chemicals in exploration, exploitation, mine closure, and mineral processing must be assessed for environmental impact and declared in the application for an environmental license.

6. The exploration, exploitation, transportation and processing of other minerals containing radioactive substances, toxic substances and explosives must comply with the provisions of this Law, the provisions of the law on chemical safety, atomic energy and other relevant provisions of law.

7. Chính phủ quy định chi tiết việc lập, thẩm định phương án cải tạo, phục hồi môi trường trong hoạt động khai thác khoáng sản; quy định yêu cầu đặc thù về bảo vệ môi trường trong vận hành thử nghiệm, quản lý chất thải, quan trắc môi trường đối với hoạt động thăm dò, khai thác, vận chuyển dầu khí và các dịch vụ liên quan trên biển.

8. Bộ trưởng Bộ Tài nguyên và Môi trường ban hành biểu mẫu, hướng dẫn kỹ thuật để thực hiện Điều này.

Điều 68. Bảo vệ môi trường đối với cơ sở nghiên cứu, đào tạo, phòng thí nghiệm

1. Cơ sở nghiên cứu, đào tạo, phòng thí nghiệm phải thực hiện các yêu cầu về bảo vệ môi trường sau đây:

a) Thu gom, xử lý nước thải, khí thải đáp ứng yêu cầu về bảo vệ môi trường;

b) Phân loại chất thải rắn tại nguồn, thu gom và quản lý theo quy định của pháp luật về quản lý chất thải;

c) Xử lý, tiêu hủy mẫu, vật phẩm phân tích thí nghiệm, hóa chất bảo đảm quy chuẩn kỹ thuật môi trường;

d) Có kế hoạch, trang thiết bị phòng ngừa, ứng phó sự cố môi trường;

đ) Yêu cầu khác theo quy định của pháp luật có liên quan.

2. Cơ sở nghiên cứu, đào tạo, phòng thí nghiệm có nguồn phóng xạ, thiết bị bức xạ, vật liệu hạt nhân, thiết bị hạt nhân phải đáp ứng các yêu cầu theo quy định của pháp luật về năng lượng nguyên tử.

Điều 69. Bảo vệ môi trường trong quản lý chất ô nhiễm khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy

1. Yêu cầu về bảo vệ môi trường trong quản lý chất ô nhiễm khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy được quy định như sau:

- a) Không được sản xuất, xuất khẩu, nhập khẩu và sử dụng chất ô nhiễm hữu cơ khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm hữu cơ khó phân hủy thuộc Phụ lục A của Công ước Stockholm có hàm lượng vượt giới hạn tối đa cho phép theo quy định của pháp luật, trừ chất ô nhiễm hữu cơ khó phân hủy đã được đăng ký miễn trừ theo quy định của Công ước Stockholm;
- b) Phải kiểm soát nguồn phát sinh và công bố thông tin, dán nhãn, đánh giá sự phù hợp, kiểm tra đối với chất ô nhiễm khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy theo quy định của pháp luật;
- c) Chất ô nhiễm hữu cơ khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm hữu cơ khó phân hủy vượt giới hạn tối đa cho phép theo quy định của pháp luật được phép tái chế, tiêu hủy, với điều kiện việc tái chế và tiêu hủy không dẫn đến thu hồi các chất này để tái sử dụng và phải bảo đảm yêu cầu về bảo vệ môi trường;
- d) Chất ô nhiễm khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy vượt giới hạn tối đa cho phép phải được lưu giữ, thu hồi, quản lý và xử lý đáp ứng yêu cầu về bảo vệ môi trường theo quy định, trừ trường hợp đã tái chế, tiêu hủy theo quy định tại điểm c khoản này;
- đ) Chất ô nhiễm khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy phải được cơ sở sản xuất, kinh doanh, dịch vụ báo cáo về chủng loại và kết quả tính toán lượng chất ô nhiễm phát thải vào môi trường nước, không khí, đất theo danh mục và chuyển giao xử lý để quản lý thông tin, đánh giá, quản lý rủi ro môi trường theo quy định của pháp luật;
- e) Khu vực tích tụ, ô nhiễm các chất ô nhiễm khó phân hủy phải được đánh giá, xác định, cảnh báo rủi ro và đề xuất biện pháp quản lý an toàn, xử lý và cải tạo, phục hồi môi trường.

2. Trách nhiệm bảo vệ môi trường trong quản lý các chất ô nhiễm khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy được quy định như sau:

- a) Tổ chức, cá nhân có trách nhiệm thực hiện yêu cầu quy định tại khoản 1 Điều này;
- b) Bộ Tài nguyên và Môi trường chủ trì, phối hợp với Bộ, cơ quan ngang Bộ có liên quan hướng dẫn và tổ chức thực hiện quy định tại khoản 1 Điều này; tích hợp thông tin quan trắc các chất ô nhiễm khó phân hủy trong báo cáo hiện trạng môi trường quốc gia theo quy định của Công ước Stockholm, điều ước quốc tế khác có liên quan mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên và theo quy định của pháp luật;
- c) Bộ, cơ quan ngang Bộ có liên quan và Ủy ban nhân dân cấp tỉnh tổ chức thực hiện yêu cầu về bảo vệ môi trường đối với các chất ô nhiễm khó phân hủy và nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy thuộc lĩnh vực ngành, địa phương mình phụ trách theo quy định của Công ước Stockholm, điều ước quốc tế khác có liên quan mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên và theo quy định của pháp luật;
- d) Chính phủ quy định chi tiết về bảo vệ môi trường trong quản lý các chất ô nhiễm khó phân hủy, nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị có chứa chất ô nhiễm khó phân hủy theo quy định của Công ước Stockholm và điều ước quốc tế khác có liên quan mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên.

Điều 70. Bảo vệ môi trường trong nhập khẩu, tạm nhập, tái xuất, quá cảnh hàng hóa

1. Tổ chức, cá nhân không nhập khẩu máy móc, thiết bị, phương tiện, nguyên liệu, phế liệu, hàng hóa sau đây:

- a) Máy móc, thiết bị, phương tiện đã qua sử dụng để phá dỡ, trừ trường hợp quy định tại khoản 2 Điều này;
- b) Máy móc, thiết bị, phương tiện, hàng hóa, nguyên liệu, phế liệu bị nhiễm bắn phóng xạ, vi trùng gây bệnh, chất độc khác chưa được tẩy rửa hoặc không có khả năng làm sạch.

2. Việc nhập khẩu, phá dỡ tàu biển đã qua sử dụng phải đáp ứng quy chuẩn kỹ thuật môi trường. Chính phủ quy định đối tượng, điều kiện nhập khẩu, phá dỡ tàu biển đã qua sử dụng.

3. Hoạt động tạm nhập, tái xuất, quá cảnh hàng hóa có nguy cơ gây ô nhiễm môi trường được thực hiện theo quy định của pháp luật về quản lý ngoại thương.

Điều 71. Bảo vệ môi trường trong nhập khẩu phế liệu từ nước ngoài

1. Scrap imported from abroad into Vietnam must meet environmental technical standards and be on the List of scrap permitted to be imported from abroad as production materials issued by the Prime Minister.

2. Organizations and individuals are only allowed to import scrap from foreign countries as raw materials for their production facilities and must meet the following environmental protection requirements:

a) Have a production facility with technology and equipment for recycling and reuse, warehouses and yards dedicated to the collection of scrap that meet environmental protection requirements; have a plan to handle accompanying impurities suitable for imported scrap;

b) Have environmental license;

c) Deposit environmental protection funds as prescribed in Article 137 of this Law before the time the scrap is unloaded at the port in case of import through seaports or before the time of import into Vietnam in other cases;

d) Have a written commitment to re-export or handle scrap in case imported scrap does not meet environmental protection requirements.

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

Chapter VI

WASTE MANAGEMENT AND CONTROL OF OTHER POLLUTANTS

Section 1. GENERAL PROVISIONS ON WASTE MANAGEMENT

Article 72. Requirements on waste management

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

a) Waste must be managed throughout the entire process of generation, reduction, classification, collection, storage, transfer, transportation, reuse, recycling, treatment, and destruction;

b) The owner of a source of hazardous waste and ordinary industrial solid waste is responsible for reusing, recycling, treating and recovering energy from waste or transferring it to a facility with appropriate functions and environmental licenses for treatment;

c) The owner of the source of industrial waste that must be controlled is responsible for classifying waste as hazardous waste or ordinary industrial solid waste through sample collection and analysis by a facility with the functions and capacity to perform according to the provisions of law. After classification, industrial waste must be managed according to the provisions of law;

d) Waste that meets the standards and technical regulations of raw materials, fuels and materials as prescribed by law on product and goods quality is managed as products and goods and is permitted to be used directly as raw materials, fuels and materials for production activities;

d) Organizations and individuals transporting domestic solid waste, hazardous waste, and ordinary industrial solid waste that must be treated are responsible for transporting the waste to a facility with appropriate functions and environmental licenses or transferring it to another transporting organization or individual for transport to a facility with appropriate functions and environmental licenses;

e) Radioactive waste management is carried out in accordance with the provisions of the law on atomic energy.

2. General requirements for wastewater management are specified as follows:

a) Wastewater must be collected and treated to meet environmental technical standards before being discharged into receiving sources;

b) Wastewater is encouraged to be reused when it meets the requirements of environmental protection and water use purposes;

c) Wastewater containing hazardous environmental parameters exceeding prescribed thresholds must be managed according to regulations on hazardous waste management;

d) The discharge of treated wastewater into the environment must be managed in accordance with the provisions of the law on environmental protection, in accordance with the carrying capacity of the receiving environment.

3. Emissions must be collected and treated to meet environmental protection requirements .

4. Organizations and individuals that generate waste are responsible for applying solutions to save resources and energy; using environmentally friendly raw materials, fuels, materials, renewable energy; applying technology, cleaner production programs, environmental control and other measures to minimize waste generation; updating information on the national environmental database when transferring hazardous waste and ordinary industrial solid waste that must be treated to facilities with appropriate environmental licenses.

5. The State has a policy of socializing the collection, transportation, reuse, recycling, treatment and recovery of energy from waste treatment processes; applying advanced, environmentally friendly waste treatment technology and the best available techniques to minimize and control secondary waste generation, minimize the amount of solid waste that must be buried; encourage co-treatment of waste, use of waste as raw materials, fuels and alternative materials.

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

7. The Provincial People's Committee is responsible for waste management in the locality; promulgates regulations on waste management and implements preferential and support policies for waste management activities in accordance with the provisions of law.

8. The Government shall provide detailed regulations on prevention, reduction, classification, collection, transportation, reuse, recycling and treatment of waste.

Article 73. Reducing, reusing, recycling and treating plastic waste, preventing and combating ocean plastic waste pollution

1. Organizations and individuals are responsible for limiting the use, minimizing, classifying, and disposing of waste such as single-use plastic products and non-biodegradable plastic packaging according to regulations; not disposing of plastic waste directly into drainage systems, ponds, lakes, canals, streams, rivers, and oceans.

2. Plastic waste generated from tourism and marine services, maritime economy, oil and gas exploitation and marine mineral resources, aquaculture and fisheries must be collected, stored and transferred to facilities with recycling and treatment functions.

3. Certified environmentally friendly products, products that replace single-use plastic products and products that replace biodegradable plastic packaging are entitled to incentives and support in accordance with the provisions of law.

4. Plastic waste must be collected, classified for reuse, recycling or treatment in accordance with the provisions of law. Non-recyclable plastic waste must be transferred to a facility with the function of treatment in accordance with regulations. Plastic waste generated from economic activities at sea must be collected for reuse, recycling or treatment and must not be discharged into the sea.

5. The State encourages the reuse and recycling of plastic waste for the production of goods, construction materials, and transportation works; encourages research and development of systems for collecting and treating plastic waste floating in the sea and ocean; and has policies to promote the reuse and recycling of plastic waste.

6. Provincial People's Committees shall direct the collection and treatment of plastic waste in the area; promote and mobilize the restriction of the use of non-biodegradable plastic packaging and single-use plastic products; and promote the harmful effects of dumping fishing gear directly into the sea and plastic waste on the ecosystem.

7. The Government shall prescribe a roadmap to restrict the production and import of single-use plastic products, non-biodegradable plastic packaging, and products and goods containing microplastics.

Article 74. Environmental audit

1. Environmental auditing is a systematic and comprehensive review and assessment of the effectiveness of environmental management and pollution control of production, business and service establishments.

2. The main contents of environmental audit for production, business and service establishments include:

- a) Use of energy, chemicals, raw materials, and scrap imported from foreign countries as production materials;
- b) Pollution control and waste management.

3. Encourage production, business and service establishments to conduct environmental audits themselves.

4. The Minister of Natural Resources and Environment provides technical guidance on environmental self-audit activities of production, business and service establishments.

Section 2. DOMESTIC SOLID WASTE MANAGEMENT

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

1. Domestic solid waste generated from households and individuals is classified according to the following principles:

- a) Solid waste that can be reused and recycled;
- b) Food waste;
- c) Other domestic solid waste.

2. The People's Committee at the provincial level shall decide on the specific classification of domestic solid waste specified in Point c, Clause 1 of this Article in the locality according to the guidance of the Ministry of Natural Resources and Environment; and shall have policies to encourage the separate classification of hazardous waste in domestic solid waste generated by households and individuals.

3. Households and individuals in urban areas must contain and store domestic solid waste after classification according to the provisions of Clause 1 of this Article in the following packages for transfer:

- a) Solid waste that can be reused or recycled is transferred to organizations or individuals for reuse or recycling or to facilities with the function of collecting and transporting domestic solid waste;

b) Food waste and other domestic solid waste must be contained and packaged according to regulations and transferred to facilities with the function of collecting and transporting domestic solid waste; food waste can be used as organic fertilizer and animal feed.

4. Rural households and individuals that generate domestic solid waste after classification as prescribed in Clause 1 of this Article shall manage it as follows:

a) Encourage maximum utilization of food waste to make organic fertilizer and animal feed;

b) Solid waste that can be reused or recycled is transferred to organizations or individuals for reuse or recycling or to facilities with the function of collecting and transporting domestic solid waste;

c) Food waste not complying with the provisions in Point a of this Clause must be transferred to a facility with the function of collecting and transporting domestic solid waste;

d) Other domestic solid waste must be contained and packaged according to regulations and transferred to facilities with the function of collecting and transporting domestic solid waste.

5. Encourage rural households and individuals that generate domestic solid waste to classify, store and transfer domestic solid waste according to the provisions of Clause 3 of this Article.

6. Classification, collection, transportation and treatment of bulky waste shall be carried out in accordance with regulations of the Provincial People's Committee.

7. The Vietnam Fatherland Front Committee and socio-political organizations at all levels shall mobilize residential communities, households and individuals to classify domestic solid waste at source. Residential communities and socio-political organizations at the grassroots level shall be responsible for supervising the classification of domestic solid waste by households and individuals.

Article 76. Collection points and transfer stations for domestic solid waste

1. Collection points and transfer stations for domestic solid waste must have different areas to store classified types of domestic solid waste, ensuring that classified types of waste are not mixed together.

2. People's Committees at all levels are responsible for arranging gathering points and transfer stations that meet technical requirements on environmental protection according to regulations of the Ministry of Natural Resources and Environment.

Article 77. Collection and transportation of domestic solid waste

1. People's Committees at all levels shall select facilities for collecting and transporting domestic solid waste through bidding in accordance with the provisions of the law on bidding; in cases where it is not possible to select through bidding, it shall be implemented in the form of ordering or assigning tasks in accordance with the provisions of the law.

2. Facilities collecting and transporting domestic solid waste have the right to refuse to collect and transport domestic solid waste from households and individuals who do not classify or use packaging according to regulations and notify competent authorities for inspection and handling according to regulations of law, except in cases where households and individuals use packaging of other domestic solid waste according to regulations in Point c, Clause 1, Article 75 of this Law.

3. Facilities collecting and transporting domestic solid waste are responsible for coordinating with the People's Committees at the commune level, residential communities, and representatives of residential areas in determining the time, location, frequency, and route of domestic solid waste collection and widely publicizing it.

4. Facilities for collecting and transporting domestic solid waste must use equipment and vehicles designed to suit each type of classified domestic solid waste, meeting technical requirements on environmental protection as prescribed by the Ministry of Natural Resources and Environment; the transportation of domestic solid waste must be carried out according to routes and times as prescribed by the Provincial People's Committee.

5. Households and individuals are responsible for transferring classified domestic solid waste to the designated collection point or transferring it to a domestic solid waste collection and transportation facility.
6. Project owners, owners, and management boards of new urban areas, high-rise apartments, and office buildings must arrange equipment and facilities for storing domestic solid waste in accordance with the types of waste specified in Clause 1, Article 75 of this Law ; organize the collection of waste from households and individuals and transfer it to domestic solid waste collection and transportation facilities.
7. The People's Committee at the commune level has the following responsibilities:
 - a) Inspect compliance with environmental protection laws in the collection and transportation of domestic solid waste; handle violations of laws on domestic solid waste management within authority; consider and resolve recommendations and feedback from organizations, communities, households and individuals related to the collection and transportation of domestic solid waste;
 - b) Take the lead and coordinate with facilities collecting and transporting domestic solid waste, residential communities, and socio-political organizations at the grassroots level to determine the time, location, frequency, and route for collecting domestic solid waste;
 - c) Instruct households and individuals to transfer domestic solid waste to collection and transportation facilities or to collection points in accordance with regulations; instruct the community to monitor and publicize cases of non-compliance with regulations on classification and collection of domestic solid waste.

Article 78. Treatment of domestic solid waste

1. The State encourages and has preferential policies for organizations and individuals participating in investing and providing domestic solid waste treatment services; encourages co-treatment of domestic solid waste.
2. People's Committees at all levels shall select domestic solid waste treatment facilities through bidding in accordance with the provisions of the law on bidding; in cases where it is not possible to select through bidding, it shall be implemented in the form of ordering or assigning tasks in accordance with the provisions of law.
3. Facilities providing domestic solid waste treatment services must meet environmental protection requirements as prescribed by this Law. Investment in facilities providing domestic solid waste treatment services that only serve the area of a commune-level administrative unit is discouraged.
4. Domestic solid waste must be treated with appropriate technology, meeting environmental technical standards. The Government stipulates a roadmap to limit the treatment of domestic solid waste by direct landfill technology.
5. The Minister of Natural Resources and Environment shall issue criteria on domestic solid waste treatment technology; guide models for domestic solid waste treatment in urban and rural areas.
6. The provincial People's Committee is responsible for planning and allocating land for domestic solid waste treatment areas, promptly allocating land to implement the construction and operation of domestic solid waste treatment areas in the area; allocating funds for investment in construction and operation of the system for collection, storage, transfer, transportation and treatment of domestic solid waste; and the system of public works, measures and equipment serving the management of domestic solid waste in the area.

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

1. The price of collection, transportation and treatment of solid waste from households and individuals is calculated based on the following:
 - a) Comply with the provisions of law on prices;
 - b) Based on the mass or volume of classified waste;

c) Solid waste that can be reused, recycled, and hazardous waste generated from households and individuals that have been classified separately do not have to pay for collection, transportation, and treatment services.

2. In case households and individuals do not classify or classify incorrectly as prescribed in Point a and Point b, Clause 1, Article 75 of this Law , they must pay for collection, transportation and treatment services as for other domestic solid waste.

3. Agencies, organizations, production, business, service establishments, concentrated production, business, service areas, industrial clusters that generate waste from daily activities and offices with small volumes according to Government regulations may choose the form of domestic solid waste management like households and individuals as prescribed in Article 75 of this Law or manage according to the provisions in Clause 4 of this Article.

4. Agencies, organizations, production, business, service establishments, concentrated production, business, service areas, industrial clusters that generate large volumes of waste from daily activities and offices according to Government regulations must transfer it to a waste recycling, reuse, and treatment facility with appropriate functions or transfer it to a collection and transportation facility with appropriate means and equipment to transport it to a solid waste recycling, reuse, and treatment facility with appropriate functions.

5. The Minister of Natural Resources and Environment shall provide guidance on methods for pricing domestic solid waste treatment services; prescribe economic and technical norms for collection, transportation and treatment of domestic solid waste; provide technical guidance on classification of domestic solid waste; and provide guidance on the implementation of the provisions in Clause 1 of this Article.

6. Ủy ban nhân dân cấp tỉnh quy định chi tiết về quản lý chất thải rắn sinh hoạt của hộ gia đình, cá nhân trên địa bàn; quy định giá cụ thể đối với dịch vụ thu gom, vận chuyển và xử lý chất thải rắn sinh hoạt; quy định cụ thể hình thức và mức kinh phí hộ gia đình, cá nhân phải chi trả cho công tác thu gom, vận chuyển và xử lý chất thải rắn sinh hoạt dựa trên khối lượng hoặc thể tích chất thải đã được phân loại.

7. Quy định tại khoản 1 Điều này và khoản 1 Điều 75 của Luật này phải được thực hiện chậm nhất là ngày 31 tháng 12 năm 2024.

Điều 80. Xử lý ô nhiễm, cải tạo môi trường bãi chôn lấp chất thải rắn sinh hoạt

1. Bãi chôn lấp chất thải rắn sinh hoạt sau khi đóng bãi và bãi chôn lấp chất thải rắn sinh hoạt không hợp vệ sinh phải được xử lý ô nhiễm, cải tạo đáp ứng yêu cầu về bảo vệ môi trường.

2. Chủ dự án đầu tư hoặc cơ sở quản lý bãi chôn lấp chất thải rắn sinh hoạt có trách nhiệm sau đây:

a) Ngay sau khi đóng bãi chôn lấp chất thải rắn sinh hoạt phải tiến hành cải tạo cảnh quan khu vực đồng thời có biện pháp ngăn ngừa ô nhiễm môi trường;

b) Tổ chức quan trắc, theo dõi diễn biến môi trường tại bãi chôn lấp chất thải rắn sinh hoạt kể từ ngày kết thúc việc đóng bãi chôn lấp và báo cáo cơ quan chuyên môn về bảo vệ môi trường cấp tỉnh theo quy định;

c) Hoàn thành việc xử lý ô nhiễm, cải tạo môi trường, lập hồ sơ và bàn giao mặt bằng cho cơ quan nhà nước có thẩm quyền sau khi kết thúc hoạt động.

3. Chính phủ ban hành chính sách ưu đãi và khuyến khích tổ chức, cá nhân đầu tư xử lý, cải tạo môi trường bãi chôn lấp chất thải rắn sinh hoạt.

4. Bộ trưởng Bộ Tài nguyên và Môi trường hướng dẫn đóng bãi chôn lấp chất thải rắn sinh hoạt.

5. Ủy ban nhân dân cấp tỉnh bố trí nguồn lực, kinh phí cho việc xử lý, cải tạo môi trường bãi chôn lấp chất thải rắn sinh hoạt do Nhà nước quản lý và bãi chôn lấp chất thải rắn sinh hoạt tự phát trên địa bàn.

Mục 3. QUẢN LÝ CHẤT THẢI RẮN CÔNG NGHIỆP THÔNG THƯỜNG

Điều 81. Phân loại, lưu giữ, vận chuyển chất thải rắn công nghiệp thông thường

1. Chất thải rắn công nghiệp thông thường được phân loại thành các nhóm sau đây:

- a) Nhóm chất thải rắn công nghiệp thông thường được tái sử dụng, tái chế làm nguyên liệu sản xuất;
- b) Nhóm chất thải rắn công nghiệp thông thường đáp ứng tiêu chuẩn, quy chuẩn kỹ thuật, hướng dẫn kỹ thuật được sử dụng trong sản xuất vật liệu xây dựng và san lấp mặt bằng;
- c) Nhóm chất thải rắn công nghiệp thông thường phải xử lý.

2. Chủ cơ sở sản xuất, kinh doanh, dịch vụ, khu sản xuất, kinh doanh, dịch vụ tập trung, cụm công nghiệp, cơ quan, tổ chức phát sinh chất thải rắn công nghiệp thông thường có trách nhiệm phân loại tại nguồn theo quy định tại khoản 1 Điều này; lưu giữ bảo đảm không gây ô nhiễm môi trường. Chất thải rắn công nghiệp thông thường không được phân loại phải được quản lý như chất thải quy định tại điểm c khoản 1 Điều này.

3. Chất thải rắn công nghiệp thông thường có lẫn chất thải nguy hại không thực hiện việc phân loại hoặc không thể phân loại được thì được quản lý theo quy định về quản lý chất thải nguy hại.

4. Chất thải rắn công nghiệp thông thường phải được lưu giữ riêng theo loại đã được phân loại; không để lẫn chất thải nguy hại với chất thải rắn công nghiệp thông thường; không làm phát tán bụi, rò rỉ nước thải ra môi trường; lưu giữ bằng các thiết bị, dụng cụ, khu vực lưu giữ phù hợp theo quy định của Bộ trưởng Bộ Tài nguyên và Môi trường.

5. Việc vận chuyển chất thải rắn công nghiệp thông thường phải đáp ứng yêu cầu sau đây:

- a) Chất thải phải được chứa, đựng trong các thiết bị, dụng cụ bảo đảm không rơi vãi, rò rỉ, phát tán ra môi trường trong quá trình vận chuyển, trừ trường hợp chất thải đặc thù có khối lượng lớn phải chứa, đựng trực tiếp bằng các thiết bị, thùng chứa của phương tiện vận chuyển;
- b) Chất thải phải được vận chuyển theo loại sau khi đã được phân loại theo quy định;
- c) Phương tiện vận chuyển chất thải rắn công nghiệp thông thường phải xử lý phải có thiết bị định vị đáp ứng yêu cầu kỹ thuật, hoạt động theo tuyến đường và thời gian quy định của Ủy ban nhân dân cấp tỉnh.

Điều 82. Xử lý chất thải rắn công nghiệp thông thường

1. Cơ sở sản xuất, kinh doanh, dịch vụ, khu sản xuất, kinh doanh, dịch vụ tập trung, cụm công nghiệp, cơ quan, tổ chức có phát sinh chất thải rắn công nghiệp thông thường phải tái sử dụng, tái chế, thu hồi năng lượng và xử lý chất thải rắn công nghiệp thông thường hoặc chuyển giao cho các đối tượng sau đây:

- a) Cơ sở sản xuất sử dụng trực tiếp làm nguyên liệu sản xuất, sản xuất vật liệu xây dựng hoặc san lấp mặt bằng được phép hoạt động theo quy định của pháp luật;
- b) Cơ sở sản xuất có chức năng đồng xử lý chất thải phù hợp;
- c) Cơ sở xử lý chất thải rắn công nghiệp thông thường có chức năng phù hợp;
- d) Cơ sở vận chuyển chất thải rắn công nghiệp thông thường đã có hợp đồng chuyển giao với đối tượng quy định tại các điểm a, b hoặc c khoản này.

2. Cơ sở thực hiện dịch vụ xử lý chất thải rắn công nghiệp thông thường phải đáp ứng yêu cầu về bảo vệ môi trường theo quy định của Luật này.

3. Chủ cơ sở thực hiện dịch vụ xử lý chất thải rắn công nghiệp thông thường có trách nhiệm sau đây:

- a) Bảo đảm các hệ thống, phương tiện, thiết bị, lưu giữ, xử lý chất thải rắn công nghiệp thông thường bao gồm sơ chế, tái sử dụng, tái chế, đồng xử lý, xử lý và thu hồi năng lượng chất thải rắn công nghiệp thông thường đáp ứng yêu cầu kỹ thuật, quy trình quản lý theo quy định;
- b) Trường hợp có phát sinh chất thải nguy hại từ cơ sở thực hiện dịch vụ xử lý chất thải rắn công nghiệp thông thường thì phải thực hiện trách nhiệm của chủ nguồn thải chất thải nguy hại theo quy định;

c) Báo cáo định kỳ, đột xuất về tình hình phát sinh, xử lý chất thải rắn công nghiệp thông thường theo yêu cầu của cơ quan quản lý nhà nước có thẩm quyền;

d) Sử dụng biên bản bàn giao chất thải rắn công nghiệp thông thường phải xử lý đối với mỗi lần nhận chuyển giao; lập nhật ký vận hành các hệ thống, phương tiện, thiết bị xử lý bao gồm sơ chế, tái sử dụng, tái chế, đống xử lý, thu hồi năng lượng chất thải rắn công nghiệp thông thường; số theo dõi số lượng các sản phẩm tái chế hoặc thu hồi từ chất thải rắn công nghiệp thông thường (nếu có).

4. Tổ chức, cá nhân phát sinh chất thải rắn công nghiệp thông thường phải xử lý được tự tái chế, xử lý, đống xử lý, thu hồi năng lượng khi đáp ứng các yêu cầu sau đây:

a) Thực hiện bằng công nghệ, công trình bảo vệ môi trường, thiết bị sản xuất sẵn có trong khuôn viên cơ sở phát sinh chất thải rắn công nghiệp thông thường và phải bảo đảm đạt yêu cầu về bảo vệ môi trường theo quy định;

b) Phải phù hợp với quyết định phê duyệt kết quả thẩm định báo cáo đánh giá tác động môi trường, giấy phép môi trường;

c) Không đầu tư mới lò đốt và bãi chôn lấp để xử lý chất thải rắn công nghiệp thông thường, trừ trường hợp phù hợp với nội dung quản lý chất thải rắn trong các quy hoạch có liên quan.

Mục 4. QUẢN LÝ CHẤT THẢI NGUY HẠI

Điều 83. Khai báo, phân loại, thu gom, lưu giữ, vận chuyển chất thải nguy hại

1. Chủ nguồn thải chất thải nguy hại có trách nhiệm sau đây:

a) Khai báo khối lượng, loại chất thải nguy hại trong hồ sơ đăng ký cấp giấy phép môi trường hoặc nội dung đăng ký môi trường;

b) Thực hiện phân định, phân loại, thu gom, lưu giữ riêng và không để lẫn với chất thải không nguy hại, bảo đảm không gây ô nhiễm môi trường;

c) Tự tái sử dụng, tái chế, xử lý, đống xử lý, thu hồi năng lượng theo quy định của pháp luật hoặc chuyển giao chất thải nguy hại cho cơ sở có giấy phép môi trường phù hợp để xử lý.

2. Việc lưu giữ chất thải nguy hại phải đáp ứng các yêu cầu sau đây:

a) Phải được lưu giữ riêng theo loại đã được phân loại;

b) Không để lẫn chất thải nguy hại với chất thải thông thường;

c) Không làm phát tán bụi, rò rỉ chất thải lỏng ra môi trường;

d) Chỉ được lưu giữ trong một khoảng thời gian nhất định theo quy định của pháp luật.

3. Chất thải nguy hại khi vận chuyển phải được lưu chứa và vận chuyển bằng thiết bị, phương tiện chuyên dụng phù hợp đến cơ sở xử lý chất thải. Phương tiện vận chuyển chất thải nguy hại phải lắp đặt thiết bị định vị; hoạt động theo tuyến đường và thời gian theo quy định của Ủy ban nhân dân cấp tỉnh.

4. Đối tượng được phép vận chuyển chất thải nguy hại bao gồm:

a) Chủ nguồn thải chất thải nguy hại có phương tiện, thiết bị phù hợp đáp ứng yêu cầu kỹ thuật, quy trình quản lý theo quy định của pháp luật về bảo vệ môi trường;

b) Cơ sở được cấp giấy phép môi trường có chức năng xử lý chất thải nguy hại phù hợp với loại chất thải cần vận chuyển.

5. Bộ trưởng Bộ Tài nguyên và Môi trường hướng dẫn kỹ thuật và biểu mẫu khai báo, phân loại, thu gom, lưu giữ chất thải nguy hại; hướng dẫn kỹ thuật về phương tiện, thiết bị lưu chứa, vận chuyển, phòng ngừa,

ứng phó sự cố trong quá trình vận chuyển, xử lý chất thải nguy hại; hướng dẫn đăng ký, vận chuyển xuyên biên giới chất thải nguy hại theo Công ước Basel và kiểm soát vận chuyển xuyên biên giới chất thải nguy hại và việc tiêu hủy chúng.

Điều 84. Xử lý chất thải nguy hại

1. Chất thải nguy hại phải được xử lý bằng công nghệ phù hợp và đáp ứng quy định của pháp luật về bảo vệ môi trường.
 2. Nhà nước khuyến khích và có chính sách ưu đãi cho tổ chức, cá nhân tham gia đầu tư và cung cấp dịch vụ xử lý chất thải nguy hại; khuyến khích việc đầu tư cơ sở thực hiện dịch vụ xử lý chất thải nguy hại quy mô cấp vùng; khuyến khích đồng xử lý chất thải nguy hại.
 3. Cơ sở thực hiện dịch vụ xử lý chất thải nguy hại phải đáp ứng các yêu cầu sau đây:
 - a) Phù hợp với Quy hoạch bảo vệ môi trường quốc gia hoặc quy hoạch có nội dung về xử lý chất thải nguy hại, trừ trường hợp cơ sở đồng xử lý chất thải nguy hại;
 - b) Bảo đảm khoảng cách an toàn về môi trường theo quy định;
 - c) Công nghệ xử lý chất thải nguy hại phải được thẩm định, có ý kiến theo quy định của pháp luật về chuyển giao công nghệ; khuyến khích áp dụng công nghệ thân thiện môi trường, kỹ thuật hiện có tốt nhất, công nghệ xử lý kết hợp với thu hồi năng lượng;
 - d) Có giấy phép môi trường;
 - đ) Có nhân sự phụ trách về bảo vệ môi trường được đào tạo chuyên ngành môi trường hoặc lĩnh vực chuyên môn phù hợp;
 - e) Có quy trình vận hành an toàn công nghệ, phương tiện, thiết bị chuyên dụng phù hợp;
 - g) Có kế hoạch quản lý môi trường gồm nội dung kiểm soát ô nhiễm và quản lý chất thải; an toàn lao động, vệ sinh lao động; phòng ngừa, ứng phó sự cố môi trường; đào tạo, tập huấn định kỳ hằng năm; chương trình giám sát môi trường; đánh giá hiệu quả xử lý chất thải nguy hại; phương án xử lý ô nhiễm, cải tạo môi trường sau khi kết thúc hoạt động;
 - h) Ký quỹ bảo vệ môi trường theo quy định tại Điều 137 của Luật này trong trường hợp có hoạt động chôn lấp chất thải.
 4. Bộ trưởng Bộ Tài nguyên và Môi trường ban hành tiêu chí về công nghệ xử lý chất thải nguy hại; hướng dẫn thực hiện điểm g khoản 3 Điều này.
 5. Ủy ban nhân dân cấp tỉnh tổ chức thực hiện quy hoạch có nội dung về xử lý chất thải nguy hại; không hạn chế việc thu gom chất thải nguy hại phát sinh trên địa bàn đơn vị hành chính cấp tỉnh khác về xử lý tại cơ sở thực hiện dịch vụ xử lý chất thải nguy hại trên địa bàn.
- #### **Điều 85. Trách nhiệm của chủ cơ sở thực hiện dịch vụ xử lý chất thải nguy hại**
1. Đáp ứng đầy đủ yêu cầu quy định tại khoản 3 Điều 84 của Luật này.
 2. Thu gom, vận chuyển, tiếp nhận, xử lý số lượng, loại chất thải nguy hại theo đúng nội dung giấy phép môi trường được cấp.
 3. Bảo đảm hệ thống, phương tiện, thiết bị lưu giữ, xử lý chất thải nguy hại đáp ứng yêu cầu kỹ thuật, quy trình quản lý theo quy định.
 4. Thực hiện trách nhiệm của chủ nguồn thải chất thải nguy hại đối với chất thải nguy hại phát sinh từ quá trình hoạt động mà không có khả năng xử lý.

5. Đăng ký với cơ quan cấp phép môi trường theo thẩm quyền để được chấp thuận khi có nhu cầu liên kết vận chuyển chất thải nguy hại không có trong giấy phép môi trường của mình cho chủ cơ sở thực hiện dịch vụ xử lý chất thải nguy hại khác có chức năng phù hợp theo quy định của Chính phủ.

6. Lập, sử dụng, lưu trữ và quản lý chứng từ chất thải nguy hại, báo cáo quản lý chất thải nguy hại và hồ sơ, tài liệu, nhật ký liên quan đến công tác quản lý chất thải nguy hại theo quy định.

7. Công khai, cung cấp thông tin về loại, số lượng chất thải nguy hại thu gom, xử lý, phương pháp xử lý; thông tin về tên, địa chỉ chủ nguồn thải chất thải nguy hại được thu gom, xử lý và các thông tin về môi trường khác cần phải công khai, cung cấp thông tin theo quy định tại Điều 114 của Luật này.

Mục 5. QUẢN LÝ NƯỚC THẢI

Điều 86. Thu gom, xử lý nước thải

1. Đô thị, khu dân cư tập trung mới; cơ sở sản xuất, kinh doanh, dịch vụ, khu sản xuất, kinh doanh, dịch vụ tập trung, cụm công nghiệp phải có hệ thống thu gom, xử lý nước thải riêng biệt với hệ thống thoát nước mưa, trừ trường hợp đặc thù do Chính phủ quy định.

2. Quản lý nước thải đô thị, khu dân cư tập trung được quy định như sau:

- a) Nước thải sinh hoạt phát sinh từ tổ chức, hộ gia đình phải được thu gom, đấu nối với hệ thống thu gom, xử lý nước thải;
- b) Nước thải phát sinh từ hoạt động sản xuất, kinh doanh, dịch vụ trong đô thị phải được thu gom, xử lý sơ bộ trước khi đấu nối vào hệ thống thu gom, xử lý nước thải đô thị; nước thải sau khi xử lý sơ bộ phải đáp ứng quy định của khu đô thị, khu dân cư tập trung hoặc quy định của chính quyền địa phương;
- c) Nước thải phát sinh từ hoạt động sản xuất, kinh doanh, dịch vụ trong đô thị chưa có công trình xử lý nước thải tập trung phải được thu gom, xử lý đáp ứng yêu cầu về bảo vệ môi trường trước khi thải vào nguồn tiếp nhận.

3. Quản lý nước thải từ hoạt động sản xuất, kinh doanh, dịch vụ được quy định như sau:

- a) Nước thải của cơ sở sản xuất, kinh doanh, dịch vụ trong khu sản xuất, kinh doanh, dịch vụ tập trung, cụm công nghiệp được thu gom và xử lý sơ bộ trước khi đấu nối vào hệ thống thu gom, xử lý nước thải công nghiệp theo yêu cầu của chủ đầu tư xây dựng khu sản xuất, kinh doanh, dịch vụ tập trung, cụm công nghiệp bảo đảm nước thải phải được xử lý đáp ứng yêu cầu về bảo vệ môi trường;
- b) Wastewater from production, business and service establishments located outside urban areas, concentrated residential areas, concentrated production, business and service areas, and industrial clusters that cannot be connected to the wastewater collection and treatment system must be collected and treated to meet environmental protection requirements before being discharged into receiving sources.

4. Domestic wastewater generated from organizations and households in non-concentrated residential areas must be collected and treated on-site to meet environmental protection requirements before being discharged into receiving sources.

5. The Provincial People's Committee has the following responsibilities:

- a) Investing and encouraging investment in the construction of urban wastewater collection and treatment systems and concentrated residential areas within the area under the State's investment responsibility according to the provisions of law;
- b) Issue a roadmap for land allocation, investment or investment incentives to build urban wastewater collection and treatment systems and concentrated residential areas in cases where there is no wastewater collection and treatment system;
- c) Issue a roadmap and support policies for organizations and households in urban areas and concentrated residential areas to build works and install on-site wastewater treatment equipment that meet environmental

protection requirements before discharging into receiving sources in cases where it is not possible to arrange land funds to build wastewater collection and treatment systems in urban areas and concentrated residential areas that were formed before the effective date of this Law;

d) Issue a roadmap for implementation and support policies for on-site collection and treatment of domestic wastewater generated by organizations and households in non-concentrated residential areas.

6. The Minister of Natural Resources and Environment provides guidance on technology and techniques for on-site wastewater treatment.

7. The Minister of Construction shall provide guidance on technical infrastructure works for collecting and draining wastewater in urban areas and concentrated residential areas as prescribed in this Article.

Article 87. Wastewater treatment system

1. The wastewater treatment system must ensure the following requirements:

a) Technology suitable for the type and characteristics of wastewater to be treated;

b) The capacity of the water treatment system must be suitable for the maximum amount of wastewater generated;

c) Wastewater treatment meets environmental protection requirements ;

d) Operate wastewater treatment facilities in accordance with technical procedures;

d) Have a plan to prevent and respond to environmental incidents in the wastewater treatment system; the discharge point must have clear coordinates, signs, and symbols, convenient for inspection and monitoring of discharge.

2. Sludge from wastewater treatment systems must be managed in accordance with the provisions of law on solid waste management; sludge containing hazardous elements exceeding the prescribed threshold must be managed in accordance with the provisions of law on hazardous waste management.

Section 6. MANAGEMENT OF DUST, EXHAUST GAS AND OTHER POLLUTANTS

Article 88. Management and control of dust and gas emissions

1. Organizations and individuals engaged in production, business and service activities that emit dust and exhaust gases must control and treat dust and exhaust gases to ensure environmental technical standards. Dust containing hazardous elements exceeding the prescribed threshold must be managed in accordance with the provisions of the law on hazardous waste management.

2. Means of transport, machinery, equipment, and construction works that emit dust and exhaust gas must have filters, exhaust gas reduction devices, shielding devices, or other measures to reduce dust to ensure compliance with environmental technical standards.

3. Relevant ministries and ministerial-level agencies shall guide the implementation of activities to prevent, inspect, monitor and handle dust and gas emissions causing air pollution.

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

1. Organizations and individuals causing noise, vibration, light, and radiation must control and handle them to ensure compliance with environmental and radiation technical standards.

2. Organizations and individuals in residential areas that cause noise, vibration, light, radiation, or unpleasant odors must take measures to minimize them and not negatively impact the community.

3. Organizations and individuals managing routes with high traffic density causing noise, vibration, light, and radiation must have measures to reduce and meet environmental technical standards.

4. Prohibition of production, import, transportation, trading and use of fireworks. Production, import, transportation, trading and use of fireworks shall comply with Government regulations.

Chapter VII

RESPONDING TO CLIMATE CHANGE

Article 90. Adaptation to climate change

1. Climate change adaptation is activities aimed at enhancing the resilience of natural and social systems, minimizing the negative impacts of climate change and taking advantage of the opportunities brought about by climate change.

2. Climate change adaptation content includes:

- a) Assess the impacts, vulnerability, risks, losses and damages caused by climate change on sectors, regions and communities based on climate change scenarios and socio-economic development forecasts;
- b) Implement climate change adaptation activities, disaster risk reduction, community-based and ecosystem-based climate change adaptation models; respond to rising sea levels and urban flooding;
- c) Develop and deploy a system to monitor and evaluate climate change adaptation activities.

3. The Ministry of Natural Resources and Environment shall preside over and coordinate with ministries and ministerial-level agencies with the following responsibilities:

- a) Organize the implementation of the provisions at Point a and Point c, Clause 2 of this Article;
- b) Submit to the Prime Minister for promulgation the National Plan for Climate Change Adaptation and periodically review and update it every 5 years; a system for monitoring and evaluating climate change adaptation activities at the national level; criteria for determining investment projects and climate change adaptation tasks under the approval authority of the Prime Minister; criteria for assessing climate risks;
- c) Guidance on assessing impacts, vulnerability, risks, losses and damages caused by climate change;
- d) Xây dựng và tổ chức thực hiện Kế hoạch quốc gia thích ứng với biến đổi khí hậu;
- đ) Xây dựng và tổ chức thực hiện hệ thống giám sát và đánh giá hoạt động thích ứng với biến đổi khí hậu cấp quốc gia.

4. Bộ, cơ quan ngang Bộ và Ủy ban nhân dân cấp tỉnh có trách nhiệm sau đây:

- a) Thực hiện nội dung quy định tại điểm b khoản 2 Điều này theo quy định của Luật này và quy định khác của pháp luật có liên quan; tổ chức đánh giá tác động, tính dễ bị tổn thương, rủi ro, tổn thất và thiệt hại do biến đổi khí hậu; định kỳ hằng năm tổng hợp, gửi báo cáo về Bộ Tài nguyên và Môi trường;
- b) Xây dựng và tổ chức thực hiện việc giám sát và đánh giá hoạt động thích ứng với biến đổi khí hậu cấp ngành, cấp địa phương trong phạm vi quản lý của ngành, lĩnh vực.

Điều 91. Giảm nhẹ phát thải khí nhà kính

1. Các khí nhà kính chính là carbon dioxide (CO₂), methane (CH₄) và nitrous oxide (N₂O). Các khí có hàm lượng thấp nhưng có tiềm năng cao gây hiệu ứng nhà kính là hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆) và nitrogen trifluoride (NF₃).

2. Nội dung giảm nhẹ phát thải khí nhà kính bao gồm:

- a) Tổ chức thực hiện hoạt động giảm nhẹ phát thải khí nhà kính và hấp thụ khí nhà kính theo lộ trình, phương thức giảm nhẹ phát thải khí nhà kính phù hợp với điều kiện của đất nước và cam kết quốc tế;

- b) Kiểm kê khí nhà kính và đo đạc, báo cáo, thẩm định giảm nhẹ phát thải khí nhà kính cấp quốc gia, cấp ngành, lĩnh vực và cấp cơ sở có liên quan;
- c) Kiểm tra việc tuân thủ quy định về kiểm kê khí nhà kính, giảm nhẹ phát thải khí nhà kính, việc thực hiện cơ chế, phương thức hợp tác về giảm nhẹ phát thải khí nhà kính;
- d) Xây dựng và triển khai cơ chế, phương thức hợp tác về giảm nhẹ phát thải khí nhà kính phù hợp với quy định của pháp luật và điều ước quốc tế mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên;
- đ) Tổ chức và phát triển thị trường các-bon trong nước.

3. Thủ tướng Chính phủ ban hành danh mục lĩnh vực, cơ sở phát thải khí nhà kính phải thực hiện kiểm kê khí nhà kính, cập nhật 02 năm một lần trên cơ sở tỷ trọng phát thải khí nhà kính trên tổng phát thải khí nhà kính quốc gia; điều kiện và tình hình phát triển kinh tế - xã hội; tiêu thụ nhiên liệu, năng lượng trên đơn vị sản phẩm, dịch vụ đối với các cơ sở sản xuất, kinh doanh, dịch vụ.

4. Bộ Tài nguyên và Môi trường có trách nhiệm sau đây:

- a) Xây dựng, trình Thủ tướng Chính phủ phê duyệt danh mục lĩnh vực, cơ sở phát thải khí nhà kính phải thực hiện kiểm kê khí nhà kính; ban hành hệ thống quốc gia kiểm kê khí nhà kính; hệ thống đo đạc, báo cáo, thẩm định giảm nhẹ phát thải khí nhà kính;
- b) Định kỳ xây dựng báo cáo kiểm kê khí nhà kính cấp quốc gia 02 năm một lần;
- c) Hướng dẫn, tổ chức thực hiện thẩm định kết quả kiểm kê khí nhà kính và kế hoạch giảm nhẹ phát thải khí nhà kính đối với lĩnh vực, cơ sở phải thực hiện kiểm kê khí nhà kính.

5. Bộ quản lý lĩnh vực thuộc đối tượng phải thực hiện kiểm kê khí nhà kính có trách nhiệm sau đây:

- a) Tổ chức thực hiện kiểm kê khí nhà kính và gửi kết quả kiểm kê khí nhà kính định kỳ 02 năm một lần đến Bộ Tài nguyên và Môi trường trước ngày 31 tháng 01 của kỳ báo cáo tiếp theo để tổng hợp, báo cáo Thủ tướng Chính phủ;
- b) Xây dựng, tổ chức thực hiện kế hoạch giảm nhẹ phát thải khí nhà kính hằng năm trong lĩnh vực năng lượng, nông nghiệp, sử dụng đất và lâm nghiệp, quản lý chất thải, các quá trình công nghiệp;
- c) Hướng dẫn quy trình, quy định kỹ thuật về đo đạc, báo cáo, thẩm định giảm nhẹ phát thải khí nhà kính trong phạm vi quản lý của ngành, lĩnh vực;
- d) Tổng hợp, báo cáo kết quả thực hiện giảm nhẹ phát thải khí nhà kính hằng năm trong phạm vi quản lý đến Bộ Tài nguyên và Môi trường trước ngày 15 tháng 01 của kỳ báo cáo tiếp theo để tổng hợp, báo cáo Thủ tướng Chính phủ;
- đ) Hướng dẫn việc lựa chọn, áp dụng biện pháp công nghệ và quản lý để giảm nhẹ phát thải khí nhà kính phù hợp với quy mô và ngành, nghề thuộc lĩnh vực quản lý.

6. Ủy ban nhân dân cấp tỉnh có trách nhiệm cung cấp thông tin, số liệu phục vụ kiểm kê khí nhà kính cấp quốc gia, cấp ngành gửi Bộ Tài nguyên và Môi trường và các Bộ, cơ quan ngang Bộ có liên quan; kiểm tra việc thực hiện hoạt động có liên quan đến giảm nhẹ phát thải khí nhà kính trong phạm vi quản lý.

7. Cơ sở phát thải khí nhà kính thuộc danh mục phải thực hiện kiểm kê khí nhà kính có trách nhiệm sau đây:

- a) Tổ chức thực hiện kiểm kê khí nhà kính, xây dựng và duy trì hệ thống cơ sở dữ liệu phát thải khí nhà kính và gửi kết quả kiểm kê khí nhà kính định kỳ 02 năm một lần đến Bộ Tài nguyên và Môi trường trước ngày 01 tháng 12 của kỳ báo cáo để tổng hợp, báo cáo Thủ tướng Chính phủ;
- b) Xây dựng, thực hiện kế hoạch giảm nhẹ phát thải khí nhà kính hằng năm; thực hiện lồng ghép hoạt động giảm nhẹ phát thải khí nhà kính với chương trình quản lý chất lượng, chương trình sản xuất sạch hơn, chương trình bảo vệ môi trường của cơ sở;

c) Hằng năm, lập báo cáo mức giảm phát thải khí nhà kính để thực hiện kế hoạch giảm nhẹ phát thải khí nhà kính của cơ sở theo hệ thống đo đạc, báo cáo, thẩm định gửi Bộ Tài nguyên và Môi trường và các Bộ, cơ quan ngang Bộ, Ủy ban nhân dân cấp tỉnh có liên quan trước ngày 31 tháng 12 của kỳ báo cáo.

8. Chính phủ quy định chi tiết Điều này.

Điều 92. Bảo vệ tầng ô-dôn

1. Bảo vệ tầng ô-dôn là hoạt động ứng phó với biến đổi khí hậu nhằm ngăn ngừa sự suy giảm tầng ô-dôn, hạn chế tác động có hại của bức xạ cực tím từ Mặt Trời.

2. Nội dung bảo vệ tầng ô-dôn bao gồm:

a) Quản lý hoạt động sản xuất, xuất khẩu, nhập khẩu, tiêu thụ và loại trừ các chất làm suy giảm tầng ô-dôn, chất gây hiệu ứng nhà kính được kiểm soát trong khuôn khổ đi đầu ước quốc tế về bảo vệ tầng ô-dôn mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên;

b) Thực hiện việc thu gom, tái chế, tái sử dụng hoặc tiêu hủy các chất làm suy giảm tầng ô-dôn, chất gây hiệu ứng nhà kính được kiểm soát thuộc đi đầu ước quốc tế mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên về bảo vệ tầng ô-dôn trong thiết bị có các chất này khi không còn sử dụng;

c) Phát triển và ứng dụng công nghệ, thiết bị sử dụng các chất không làm suy giảm tầng ô-dôn, chất thân thiện khí hậu.

3. Bộ Tài nguyên và Môi trường có trách nhiệm sau đây:

a) Chủ trì, phối hợp với Bộ, cơ quan ngang Bộ có liên quan trình Thủ tướng Chính phủ ban hành Kế hoạch quốc gia quản lý, loại trừ các chất làm suy giảm tầng ô-dôn, chất gây hiệu ứng nhà kính được kiểm soát theo đi đầu ước quốc tế về bảo vệ tầng ô-dôn mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên;

b) Ban hành danh mục và hướng dẫn sử dụng các chất làm suy giảm tầng ô-dôn, chất gây hiệu ứng nhà kính được kiểm soát phù hợp với lộ trình thực hiện đi đầu ước quốc tế về bảo vệ tầng ô-dôn mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên;

c) Chủ trì, phối hợp với Bộ, cơ quan ngang Bộ, Ủy ban nhân dân cấp tỉnh quản lý, kiểm soát, giảm thiểu sử dụng và loại trừ các chất thuộc danh mục quy định tại điểm b khoản này; tổ chức thực hiện Kế hoạch quốc gia quản lý, loại trừ các chất làm suy giảm tầng ô-dôn, chất gây hiệu ứng nhà kính.

4. Bộ, cơ quan ngang Bộ, Ủy ban nhân dân cấp tỉnh theo thẩm quyền quản lý thực hiện kiểm soát hoạt động sản xuất, xuất khẩu, nhập khẩu, tiêu thụ các chất thuộc danh mục quy định tại điểm b khoản 3 Điều này. Bộ trưởng, thủ trưởng cơ quan ngang Bộ ban hành quy định quản lý, chính sách hỗ trợ chuyển đổi công nghệ loại trừ, giảm thiểu sử dụng các chất làm suy giảm tầng ô-dôn, chất gây hiệu ứng nhà kính được kiểm soát.

5. Cơ sở sản xuất thiết bị, sản phẩm có chứa hoặc sử dụng chất thuộc danh mục quy định tại điểm b khoản 3 Điều này phải xây dựng lộ trình phù hợp để thay thế, loại bỏ chất làm suy giảm tầng ô-dôn, chất gây hiệu ứng nhà kính được kiểm soát thuộc đi đầu ước quốc tế mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên về bảo vệ tầng ô-dôn.

6. Cơ sở sử dụng thiết bị, sản phẩm có chứa hoặc sử dụng chất thuộc danh mục quy định tại điểm b khoản 3 Điều này phải thực hiện quy định về thu gom, vận chuyển, tái chế, tái sử dụng và tiêu hủy theo hướng dẫn của Bộ Tài nguyên và Môi trường.

7. Cơ sở sản xuất, kinh doanh, dịch vụ có sử dụng chất thuộc danh mục quy định tại điểm b khoản 3 Điều này thực hiện việc chuyển đổi công nghệ bảo vệ tầng ô-dôn được hưởng ưu đãi, hỗ trợ theo quy định của Luật này và pháp luật về chuyển giao công nghệ.

8. Chính phủ quy định chi tiết Điều này.

Điều 93. Liên kết nội dung ứng phó với biến đổi khí hậu vào chiến lược, quy hoạch

1. Nội dung lồng ghép ứng phó với biến đổi khí hậu vào chiến lược, quy hoạch bao gồm:

- a) Kịch bản biến đổi khí hậu và tác động của biến đổi khí hậu được sử dụng trong việc xác định mục tiêu dài hạn của chiến lược, quy hoạch;
- b) Các giải pháp ứng phó với biến đổi khí hậu được lồng ghép vào nội dung của chiến lược, quy hoạch;
- c) Kết quả phân tích, đánh giá giải pháp ứng phó với biến đổi khí hậu được sử dụng trong việc xác định chỉ tiêu kinh tế - xã hội của chiến lược, quy hoạch.

2. Chiến lược, quy hoạch quy định tại Điều 25 của Luật này phải lồng ghép nội dung ứng phó với biến đổi khí hậu theo quy định của Luật này và quy định khác của pháp luật có liên quan.

Điều 94. Cơ sở dữ liệu quốc gia về biến đổi khí hậu

1. Cơ sở dữ liệu quốc gia về biến đổi khí hậu bao gồm thông tin, dữ liệu sau đây:

- a) Văn bản quy phạm pháp luật, chính sách, chiến lược, quy hoạch, kế hoạch, tiêu chuẩn, quy chuẩn kỹ thuật, quy định kỹ thuật và quy trình chuyên môn, định mức kinh tế - kỹ thuật về biến đổi khí hậu và bảo vệ tầng ô-dôn;
- b) Tác động của biến đổi khí hậu đến tài nguyên, môi trường, hệ sinh thái, điều kiện sống và hoạt động kinh tế - xã hội;
- c) Phát thải khí nhà kính và hoạt động kinh tế - xã hội có liên quan đến phát thải khí nhà kính;
- d) Hoạt động giảm nhẹ phát thải khí nhà kính và thích ứng với biến đổi khí hậu;
- đ) Bảo vệ tầng ô-dôn và quản lý các chất làm suy giảm tầng ô-dôn;
- e) Kết quả đánh giá khí hậu quốc gia;
- g) Kịch bản biến đổi khí hậu các thời kỳ;
- h) Nghiên cứu khoa học, phát triển, chuyển giao công nghệ ứng phó với biến đổi khí hậu và bảo vệ tầng ô-dôn;
- i) Nguồn lực cho ứng phó với biến đổi khí hậu và bảo vệ tầng ô-dôn;
- k) Các hoạt động hợp tác quốc tế về ứng phó với biến đổi khí hậu và bảo vệ tầng ô-dôn.

2. Bộ Tài nguyên và Môi trường tổ chức xây dựng, cập nhật và hướng dẫn khai thác, sử dụng cơ sở dữ liệu quốc gia về biến đổi khí hậu.

3. Bộ, cơ quan ngang Bộ, Ủy ban nhân dân cấp tỉnh có trách nhiệm tổ chức đi đầu tra, khảo sát, thu thập thông tin, dữ liệu được quy định tại khoản 1 Điều này thuộc phạm vi, lĩnh vực quản lý gửi Bộ Tài nguyên và Môi trường.

Điều 95. Báo cáo quốc gia ứng phó với biến đổi khí hậu

1. Nội dung báo cáo quốc gia ứng phó với biến đổi khí hậu bao gồm:

- a) Tổng quan diễn biến, tác động của biến đổi khí hậu;
- b) Kết quả kiểm kê quốc gia khí nhà kính;
- c) Nỗ lực và hiệu quả ứng phó với biến đổi khí hậu;
- d) Nguồn lực trong nước và quốc tế dành cho ứng phó với biến đổi khí hậu;
- đ) Tình hình thực hiện cam kết quốc tế về biến đổi khí hậu;

e) Dự báo tác động của biến đổi khí hậu đến kinh tế, xã hội, môi trường;

g) Kiến nghị giải pháp ứng phó với biến đổi khí hậu.

2. Bộ, cơ quan ngang Bộ, Ủy ban nhân dân cấp tỉnh có trách nhiệm hằng năm lập báo cáo về ứng phó với biến đổi khí hậu thuộc phạm vi, lĩnh vực quản lý gửi Bộ Tài nguyên và Môi trường.

3. Bộ Tài nguyên và Môi trường định kỳ 05 năm một lần xây dựng báo cáo quốc gia ứng phó với biến đổi khí hậu trình Chính phủ để báo cáo Quốc hội; hướng dẫn các Bộ, cơ quan ngang Bộ và Ủy ban nhân dân cấp tỉnh lập báo cáo về ứng phó với biến đổi khí hậu.

Điều 96. Thực hiện cam kết quốc tế về biến đổi khí hậu và bảo vệ tầng ô-dôn

1. Bộ Tài nguyên và Môi trường có trách nhiệm sau đây:

a) Là đầu mối tổ chức thực hiện cam kết quốc tế về biến đổi khí hậu và bảo vệ tầng ô-dôn theo quy định của điều ước quốc tế mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên;

b) Tổ chức xây dựng, cập nhật, triển khai thực hiện Đóng góp do quốc gia tự quyết định, Báo cáo minh bạch 02 năm một lần và các báo cáo quốc gia khác về biến đổi khí hậu và bảo vệ tầng ô-dôn theo quy định của điều ước quốc tế mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên;

c) Xây dựng cơ chế, chính sách huy động và quản lý nguồn lực để thực hiện Đóng góp do quốc gia tự quyết định, những cam kết của Việt Nam đối với quốc tế về biến đổi khí hậu và bảo vệ tầng ô-dôn theo quy định của điều ước quốc tế mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên.

2. Bộ, cơ quan ngang Bộ, Ủy ban nhân dân cấp tỉnh có trách nhiệm tham gia triển khai thực hiện cam kết quốc tế về biến đổi khí hậu và bảo vệ tầng ô-dôn theo quy định của điều ước quốc tế mà nước Cộng hòa xã hội chủ nghĩa Việt Nam là thành viên; báo cáo kết quả thực hiện gửi Bộ Tài nguyên và Môi trường tổng hợp, báo cáo theo quy định.

Chương VIII

QUY CHUẨN KỸ THUẬT MÔI TRƯỜNG, TIÊU CHUẨN MÔI TRƯỜNG

Điều 97. Hệ thống quy chuẩn kỹ thuật môi trường

1. Quy chuẩn kỹ thuật môi trường về chất lượng môi trường xung quanh bao gồm:

- a) Nhóm quy chuẩn kỹ thuật môi trường về chất lượng đất, trầm tích;
- b) Nhóm quy chuẩn kỹ thuật môi trường về chất lượng nước mặt, nước dưới đất và nước biển;
- c) Nhóm quy chuẩn kỹ thuật môi trường về chất lượng không khí;
- d) Nhóm quy chuẩn kỹ thuật môi trường về ánh sáng, bức xạ;
- đ) Nhóm quy chuẩn kỹ thuật môi trường về tiếng ồn, độ rung.

2. Quy chuẩn kỹ thuật môi trường về chất thải bao gồm:

- a) Nhóm quy chuẩn kỹ thuật môi trường về nước thải;
- b) Nhóm quy chuẩn kỹ thuật môi trường về khí thải của hoạt động sản xuất, kinh doanh, dịch vụ và khí thải của phương tiện giao thông vận tải.

3. Quy chuẩn kỹ thuật môi trường về quản lý chất thải bao gồm:

- a) Nhóm quy chuẩn kỹ thuật môi trường về chất thải nguy hại;

- b) Nhóm quy chuẩn kỹ thuật môi trường về bãi chôn lấp chất thải rắn;
 - c) Nhóm quy chuẩn kỹ thuật môi trường về công trình, thiết bị xử lý nước thải tại chỗ;
 - d) Nhóm quy chuẩn kỹ thuật môi trường về lò đốt chất thải;
 - đ) Nhóm quy chuẩn kỹ thuật môi trường về đường xử lý chất thải;
 - e) Nhóm quy chuẩn kỹ thuật môi trường khác về thiết bị xử lý, tái chế chất thải.
4. Quy chuẩn kỹ thuật môi trường về quản lý phế liệu nhập khẩu từ nước ngoài làm nguyên liệu sản xuất.
5. Quy chuẩn kỹ thuật môi trường về giới hạn các chất ô nhiễm khó phân hủy trong nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị.
6. Quy chuẩn kỹ thuật môi trường khác theo yêu cầu về bảo vệ môi trường.

Điều 98. Nguyên tắc xây dựng và áp dụng quy chuẩn kỹ thuật môi trường về chất lượng môi trường xung quanh; quy chuẩn kỹ thuật môi trường về giới hạn các chất ô nhiễm khó phân hủy trong nguyên liệu, nhiên liệu, vật liệu, sản phẩm, hàng hóa, thiết bị

1. The development of environmental technical standards on environmental quality must ensure the following principles:
- a) Meet the goal of protecting and improving the quality of the living environment to ensure human health, the development of living species and sustainable development of ecosystems; serve the activities of planning, environmental zoning, and environmental quality assessment;
 - b) Ensure that it is equivalent to that of developed countries and suitable to the natural, economic and social conditions of the country and each region.
2. The application of environmental technical regulations on environmental quality must ensure the following principles:
- a) As a basis for classifying and evaluating environmental quality at a location or area;
 - b) Serve as a basis for implementing environmental zoning in accordance with management and use purposes;
 - c) Serve as a basis for developing environmental quality management plans, reviewing and granting environmental licenses to entities that discharge waste into the environment, ensuring that waste discharge is consistent with the purpose of environmental quality management in areas that have been planned, zoned or classified.
3. Environmental technical regulations on limits of persistent pollutants in raw materials, fuels, materials, products, goods, and equipment must ensure the goal of protecting human health and preventing environmental pollution according to international treaties to which the Socialist Republic of Vietnam is a member.

Article 99. Principles for developing and applying environmental technical regulations on waste, waste management, and management of scrap imported from foreign countries as raw materials for production

1. The development of environmental technical standards on waste, waste management, and management of imported scrap from foreign countries as raw materials for production must ensure the following principles:
- a) Environmental technical standards on waste and waste management must be consistent with the technical and technological level and the socio-economic development level of the country in each period; in harmony with the regulations of countries in the region and the world; encourage production, business and service

establishments to convert and apply new technology, the best available technology, clean technology and environmentally friendly technology;

b) Environmental technical regulations on waste must be suitable for the receiving environmental area and region; be developed based on environmental planning and zoning; maintain the purpose of environmental quality management and environmental quality improvement;

c) Environmental technical regulations on waste management must be consistent with the purposes and requirements for collection, storage and treatment of each type of waste;

d) Environmental technical regulations on the management of imported scrap from foreign countries as raw materials for production must ensure remote prevention and prevent the exploitation of waste into Vietnam;

d) Environmental technical regulations on waste, waste management, and management of imported scrap from foreign countries as raw materials for production must be reviewed, updated, and adjusted periodically every 5 years or when necessary, in a more stringent direction in cases where environmental quality does not ensure the maintenance of environmental quality management purposes;

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

2. The application of environmental technical regulations on waste and waste management must ensure the following principles:

a) Environmental technical regulations on waste and waste management must be applied to control pollutants generated from production, business and service establishments; ensuring no environmental pollution;

b) Environmental technical regulations on waste must be applied according to the purpose of environmental quality management of the receiving environmental area and scale and flow of waste;

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

d) Operating production, business and service establishments must have a plan to implement the roadmap for application of environmental technical regulations on waste and waste management or a relocation plan if they do not meet the requirements;

d) In case there is no national environmental technical regulation related to technology and equipment that generate waste, environmental quality parameters or pollutants in waste, the national environmental protection standards of one of the countries in the Group of Developed Industrial Countries shall apply.

3. The application of environmental technical standards on the management of imported scrap from foreign countries as raw materials for production must ensure the following principles:

a) Environmental technical regulations on the management of imported scrap from foreign countries as raw materials for production are one of the bases for customs clearance of imported scrap shipments. In case of failure to meet the requirements, they must be re-exported according to the provisions of law;

b) Environmental technical regulations on management of imported scrap from foreign countries as raw materials for production are applied to each imported scrap shipment registered for inspection, except for cases exempted from inspection according to regulations of law.

Article 100. Requirements for environmental technical regulations on ambient environmental quality

1. Environmental technical regulations on ambient environmental quality must specify the allowable limit values of environmental parameters suitable for the intended use of the corresponding environmental components, including:

a) Minimum values of environmental parameters ensuring normal life and development of humans and organisms;

b) The maximum allowable values of environmental parameters in the environmental components ensure that they do not have adverse impacts on the life and normal development of humans and organisms.

2. Environmental technical regulations on ambient environmental quality must provide guidance on standard methods for measurement, sampling, and analysis to determine environmental parameters.

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

1. Environmental technical regulations on waste must specify the allowable limit values of pollutants in waste. The allowable limit values of pollutants in waste must be determined based on the toxicity of the pollutant, the scale of discharge, and environmental zoning.

2. Environmental technical regulations on waste management must specify technical and management requirements for collection, storage and treatment to ensure no environmental pollution.

3. Environmental technical regulations on the management of imported scrap from foreign countries as raw materials for production must specify technical requirements, management and maximum impurity ratio allowed in imported scrap shipments.

4. Environmental technical regulations on waste and waste management must have regulations on appropriate implementation roadmap.

5. The environmental technical regulations specified in this Article must have instructions on standard methods for sampling, measurement and analysis to determine technical indicators and parameters.

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

1. The authority, order and procedures for developing and promulgating national environmental technical regulations and local environmental technical regulations shall comply with the provisions of law on technical standards and regulations.

2. The Ministry of Natural Resources and Environment has the following responsibilities:

a) Develop and promulgate national environmental technical regulations;

b) Preside over and coordinate with the Ministry of Transport to submit to the Prime Minister for promulgation a roadmap for applying national technical standards and regulations on emissions of road motor vehicles in circulation in Vietnam.

3. Ministries and ministerial-level agencies shall issue standards, technical regulations or technical instructions on reuse, recycling and use of waste as raw materials and materials for production, business and service activities under their management after receiving opinions from the Ministry of Natural Resources and Environment.

4. The Ministry of Science and Technology shall organize the appraisal of environmental technical regulations in accordance with the provisions of law on standards and technical regulations.

5. In case the quality of the surrounding environment does not ensure the maintenance of environmental quality protection goals, the Provincial People's Committee shall be responsible for promulgating local environmental technical regulations on waste within a maximum period of 02 years from the date of promulgation of national environmental technical regulations.

Article 103. Environmental standards

1. Environmental standards include ambient environmental quality standards, environmental standards for waste management and other environmental standards.

2. All or part of environmental standards become mandatory when cited in legal documents or environmental technical regulations.

3. Basic environmental standards apply within the management scope of the organization publishing the standards.

Article 104. Development, appraisal and promulgation of environmental standards

1. The authority, order and procedures for developing and appraising environmental standards shall comply with the provisions of law on technical standards and regulations.
2. The Ministry of Natural Resources and Environment organizes the development and proposes the appraisal of national environmental standards.
3. The Ministry of Science and Technology organizes the appraisal and promulgation of national environmental standards.
4. Agencies and organizations develop and promulgate basic environmental standards in accordance with the provisions of law on standards and technical regulations.

Article 105. Application of best available techniques

1. Investment project owners and establishments in the production, business and service sectors that pose a risk of causing environmental pollution are responsible for researching and applying the best available techniques according to the roadmap prescribed by the Government; providing information upon request to serve the development of technical guidelines for applying the best available techniques.
2. Criteria for determining best available techniques include:
 - a) Ability to reduce the amount of pollutants;
 - b) Ability to increase the amount of recyclable waste;
 - c) Cost of implementing and operating best available technology;
 - d) Energy saving ability;
 - d) Proactive in pollution prevention and control.
3. The Ministry of Natural Resources and Environment shall preside over and coordinate with the Ministry of Science and Technology and relevant ministries and ministerial-level agencies to develop and promulgate technical guidelines on the application of best available techniques or consider recognizing the best available techniques that have been applied in the Group of Developed Industrial Countries that are allowed to be applied in Vietnam; review, update and supplement the list of best available techniques to ensure their suitability with reality and the level of development of science and technology; provide guidance on the application of best available techniques for each type of production, business and service that has the risk of causing environmental pollution.

Chapter IX

ENVIRONMENTAL MONITORING, INFORMATION, ENVIRONMENTAL DATABASES AND ENVIRONMENTAL REPORTING

Section 1. ENVIRONMENTAL MONITORING

Article 106. General provisions on environmental monitoring

1. Environmental monitoring includes waste monitoring and environmental monitoring, which is carried out through automatic, continuous monitoring, periodic monitoring, and monitoring at the request of competent state agencies.
2. Investment projects, facilities, concentrated production, business and service areas, and industrial clusters that generate waste into the environment must conduct monitoring according to the provisions of Articles 111

and 112 of this Law , ensuring compliance with environmental technical standards.

3. Encourage organizations and individuals to participate in environmental monitoring and to publish information on environmental quality to the community in accordance with the provisions of law. Organizations and individuals that monitor the environment and publish information on environmental quality to the community are responsible before the law for the accuracy of the information.

4. Environmental monitoring activities must ensure quality and quality control, providing accurate and reliable monitoring results.

5. Environmental monitoring equipment and devices must be inspected and calibrated according to the provisions of the law on measurement.

Article 107. Environmental monitoring system

1. Environmental monitoring system includes:

- a) National environmental monitoring is a network of stations and locations for monitoring background and impact environments to serve the monitoring and provision of information on background and impact environmental quality in inter-regional, inter-provincial, and cross-border areas;
- b) Provincial environmental monitoring is a network of stations and locations for monitoring background and impact environments to serve the monitoring and provision of information on background and impact environmental quality in areas within the locality;
- c) Environmental monitoring to serve the management of sectors and fields specified in Article 109 of this Law ;
- d) Environmental monitoring at investment projects, facilities, concentrated production, business and service areas, and industrial clusters;
- d) Biodiversity monitoring in nature reserves.

2. Organizations participating in the environmental monitoring system include:

- a) State management agency on environmental monitoring;
- b) Organize sampling and measurement of environmental samples at the site;
- c) Laboratory, environmental sample analysis;
- d) Organizing inspection and calibration of environmental monitoring equipment;
- d) Organize management, data processing and reporting of environmental monitoring results.

3. The environmental monitoring system must be planned synchronously and interconnectedly, forming a unified and comprehensive network nationwide.

4. The national environmental monitoring master plan is a technical and specialized plan that includes the following main contents:

- a) Analyze and evaluate the current status of the national environmental monitoring network; the system of laboratories, environmental analysis and the system of managing environmental monitoring data;
- b) Viewpoints, objectives, and selection of national environmental monitoring master plan options in accordance with environmental zoning, environmental monitoring and warning orientations in environmental protection planning;
- c) Arrange the national environmental monitoring network including orientation of points, parameters, frequency of monitoring environmental components nationwide and automatic monitoring stations;

orientation of development of laboratory system, environmental analysis and data management system, environmental monitoring data;

d) List of national environmental monitoring projects;

d) Orientation for linking national environmental monitoring networks, databases and data with provincial environmental monitoring networks, databases and data and connecting environmental monitoring networks;

e) Roadmap and resources for implementing the plan.

Article 108. Subjects of environmental monitoring

1. Environmental components that must be monitored include:

a) Water environment includes surface water, groundwater, seawater;

b) Ambient air environment;

c) Soil and sediment environment;

d) Biodiversity;

d) Noise, vibration, radiation, light.

2. Sources of emissions, waste, and pollutants that must be monitored include:

a) Waste water, exhaust gas;

b) Industrial waste must be controlled to classify hazardous waste according to the provisions of law;

c) Radiation;

d) Persistent pollutants are emitted and accumulate in the environment;

d) Other pollutants.

Article 109. Responsibility for environmental monitoring

1. The Ministry of Natural Resources and Environment has the following responsibilities:

a) Direct, guide and inspect environmental monitoring activities nationwide; organize the implementation of the national environmental monitoring program, including the environmental monitoring program for inter-provincial rivers and lakes, seas, key economic zones, inter-regional and inter-provincial areas, cross-border environments and environments in special areas; conduct biodiversity monitoring in nature reserves;

b) Prepare, appraise and submit to the Prime Minister for approval the National Environmental Monitoring Master Plan in accordance with the provisions of law on planning;

c) Technical guidance on building national and provincial environmental monitoring systems; biodiversity monitoring.

2. The Ministry of Science and Technology organizes the implementation of the radiation monitoring program, including programs for monitoring radioactive components in the environment.

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

4. The Ministry of Health organizes the implementation of the labor environment monitoring program in the work area.

5. The Ministry of National Defense participates in offshore seawater and transboundary environmental monitoring activities.

6. Provincial People's Committees organize the implementation of environmental monitoring programs in their localities and report to the People's Councils at the same level and the Ministry of Natural Resources and Environment on the results of annual environmental monitoring.

Article 110. Conditions for environmental monitoring activities

1. The national environmental monitoring program, local environmental monitoring program, environmental monitoring program of business and service organizations as required by the law on environmental protection and other monitoring activities serving state management of environmental protection as prescribed by environmental monitoring regulations must be carried out by organizations certified to be qualified to provide environmental monitoring services.

2. Organizations that meet the requirements for environmental monitoring personnel, environmental monitoring equipment, technical conditions of laboratories and have environmental monitoring procedures and methods are granted a certificate of eligibility to operate environmental monitoring services. Organizations granted the certificate must ensure that their operations are consistent with the certified capacity and scope.

3. Agencies, organizations and individuals that conduct periodic, regular and continuous environmental monitoring to provide and publish information on environmental quality to the community must meet technical requirements on environmental monitoring as prescribed by law.

4. The Government shall detail this Article.

Article 111. Wastewater monitoring

1. Subjects that must monitor wastewater automatically and continuously include:

- a) Concentrated production, business and service areas and industrial clusters discharging wastewater into the environment;
- b) Investment projects and facilities of a type that pose a risk of causing environmental pollution with an average or higher discharge of wastewater into the environment;
- c) Investment projects and facilities that are not at risk of causing environmental pollution with large volumes of wastewater discharged into the environment.

2. Subjects that must periodically monitor wastewater include:

- a) Concentrated production, business and service areas and industrial clusters discharging wastewater into the environment;
- b) Investment projects and facilities with large volumes of wastewater discharged into the environment.

3. Automatic and continuous wastewater monitoring must meet technical regulations on environmental monitoring. Data from the monitoring system is transmitted directly to the provincial environmental protection authority.

4. Periodic wastewater monitoring must ensure the time, frequency, and parameters as prescribed by law. Parameters that have been automatically and continuously monitored do not need to be periodically monitored.

5. Provincial environmental protection agencies have the following responsibilities:

- a) Monitor wastewater monitoring data automatically and continuously; evaluate the results of wastewater monitoring automatically and continuously and compare them with the maximum allowable values of pollution parameters according to environmental technical regulations on wastewater; monitor and inspect

the remediation in case of interruption of monitoring data; detect monitoring parameters exceeding environmental technical regulations and propose handling measures according to regulations;

b) Synthesize and transmit automatic and continuous wastewater monitoring data in the area to the Ministry of Natural Resources and Environment according to regulations.

6. Entities not specified in Clause 1 and Clause 2 of this Article are encouraged to conduct wastewater monitoring to self-monitor and supervise their wastewater treatment systems and equipment.

7. The Government shall specify in detail the subjects required to monitor wastewater; parameters and roadmap for automatic and continuous wastewater monitoring; time and frequency of periodic wastewater monitoring.

8. The Minister of Natural Resources and Environment issues technical regulations on wastewater monitoring.

Article 112. Monitoring of industrial dust and emissions

1. Subjects that must monitor industrial dust and emissions automatically and continuously include investment projects and facilities that are at risk of causing air pollution with large amounts of dust and emissions discharged into the environment.

2. Subjects that must periodically monitor industrial dust and emissions include investment projects and facilities with large discharge volumes into the environment.

3. The automatic and continuous monitoring of industrial dust and emissions must meet technical regulations on environmental monitoring. Data from the monitoring system is transmitted directly to the provincial environmental protection authority.

4. Periodic monitoring of industrial dust and emissions must ensure the time, frequency and parameters as prescribed by law. For parameters that have been automatically and continuously monitored, periodic monitoring is not required.

5. Provincial environmental protection agencies have the following responsibilities:

a) Monitor industrial emission monitoring data automatically and continuously; evaluate the results of industrial emission monitoring automatically and continuously and compare them with the maximum allowable values for pollution parameters according to environmental technical regulations on emissions; monitor and inspect the remediation in case of interruption of monitoring data; detect monitoring parameters exceeding the allowable levels according to environmental technical regulations and propose handling measures according to regulations;

b) Synthesize and transmit automatic and continuous industrial emission monitoring data in the area to the Ministry of Natural Resources and Environment according to regulations.

6. Entities not specified in Clauses 1 and 2 of this Article are encouraged to monitor industrial dust and emissions to self-monitor and supervise their dust and emission treatment systems and equipment.

7. The Government shall specify in detail the subjects required to monitor industrial dust and emissions; parameters and roadmap for automatic and continuous industrial emission monitoring; time and frequency of periodic industrial dust and emissions monitoring.

8. The Minister of Natural Resources and Environment shall issue technical regulations on monitoring industrial dust and emissions.

Article 113. Management of environmental monitoring data

1. The Ministry of Natural Resources and Environment manages national environmental monitoring data; builds a database on environmental monitoring in the national environmental information and database system; integrates environmental monitoring data of ministries, ministerial-level agencies and localities;

publishes information on national environmental quality; provides professional and technical guidance and support for the management of local environmental monitoring data.

2. Ministries and ministerial-level agencies shall develop a database on environmental monitoring according to their authority and integrate it into the national environmental database.

3. Provincial People's Committees manage environmental monitoring data; build local environmental monitoring databases to ensure consistency, synchronization and connectivity with the national environmental information and database system and publish information on local environmental quality based on local environmental monitoring results.

4. Investment projects, facilities, concentrated production, business and service zones, and industrial clusters must manage waste monitoring data and publicly announce waste monitoring results in accordance with the provisions of law.

Section 2. ENVIRONMENTAL INFORMATION SYSTEM AND DATABASE

Article 114. Environmental information

1. Environmental information includes:

a) Information on pollutants, discharge of pollutants into the environment, sources of pollution; environmental protection work of investment projects, facilities, concentrated production, business and service areas, and industrial clusters;

b) Information on solid waste, hazardous waste, wastewater, exhaust gas and other types of waste as prescribed by law;

c) Information on the decision to approve the appraisal results, environmental impact assessment reports, except for trade secrets, business secrets, information classified as state secrets; contents of licensing, registration, certification, confirmation; results of environmental protection inspection and examination for investment projects, facilities, concentrated production, business and service areas, industrial clusters according to regulations;

d) Information on environmental statistics, environmental quality, environmental pollution;

d) Information on natural heritage, natural ecosystems, biological species and genetic resources; nature reserves and biodiversity conservation facilities; important wetlands.

2. The collection, storage and management of environmental information is regulated as follows:

a) Environmental information collected is guaranteed to be accurate, complete and timely;

b) The investment project owner and facility are responsible for regularly collecting, storing and managing environmental information specified in Points a, b and c, Clause 1 of this Article;

c) Ministries and ministerial-level agencies shall collect, store and manage environmental information within the scope of management specified in Point d and Point dd, Clause 1 of this Article;

d) People's Committees at all levels collect, store and manage environmental information in their localities and according to management decentralization;

d) The Ministry of Natural Resources and Environment collects and synthesizes information on the national environment.

3. The provision and disclosure of environmental information is regulated as follows:

a) The State encourages organizations and individuals to participate in providing environmental information;

b) Ministries, ministerial-level agencies, and provincial People's Committees are responsible for providing environmental information under their responsibility for collection, storage, and management to the Ministry of Natural Resources and Environment through the national environmental information system and database or reporting in accordance with the provisions of law;

c) The investment project owner and facility shall be responsible for providing environmental information specified in Points a, b and c, Clause 1 of this Article to the state management agency on environmental protection through the information system, national environmental database or reporting as prescribed by law;

d) Agencies, organizations and individuals shall publicly disclose environmental information as prescribed on the agency or organization's information portal or in other forms, ensuring convenience for relevant entities to receive information. Public disclosure of environmental information must comply with the provisions of this Law and other relevant legal provisions.

4. The Government shall detail the content and management of environmental information; the order, procedures, time and form of providing and publicizing environmental information.

Article 115. Environmental information system and database

1. The environmental information system is regulated as follows:

a) The State has policies to invest in building and operating environmental information systems, aiming to develop digital platforms and digital economy for the environment;

b) The Ministry of Natural Resources and Environment is responsible for building, managing and exploiting the national environmental information system; guiding the implementation of the environmental information system at the ministerial, sectoral and provincial levels;

c) Ministries, ministerial-level agencies, and provincial People's Committees are responsible for building, managing, and exploiting the environmental information system of ministries, branches, and provinces, ensuring synchronization with the national environmental information system.

2. Environmental database is regulated as follows:

a) Environmental database is a collection of environmental information that is built, updated, stored and managed to meet the requirements of access, provision and unified use from central to local levels, serving state management of environmental protection and providing public services on the environment;

b) The Ministry of Natural Resources and Environment shall develop and manage the national environmental database; guide ministries, ministerial-level agencies, and provincial People's Committees in organizing the implementation of their environmental databases;

c) Ministries, ministerial-level agencies, and provincial People's Committees are responsible for organizing the implementation of their environmental databases; ensuring integration, connection, and communication with the national environmental database.

3. The Government shall detail this Article.

Article 116. Online public services on environment

1. Online public services on the environment include public administrative services on the environment, environmental information provision services and other public services on the environment as prescribed by law.

2. The provision of online public services on the environment is regulated as follows:

a) Competent state management agencies shall provide online public services on the environment according to Government regulations to ensure connectivity, interoperability, convenience, simplicity, and safety for agencies, organizations, and individuals and to serve state management work on the environment;

b) The Ministry of Natural Resources and Environment and the Provincial People's Committees are responsible for developing, organizing, and guiding the implementation of online public services on the environment, ensuring consistency, connectivity, and interoperability in accordance with the provisions of law.

Section 3. ENVIRONMENTAL REPORT

Article 117. Environmental statistical indicators

1. Environmental statistical indicators are part of the Vietnamese statistical indicator system, aiming to measure and evaluate environmental protection activities towards sustainable development, in accordance with the United Nations sustainable development indicator system.
2. Environmental statistical indicators include national environmental statistical indicators and environmental statistical indicators of the natural resources and environment sector, which are implemented in accordance with the provisions of this Law and the law on statistics.
3. Ministries, ministerial-level agencies, and provincial People's Committees shall organize the work of collecting environmental indicators in their sectors, fields, and management areas; and annually report to the Ministry of Natural Resources and Environment on environmental statistical indicators.
4. The Minister of Natural Resources and Environment shall develop, guide and organize the implementation of environmental statistics; issue a set of environmental statistical indicators for the natural resources and environment sector.

Article 118. Reporting on environmental protection work

1. Annually, reporting on environmental protection work of the previous year is carried out according to the following regulations:
 - a) The People's Committee at district level reports to the People's Council at the same level and the People's Committee at provincial level before January 31;
 - b) Management boards of industrial parks, export processing zones, high-tech zones, and economic zones shall report to the Provincial People's Committee before January 31;
 - c) The Provincial People's Committee reports to the Provincial People's Council and the Ministry of Natural Resources and Environment before February 15;
 - d) Ministries and ministerial-level agencies shall send reports on the implementation of environmental protection tasks of ministries and ministerial-level agencies to the Ministry of Natural Resources and Environment before February 15;
 - d) The Ministry of Natural Resources and Environment shall prepare a report on environmental protection work nationwide and submit it to the Government for reporting to the National Assembly at the first session of the National Assembly in the year.
2. The main contents of the environmental protection work report include:
 - a) Current status and changes in the quality of soil, water and air environment; natural heritage and biodiversity;
 - b) General socio-economic context and environmental impacts;
 - c) Results of environmental protection activities include control of pollution sources; management of solid waste and hazardous waste; management of soil, water and air quality; pollution treatment, improvement of environmental quality; prevention and response to environmental incidents; protection of natural heritage and biodiversity;
 - d) Environmental monitoring and warning system;

- d) Develop policies and laws, resolve administrative procedures, monitor, inspect, examine, handle violations of the law, resolve complaints and denunciations about the environment;
- e) Conditions and resources for environmental protection;
- g) Results of implementation of environmental statistical indicators;
- h) General assessment;
- i) Directions, tasks and solutions for environmental protection in the coming time.

3. The environmental protection reporting period is from January 1 to December 31 of the reporting year.

4. Environmental protection reports are submitted in paper or electronic form as prescribed by law.

5. The Minister of Natural Resources and Environment guides the preparation of environmental protection reports; guides and organizes the assessment of environmental protection results of ministries, ministerial-level agencies, and provincial People's Committees.

Article 119. Reporting on environmental protection work in production, business and service activities

1. The project owner and facility are responsible for preparing and submitting environmental protection reports to competent state agencies in accordance with the provisions of law.

2. Environmental protection work report includes:

a) Annual environmental protection work report. The reporting period is from January 1 to December 31 of the reporting year;

b) Report on environmental protection work at the request of competent state agencies.

3. The main contents of the periodic environmental protection work report include:

a) Results of operations of works and environmental protection measures for waste;

b) Results of overcoming environmental protection requirements of inspection and examination agencies and competent state agencies (if any);

c) Results of periodic environmental monitoring and supervision, automatic and continuous monitoring;

d) Solid waste management, hazardous waste management;

d) Management of imported scrap (if any);

e) Hoạt động dịch vụ quan trắc môi trường (nếu có);

g) Các kết quả, hoạt động, biện pháp bảo vệ môi trường khác.

4. Báo cáo công tác bảo vệ môi trường được gửi bằng bản giấy hoặc bản điện tử theo quy định của pháp luật.

5. Bộ trưởng Bộ Tài nguyên và Môi trường quy định chi tiết nội dung, biểu mẫu, hình thức và thời gian gửi báo cáo công tác bảo vệ môi trường trong hoạt động sản xuất, kinh doanh, dịch vụ.

Điều 120. Báo cáo hiện trạng môi trường

1. Báo cáo hiện trạng môi trường gồm báo cáo tổng quan về hiện trạng môi trường và báo cáo chuyên đề về hiện trạng môi trường.

2. Trách nhiệm lập báo cáo hiện trạng môi trường được quy định như sau:

- a) Bộ Tài nguyên và Môi trường lập báo cáo tổng quan về hiện trạng môi trường quốc gia 05 năm một lần để phục vụ đánh giá kết quả thực hiện kế hoạch phát triển kinh tế - xã hội; hằng năm, lập báo cáo chuyên đề về hiện trạng môi trường quốc gia;
- b) Ủy ban nhân dân cấp tỉnh lập báo cáo tổng quan về hiện trạng môi trường của địa phương 05 năm một lần; hằng năm, lập báo cáo chuyên đề về hiện trạng môi trường theo hướng dẫn của Bộ Tài nguyên và Môi trường; căn cứ các vấn đề bức xúc về môi trường của địa phương, Ủy ban nhân dân cấp tỉnh có thể quyết định lập thêm báo cáo chuyên đề về hiện trạng môi trường trên địa bàn.

3. Nội dung chính của báo cáo hiện trạng môi trường bao gồm:

- a) Tổng quan về tự nhiên, kinh tế, xã hội;
- b) Các tác động môi trường;
- c) Hiện trạng và diễn biến chất lượng môi trường;
- d) Các vấn đề bức xúc về môi trường và nguyên nhân;
- đ) Tác động của môi trường đối với kinh tế, xã hội;
- e) Kết quả thực hiện chính sách, pháp luật và các hoạt động bảo vệ môi trường; hợp tác quốc tế về bảo vệ môi trường;
- g) Dự báo thách thức về môi trường;
- h) Phương hướng và giải pháp bảo vệ môi trường.

4. Hình thức báo cáo hiện trạng môi trường được quy định như sau:

- a) Báo cáo tổng quan về hiện trạng môi trường quốc gia được trình Quốc hội tại kỳ họp trước kỳ họp cuối năm của năm cuối cùng của nhiệm kỳ; báo cáo tổng quan về hiện trạng môi trường cấp tỉnh được trình Hội đồng nhân dân cùng cấp tại kỳ họp thường lệ cuối năm của năm cuối cùng của nhiệm kỳ;
- b) Báo cáo chuyên đề về hiện trạng môi trường quốc gia được công bố trên trang thông tin điện tử của Bộ Tài nguyên và Môi trường trước kỳ họp Quốc hội đầu tiên của năm tiếp theo; báo cáo chuyên đề về hiện trạng môi trường địa phương được công bố trên trang thông tin điện tử của Ủy ban nhân dân cấp tỉnh trước kỳ họp thường lệ đầu tiên của Hội đồng nhân dân cấp tỉnh của năm tiếp theo.

5. Bộ trưởng Bộ Tài nguyên và Môi trường hướng dẫn việc lập báo cáo hiện trạng môi trường; hướng dẫn việc triển khai thực hiện, lập báo cáo hiện trạng môi trường của các Bộ, cơ quan ngang Bộ và Ủy ban nhân dân cấp tỉnh.

Chương X

PHÒNG NGỪA, ỨNG PHÓ SỰ CỐ MÔI TRƯỜNG VÀ BỒI THƯỜNG THIẾT HẠI VỀ MÔI TRƯỜNG

Mục 1. PHÒNG NGỪA, ỨNG PHÓ SỰ CỐ MÔI TRƯỜNG

Điều 121. Quy định chung về phòng ngừa, ứng phó sự cố môi trường

1. Việc phòng ngừa, ứng phó sự cố môi trường phải tuân thủ quy trình, quy chuẩn kỹ thuật về an toàn, môi trường.
2. Ứng phó sự cố môi trường thực hiện theo phương châm chỉ huy tại chỗ, lực lượng tại chỗ, phương tiện, vật tư tại chỗ, hậu cần tại chỗ.
3. Tổ chức, cá nhân gây ra sự cố môi trường có trách nhiệm ứng phó sự cố môi trường, chi trả chi phí ứng phó sự cố môi trường.

4. Sự cố môi trường xảy ra ở cơ sở, địa phương nào thì người đứng đầu cơ sở, địa phương đó có trách nhiệm chỉ đạo, tổ chức ứng phó sự cố môi trường. Ứng phó sự cố môi trường phải theo sự phân công, phân cấp, chỉ huy thống nhất và phối hợp chặt chẽ giữa các lực lượng, phương tiện, thiết bị tham gia hoạt động ứng phó sự cố môi trường.

5. Nhà nước khuyến khích, tạo điều kiện cho tổ chức, cá nhân đầu tư cung cấp dịch vụ ứng phó sự cố môi trường.

6. Việc phòng ngừa sự cố môi trường do rò rỉ, tràn đổ, phát tán chất thải (sau đây gọi chung là sự cố chất thải) được thực hiện theo quy định của Luật này. Việc phòng ngừa sự cố môi trường do hóa chất, phóng xạ, dầu tràn, dịch bệnh và do nguyên nhân khác được thực hiện theo quy định của pháp luật có liên quan.

7. Chính phủ quy định chi tiết việc phòng ngừa, ứng phó sự cố môi trường.

Điều 122. Trách nhiệm phòng ngừa sự cố môi trường

1. Chủ dự án đầu tư, cơ sở có trách nhiệm thực hiện các nội dung sau đây:

- Thực hiện yêu cầu về kế hoạch, biện pháp, trang thiết bị phòng ngừa, ứng phó sự cố môi trường theo quy định của pháp luật;
- Thực hiện chế độ kiểm tra thường xuyên, áp dụng phương án, biện pháp quản lý, kỹ thuật nhằm loại trừ, giảm thiểu nguy cơ xảy ra sự cố môi trường.

2. Ủy ban nhân dân cấp tỉnh có trách nhiệm sau đây:

- Điều tra, thống kê, đánh giá nguy cơ sự cố môi trường có thể xảy ra trên địa bàn;
- Xây dựng cơ sở dữ liệu và lập, công khai thông tin về các nguồn có nguy cơ gây ra sự cố môi trường trên địa bàn theo quy định của pháp luật;
- Xây dựng và chỉ đạo Ủy ban nhân dân cấp huyện, cấp xã xây dựng năng lực phòng ngừa, cảnh báo nguy cơ sự cố môi trường trên địa bàn.

3. Bộ, cơ quan ngang Bộ có trách nhiệm phòng ngừa sự cố môi trường theo quy định tại điểm a khoản 1 Điều 127 của Luật này.

Điều 123. Phân cấp sự cố môi trường và các giai đoạn ứng phó sự cố môi trường

1. Việc phân cấp sự cố môi trường được căn cứ vào phạm vi ô nhiễm, suy thoái môi trường tại thời điểm phát hiện sự cố để xác định cơ quan có trách nhiệm chỉ đạo ứng phó, bao gồm các cấp sau đây:

- Sự cố môi trường cấp cơ sở là sự cố môi trường có phạm vi ô nhiễm, suy thoái môi trường trong cơ sở sản xuất, kinh doanh, dịch vụ;
- Sự cố môi trường cấp huyện là sự cố môi trường vượt quá phạm vi sự cố cấp cơ sở và có phạm vi ô nhiễm, suy thoái môi trường trong địa bàn của một đơn vị hành chính cấp huyện;
- Sự cố môi trường cấp tỉnh là sự cố môi trường vượt quá phạm vi sự cố môi trường cấp huyện và có phạm vi ô nhiễm, suy thoái môi trường trong địa bàn của một đơn vị hành chính cấp tỉnh;
- A national environmental incident is an environmental incident that involves environmental pollution and degradation in two or more provincial administrative units or cross-border environmental pollution and degradation.

2. Environmental incident response includes the following stages:

- Prepare to respond to environmental incidents;
- Organization of environmental incident response;

c) Environmental restoration after environmental incidents.

Article 124. Preparation for environmental incident response

1. The person responsible for directing response to environmental incidents as prescribed in Clause 4, Article 125 of this Law shall be responsible for directing the development and approval of environmental incident response plans within his/her authority and responsibility; and directing the organization of environmental incident response drills according to the environmental incident response plan approved by him/her.

2. The Ministry of National Defense shall preside over and coordinate with ministries, ministerial-level agencies, government agencies, and provincial People's Committees to guide, build forces, and arrange resources and equipment to respond to environmental incidents for the National Committee for Incident, Disaster Response, and Search and Rescue; and the provincial and district-level Command Committees for Disaster Prevention, Control, and Search and Rescue.

3. Project owners and facilities must have facilities, equipment, and means to respond to environmental incidents in accordance with the law; build and train on-site forces to respond to environmental incidents.

4. The issuance and implementation of environmental incident response plans are regulated as follows:

a) The National Committee for Incident and Disaster Response and Search and Rescue shall issue and implement the National Environmental Incident Response Plan; inspect the implementation of the Environmental Incident Response Plan issued by the Provincial Steering Committee for Natural Disaster Prevention, Control and Search and Rescue;

b) The provincial-level command committee for natural disaster prevention, control and search and rescue shall issue and implement the provincial-level environmental incident response plan; inspect the implementation of the environmental incident response plan issued by the district-level command committee for natural disaster prevention, control and search and rescue;

c) The district-level command committee for natural disaster prevention, control and search and rescue issues and implements a district-level environmental incident response plan;

d) The project owner and facility shall issue and organize the implementation of their facility's environmental incident response plan.

5. The environmental incident response plan must have an incident scenario to have a corresponding response plan and must be made public in accordance with the provisions of law.

6. The integration of environmental incident response plans is regulated as follows:

a) The environmental incident response plan specified in Points a, b and c, Clause 4 of this Article may be incorporated or integrated with other civil defense plans or incident response plans;

b) The environmental incident response plan specified in Point d, Clause 4 of this Article shall be incorporated, integrated and approved with other incident response plans.

7. Organizing environmental incident response drills is regulated as follows:

a) Grassroots environmental incident response drills are conducted at least once every two years, except where otherwise provided by law;

b) Environmental incident response drills at district, provincial and national levels are conducted according to environmental incident response plans approved by competent authorities;

c) Environmental incident response drills must involve relevant agencies, organizations, forces, community contact representatives, and surrounding facilities that may be affected by the incident.

Article 125. Organization of response to environmental incidents

1. Information on environmental incidents must be promptly reported to the District-level Command Committee for Natural Disaster Prevention, Control and Search and Rescue and the People's Committee of the commune where the incident occurred.
2. The district-level command committee for natural disaster prevention, control and search and rescue shall coordinate with the People's Committee of the commune where the incident occurs to directly verify, organize timely response to the incident and report to the district-level People's Committee to announce the environmental incident or notify the competent authority to organize response according to the decentralization prescribed in Clause 1, Article 123 of this Law.
3. Environmental incident response includes the following main contents:
 - a) Determine the cause of the environmental incident; type, quantity, and volume of pollutants released into the environment;
 - b) Preliminary assessment of scope, objects and level of impact on the environment of land, water, air, humans and organisms;
 - c) Implement measures to isolate, limit the scope, objects and level of impact; urgently implement measures to ensure safety for people, property, creatures and the environment;
 - d) Recovery, treatment and removal of pollutants or causes of pollution;
 - d) Notify and provide information about environmental incidents to the community to prevent and avoid negative impacts from environmental incidents.
4. Responsibility for responding to environmental incidents is stipulated as follows:
 - a) The project owner and facility are responsible for organizing response to environmental incidents within the facility; in case of exceeding the response capacity, they must promptly report to the People's Committee of the commune where the incident occurs and the District-level Command Committee for Disaster Prevention, Control and Search and Rescue to coordinate response;
 - b) The Chairman of the People's Committee, Head of the District-level Steering Committee for Natural Disaster Prevention, Control and Search and Rescue directs incident response, mobilizes forces, equipment and means to respond to incidents, and appoints a commander and spokesperson for district-level environmental incidents occurring in the area;
 - c) The Chairman of the People's Committee, Head of the Provincial Steering Committee for Natural Disaster Prevention, Control and Search and Rescue directs incident response, mobilizes forces, equipment and means to respond to incidents, and appoints a commander and spokesperson for provincial-level environmental incidents occurring in the area;
 - d) The Chairman of the National Committee for Incident, Disaster Response and Search and Rescue directs incident response, mobilizes forces, equipment and means to respond to incidents, and appoints a commander and spokesperson for national-level environmental incidents.
5. In case of exceeding the response capacity, the person with authority to direct the response to the environmental incident must report to the immediate superior. Agencies, organizations and individuals are responsible for coordinating and supporting the response to environmental incidents when requested.
6. In case the scope of environmental pollution and degradation of an environmental incident goes beyond the scope of the facility or administrative unit, the person with authority to direct the response to the environmental incident must report to the immediate superior for direction in responding to the incident.
7. The person responsible for directing environmental incident response as prescribed in Clause 4 of this Article shall decide to establish an environmental incident response command center and a working group to determine the cause of the environmental incident if necessary.

8. The Ministry of Health and People's Committees at all levels shall assess the scope, subjects, and level of impact of environmental incidents on human health and implement measures to prevent and limit impacts.

Article 126. Environmental restoration after environmental incidents

1. The project owner or facility causing an environmental incident must carry out environmental restoration after the incident within the facility. The People's Committee of the commune where the environmental incident occurred is responsible for inspecting and supervising environmental restoration activities.

2. Environmental restoration after environmental incidents at district, provincial and national levels is carried out as follows:

a) The People's Committee at the district level shall organize a survey, assess the current state of the environment, develop, approve and direct the implementation of an environmental restoration plan for district-level environmental incidents; within 30 days from the date of announcement of the end of the environmental incident response organization phase, the People's Committee at the district level must approve the environmental restoration plan;

b) The provincial People's Committee shall organize a survey, assess the current state of the environment, develop, approve and direct the implementation of an environmental restoration plan for provincial-level environmental incidents; within 60 days from the date of announcement of the end of the environmental incident response organization phase, the provincial People's Committee shall approve the environmental restoration plan;

c) The Ministry of Natural Resources and Environment shall organize surveys, assess the current state of the environment, develop, approve and direct the implementation of environmental restoration plans for national-level environmental incidents; within 90 days from the date of announcement of the end of the environmental incident response organization phase, the Ministry of Natural Resources and Environment must approve the environmental restoration plan.

3. The environmental restoration plan includes:

a) Describe and evaluate the current environmental status after the incident, including the level, scope, and nature of environmental pollution in each area; the current status of the environment, site, and ecosystem before the environmental incident (if any); requirements for environmental treatment according to environmental technical standards on environmental quality, site restoration, and restoration of some main characteristics of the ecosystem;

b) Environmental restoration solutions; analyze, evaluate, and select the best solution to improve and restore the environment;

c) List and volume of environmental restoration items for selected solutions;

d) Implementation plan; division of implementation plan into each stage of environmental restoration; management, monitoring and supervision program during environmental restoration; plan for acceptance of environmental restoration results.

4. The inspection, supervision and acceptance of the completion of the environmental restoration plan specified in Clause 2 of this Article shall be carried out as follows:

a) In case the organization or individual causing the environmental incident implements the approved plan on their own, the agency approving the plan is responsible for inspecting and supervising the environmental restoration according to the approved plan;

b) In case the agency approving the plan organizes the implementation of the plan, the organization or individual causing the incident has the right to participate in monitoring, assessing, inspecting, and accepting the completion of environmental restoration.

5. Environmental restoration after an environmental incident must ensure compliance with environmental technical standards on the quality of the surrounding environment.

6. The agency approving the environmental restoration plan is responsible for announcing the end of the environmental restoration phase to the community, press and media agencies.

7. The Minister of Natural Resources and Environment shall detail this Article.

Article 127. Responsibilities for environmental incident prevention and response of ministries, ministerial-level agencies and specialized agencies at all levels

1. Ministries and ministerial-level agencies have the following responsibilities:

a) Guide, inspect and build capacity to prevent and warn of environmental incident risks in the sector and management field; activities to prepare for environmental incident response, organize response to environmental incidents within the scope of management according to regulations of law;

b) Provide guidance on the content of environmental incident response plans within the scope of state management; environmental incident response processes and techniques, and environmental incident scenarios within the scope of management as prescribed by law;

c) Develop and propose the National Committee for Incident, Disaster Response and Search and Rescue to issue a national environmental incident response plan within its management scope;

d) Participate in responding to national environmental incidents within the scope of management as assigned by the National Committee for Incident, Disaster Response and Search and Rescue.

2. Specialized agencies under the People's Committees at provincial and district levels, according to their assigned functions, tasks and powers, are responsible for advising the People's Committees at the same level and the Command Committee for Natural Disaster Prevention, Control and Search and Rescue at the same level to develop and promulgate environmental incident response plans; guide the implementation of preparation activities and organize response to environmental incidents in the area.

3. The Ministry of Natural Resources and Environment has the following responsibilities:

a) Develop and submit to the Prime Minister for promulgation the Regulations on waste incident response; provide technical guidance on waste incident prevention and response;

b) Participate in organizing national environmental incident response as assigned by the National Committee for Incident, Disaster Response and Search and Rescue;

c) Directing the organization of environmental restoration after national environmental incidents; providing technical guidance on environmental restoration after environmental incidents.

4. Provincial and district-level environmental protection agencies are responsible for advising the People's Committees at the same level to carry out environmental restoration after environmental incidents in the area.

Article 128. Finance for environmental incident response

1. Organizations and individuals causing environmental incidents are responsible for promptly paying all costs of organizing environmental incident response and environmental restoration; in cases where the State organizes environmental incident response and environmental restoration, organizations and individuals causing environmental incidents are responsible for paying the costs of organizing environmental incident response and environmental restoration to the State in accordance with the provisions of law.

2. In case of an environmental incident of unknown cause or the organization or individual causing the environmental incident cannot be identified, the costs of organizing environmental incident response and environmental restoration shall be paid by the State .

3. The funding source for organizing environmental incident response and environmental restoration as prescribed in Clause 2 of this Article shall be allocated from the state budget and other funding sources as prescribed by law.

4. Labor, materials, and means used and mobilized to respond to environmental incidents shall be compensated and paid according to the provisions of law.

Article 129. Information disclosure and community participation in environmental incident prevention and response

1. Organizations, individuals and communities that are likely to be affected by environmental incidents must be informed of the risks of incidents and environmental incident response measures of surrounding facilities; be informed, participate in and monitor environmental incident response activities.

2. The project owner and facility are responsible for notifying the People's Committee at the commune level about the risk of environmental incidents and measures to respond to environmental incidents to inform organizations, individuals and surrounding communities.

3. The start and end times of the environmental incident response and environmental restoration phases must be publicly announced by competent authorities and individuals on mass media so that organizations, individuals, and communities can know, participate, and monitor.

4. The person responsible for directing environmental incident response and the spokesperson for environmental incidents are responsible for providing and updating timely information on environmental incidents to the media, press, and the community. Information on environmental incidents provided and announced by the person responsible for directing environmental incident response and the spokesperson for environmental incidents is official information.

5. Media and press agencies are responsible for providing accurate, truthful, complete and timely information about environmental incidents and environmental incident response.

Section 2. COMPENSATION FOR ENVIRONMENTAL DAMAGE

Article 130. Damage caused by environmental pollution and degradation and principles for determining liability for compensation for environmental damage

1. Damage caused by environmental pollution and degradation includes:

- a) Deterioration of function and usefulness of the environment;
- b) Damage to human life, health, property and legitimate interests of organizations and individuals caused by the decline in function and usefulness of the environment.

2. The determination of organizations and individuals causing environmental damage must be timely, objective and fair. Organizations and individuals causing environmental damage must compensate for all damages they have caused, and must pay all costs of determining the damage and carrying out procedures to request compensation for damages according to regulations.

3. In case two or more organizations or individuals cause environmental damage, compensation for damage is stipulated as follows:

- a) The responsibility for compensation for environmental damage of each entity is determined according to the type of pollutant, the amount of emissions and other factors;
- b) Responsibility for compensation for environmental damage, payment of costs for determining damage and carrying out procedures for requesting compensation for damage for each subject is determined in accordance with the proportion of damage caused in the total environmental damage; in case the relevant parties or the state environmental management agency cannot determine the proportion of responsibility, the arbitration agency or the Court shall decide according to its competence.

4. Organizations and individuals that fully comply with the provisions of the law on environmental protection, have a qualified waste treatment system and prove that they do not cause environmental damage shall not have to compensate for environmental damage, shall not have to bear costs related to determining damage and carrying out procedures to request compensation for damage.

Article 131. Responsibility for requesting compensation for damage and determining environmental damage

1. People's Committees at all levels, organizations and individuals that detect signs of environmental pollution or degradation shall notify the responsible agency to request compensation and organize the collection and appraisal of data and evidence to determine environmental damage caused by pollution or degradation as prescribed in Clause 2 of this Article.

2. Responsibility for requesting compensation and organizing the collection and appraisal of data and evidence to determine environmental damage caused by pollution and degradation is stipulated as follows:

a) The People's Committee at the commune level is responsible for requesting compensation for environmental damage caused in the area under its management. In this case, the People's Committee at the commune level shall request the People's Committee at the district level to organize the collection and appraisal of data and evidence to determine environmental damage caused by pollution and degradation;

b) The People's Committee at the district level is responsible for requesting compensation for damages and organizing the collection and appraisal of data and evidence to determine environmental damage caused by pollution and degradation in the area of 02 or more commune-level administrative units; organizing the collection and appraisal of data and evidence to determine environmental damage caused by pollution and degradation at the request of the People's Committee at the commune level;

c) The People's Committee at the provincial level is responsible for requesting compensation for damages and organizing the collection and appraisal of data and evidence to determine environmental damage caused by pollution and degradation in areas of 02 or more district-level administrative units;

d) The Ministry of Natural Resources and Environment is responsible for requesting compensation for damages and presiding over and coordinating with the Provincial People's Committees to organize the collection and appraisal of data and evidence to determine environmental damage caused by pollution and degradation in areas of 02 or more provincial-level administrative units.

3. Organizations and individuals who suffer damage to human life, health, property and legitimate interests due to the decline in function and usefulness of the environment shall, by themselves or authorize other state agencies, organizations and individuals to determine the damage and request compensation for environmental damage in accordance with the provisions of this Law and other relevant legal provisions.

4. The Government shall detail this Article.

Article 132. Determination of damage caused by environmental pollution and degradation

1. Determination of damage caused by deterioration of environmental function and usefulness includes the following contents:

a) Determine the scope, area, and areas of polluted and degraded environment;

b) Determine the number of degraded environmental components, types of ecosystems, and damaged species;

c) Determine the level of damage to each environmental component, ecosystem, and species.

2. The determination of damage caused by the deterioration of the function and usefulness of the environment is carried out independently or with the coordination between the party causing the damage and the party suffering the damage. In case either party or parties have a request, the specialized environmental protection agency is responsible for participating in guiding the calculation of damage or witnessing the determination of damage.

3. Determination of damage to human health and life, property and legitimate interests of organizations and individuals caused by the decline in function and usefulness of the environment shall be carried out in accordance with the provisions of law.

4. The Government shall detail the determination of damage caused by environmental pollution and degradation.

Article 133. Settlement of compensation for environmental damage

1. Compensation for environmental damage shall be resolved through negotiation between the parties. In case negotiation fails, the parties may choose to resolve the matter through the following methods:

- a) Reconciliation;
- b) Dispute resolution by arbitration;
- c) Dispute resolution by Court.

2. The settlement at the Court shall be carried out in accordance with the provisions on compensation for non-contractual civil damages and the law on civil procedure, except for the provisions on proving the causal relationship between the violation of law and the damage that occurs. The responsibility of proving the causal relationship between the violation of environmental law and the damage that occurs is the responsibility of the organization or individual that violates and causes environmental pollution.

Article 134. Compensation costs for environmental damage

1. The cost of compensation for environmental damage specified in Point a, Clause 1, Article 130 of this Law is calculated based on the following contents:

- a) Immediate and long-term costs of damage due to the deterioration of environmental function and usefulness;
- b) Cost of environmental treatment and improvement;
- c) Costs of minimizing, eliminating sources of damage or organizing response to environmental incidents;
- d) Costs of determining damage and carrying out environmental damage compensation procedures;
- d) Depending on specific conditions, the provisions at points a, b, c and d of this clause may be applied to calculate environmental damage costs, as a basis for compensation and settlement of compensation for environmental damage.

2. Compensation costs for damages shall be paid directly by organizations and individuals or submitted to the Vietnam Environmental Protection Fund or provincial environmental protection funds for payment.

Article 135. Assessment of damage caused by deterioration of environmental function and usefulness

1. Assessment of damage caused by deterioration of environmental function and usefulness is carried out at the request of the damaged organization or individual or the agency handling compensation for environmental damage.

2. The basis for damage assessment includes the damage compensation claim file, information, data, evidence and other bases related to damage compensation and the subject causing the damage.

3. The damage assessment organization is selected by the party requesting the damage assessment; in case there is no agreement between the parties, the damage assessment organization will be decided by the agency handling the damage compensation.

4. The Government shall provide detailed regulations on assessment of damage caused by deterioration of environmental function and usefulness.

Chapter XI

ECONOMIC TOOLS, POLICIES AND RESOURCES FOR ENVIRONMENTAL PROTECTION

Section 1. ECONOMIC INSTRUMENTS FOR ENVIRONMENTAL PROTECTION

Article 136. Tax and fee policies on environmental protection

1. Environmental protection tax is regulated as follows:

- a) Environmental protection tax applies to products and goods whose use causes adverse impacts on the environment or environmental pollutants;
- b) The environmental protection tax rate is determined based on the level of adverse impact on the environment;
- c) The promulgation and implementation of regulations on environmental protection tax shall be carried out in accordance with the provisions of the law on tax.

2. Environmental protection fees are regulated as follows:

- a) Environmental protection fees apply to activities that discharge waste into the environment; mineral exploitation or cause adverse impacts on the environment; public services in the field of environmental protection according to the provisions of law on fees and charges;
- b) The environmental protection fee is determined based on the volume and toxicity of pollutants discharged into the environment, characteristics of the environment receiving the waste; the level of negative impact on the environment of mineral exploitation activities; and the nature of public services in the field of environmental protection;
- c) The promulgation and implementation of regulations on environmental protection fees shall be carried out in accordance with the provisions of law on fees and charges.

3. The Ministry of Natural Resources and Environment shall preside over the assessment of the level of environmental pollution and greenhouse effect of waste or products and goods that, when used, have negative impacts on the environment in order to propose a specific list of taxable entities and environmental protection fees, tax frameworks, tax rates, environmental protection fees for each taxable entity and environmental protection fee and methods for calculating environmental protection fees, and send them to the Ministry of Finance for synthesis and reporting to competent authorities for consideration and decision.

Article 137. Environmental protection deposit

1. Environmental protection deposit aims to ensure that organizations and individuals are responsible for environmental restoration and handling of risks and environmental pollution risks arising from activities specified in Clause 2 of this Article.

2. Organizations and individuals with the following activities must make environmental protection deposits:

- a) Mineral exploitation;
- b) Waste burial;
- c) Importing scrap from foreign countries as raw materials for production.

3. Environmental protection deposits are made in cash, precious metals, gemstones or valuable papers in accordance with the provisions of law.

4. Organizations and individuals make deposits as follows:

a) Organizations and individuals with activities specified in Point a and Point b, Clause 2 of this Article shall make deposits at the Vietnam Environmental Protection Fund or provincial environmental protection funds;

b) Organizations and individuals with activities specified in Point c, Clause 2 of this Article shall make deposits at the Vietnam Environmental Protection Fund or provincial environmental protection funds or financial and credit institutions in accordance with the provisions of law.

5. The Government shall detail this Article and the deposit level, deposit form, principles for applying deposit interest rates, and refunding environmental protection deposits.

Article 138. Payment for natural ecosystem services

1. Payment for natural ecosystem services is when organizations and individuals using natural ecosystem services pay organizations and individuals providing environmental and landscape values created by natural ecosystems to protect, maintain and develop natural ecosystems.

2. Natural ecosystem services covered include:

a) Forest environmental services of forest ecosystems according to the provisions of forestry law;

b) Wetland ecosystem services for tourism, entertainment and aquaculture business purposes;

c) Marine ecosystem services for tourism, entertainment and aquaculture business purposes;

d) Services of rocky mountain ecosystems, caves and geological parks serving tourism and entertainment business purposes;

d) Natural ecosystem services serving the purpose of carbon absorption and storage, except for the case specified in Point a of this Clause.

3. The principles of payment for natural ecosystem services are stipulated as follows:

a) Organizations and individuals using one or several natural ecosystem services must pay for natural ecosystem services;

b) Payment for natural ecosystem services is made in the form of direct payment or indirect payment through entrustment;

c) Payments for natural ecosystem services are included in the cost of products and services of the users of natural ecosystem services, and must ensure compensation for costs of activities to protect, maintain and develop natural ecosystems;

d) Organizations and individuals providing natural ecosystem services must use the money collected from payments for natural ecosystem services to protect, maintain and develop natural ecosystems.

4. Organizations and individuals must pay for natural ecosystem services when engaging in the following activities:

a) Exploiting and using water and sea surfaces of the ecosystem for aquaculture and underwater entertainment services;

b) Exploiting and using the landscape of the ecosystem for tourism and entertainment services;

c) Production and business activities that emit greenhouse gases must use the ecosystem's carbon absorption and storage services to reduce greenhouse gas emissions.

5. The Government shall detail this Article.

Article 139. Organization and development of carbon market

1. The domestic carbon market includes activities of exchanging greenhouse gas emission quotas and carbon credits obtained from domestic and international carbon credit exchange and offset mechanisms in accordance with the provisions of law and international treaties to which the Socialist Republic of Vietnam is a member.
2. Greenhouse gas emission facilities must conduct an inventory of greenhouse gases on the list specified in Clause 3, Article 91 of this Law, are allocated greenhouse gas emission quotas and have the right to exchange and trade on the domestic carbon market.
3. The basis for determining greenhouse gas emission quotas includes:
 - a) National strategy on climate change and other relevant development strategies and plans;
 - b) Results of national, sectoral and facility greenhouse gas inventories in the list specified in Clause 3, Article 91 of this Law ;
 - c) Roadmap and methods for greenhouse gas emission reduction in accordance with national conditions and international commitments.
4. Greenhouse gas emission facilities are only allowed to emit greenhouse gases within the allocated quota; in case there is a need to emit more than the allocated quota, they must purchase quotas from other entities through the domestic carbon market.
5. Greenhouse gas emission facilities that reduce greenhouse gas emissions or do not fully utilize their allocated emission quotas may resell them to other entities in need through the domestic carbon market.
6. Greenhouse gas emission facilities participating in domestic and international carbon credit exchange and offset mechanisms in accordance with the provisions of law and international treaties to which the Socialist Republic of Vietnam is a member are allowed to exchange carbon credits on the domestic carbon market.
7. Greenhouse gas emission facilities participating in the domestic carbon market shall exchange, auction, borrow, pay back, and transfer carbon quotas and credits; and implement domestic and international carbon credit exchange and offset mechanisms in accordance with the provisions of law and international treaties to which the Socialist Republic of Vietnam is a member.
8. The Ministry of Natural Resources and Environment shall submit to the Prime Minister for approval the total greenhouse gas emission quota by phase and annually.
9. The Ministry of Finance shall preside over and coordinate with the Ministry of Natural Resources and Environment and relevant ministries and ministerial-level agencies to establish a domestic carbon market.
10. The Ministry of Natural Resources and Environment shall organize the allocation of greenhouse gas emission quotas to the subjects specified in Clause 2 of this Article; organize the operation of the domestic carbon market and participate in the world carbon market.
11. The Government shall detail this Article, the cost of allocating greenhouse gas emission quotas, the roadmap and timing of implementing the domestic carbon market in accordance with the country's socio-economic conditions and international treaties to which the Socialist Republic of Vietnam is a member.

Article 140. Liability insurance for compensation for damage caused by environmental incidents

1. Encourage insurance businesses to provide liability insurance for compensation for damage caused by environmental incidents.
2. Based on the investment project groups classified according to the provisions of Article 28 of this Law , the Government shall specify in detail the subjects required to purchase liability insurance for compensation for damage caused by environmental incidents.
3. Encourage subjects not covered by the provisions of Clause 2 of this Article to purchase liability insurance for compensation for damage caused by environmental incidents.

Section 2. POLICIES ON INCENTIVES, SUPPORT AND DEVELOPMENT OF ENVIRONMENTAL ECONOMY

Article 141. Incentives and support for environmental protection

1. Preferential and support policies on environmental protection are stipulated as follows:

- a) The State shall provide incentives and support in terms of land and capital; tax and fee exemption and reduction for environmental protection activities; price and transportation subsidies for environmentally friendly products and other incentives and support for environmental protection activities in accordance with the provisions of law;
- b) Organizations and individuals that carry out many environmental protection activities that are given incentives and support shall enjoy corresponding incentives and support for those activities;
- c) In case environmental protection activities are also entitled to incentives and support under the provisions of this Law and other relevant legal provisions, they shall enjoy incentives and support according to the document stipulating higher incentives and support levels;
- d) The level and scope of incentives and support for environmental protection activities are adjusted to ensure compliance with environmental protection policies from time to time.

2. Business investment activities on environmental protection that are given incentives and support include:

- a) Investment projects in the industry of collecting, treating, recycling or reusing waste;
- b) Enterprises producing and supplying technology, equipment, products and services to meet environmental protection requirements, including waste treatment technology combined with energy recovery; energy saving technology; centralized domestic wastewater treatment services; environmental monitoring services; public transport services using electricity and renewable fuels; production of clean energy and renewable energy; production and supply of environmental monitoring equipment, on-site domestic wastewater treatment equipment, environmentally friendly products and services certified with the Vietnam Eco-Label.

3. Environmental protection activities that are not business investment activities that are eligible for incentives and support include:

- a) Technology innovation, renovation and upgrading of waste treatment facilities according to the roadmap prescribed by environmental protection laws;
- b) Activities of relocating households out of concentrated production, business and service areas, industrial clusters or relocating operating facilities to meet environmental safety distances ;
- c) Investment activities to develop natural capital and protect natural heritage.

4. Scientific research and technology development activities , technology transfer on environmental protection are given incentives and support according to the provisions of law on science, technology, and technology transfer.

5. The Government shall detail this Article.

Article 142. Circular economy

1. Circular economy is an economic model in which design, production, consumption and service activities aim to reduce the exploitation of raw materials and materials, extend product life cycles, limit waste generation and minimize negative impacts on the environment.

2. Ministries, ministerial-level agencies, and provincial People's Committees shall integrate circular economy right from the stage of formulating strategies, planning, plans, programs, and development projects; managing, reusing, and recycling waste.

3. Production, business and service establishments are responsible for establishing a management system and implementing measures to reduce resource exploitation, reduce waste, and increase the level of reuse and recycling of waste right from the project construction stage, product and goods design to the production and distribution stage.

4. The Government shall prescribe criteria, roadmap, and incentive mechanisms for implementing circular economy in accordance with the country's socio-economic conditions.

Article 143. Development of environmental industry

1. Environmental industry is an economic sector in the Vietnamese economic sector system that provides technology, equipment and products to serve environmental protection requirements.

2. The State invests in and has policies to support organizations and individuals in developing environmental industries, implementing a roadmap to open the environmental goods market in accordance with international commitments.

3. The Government shall detail this Article.

Article 144. Development of environmental services

1. Environmental services is an economic sector that provides services to measure, control, limit, prevent and reduce water, air and land pollution and effectively use natural resources; treat waste and other pollutants; conserve biodiversity and other related services.

2. The State has policies to develop the environmental services market; promote trade liberalization of environmental services according to a roadmap consistent with international commitments ; encourage organizations and individuals to invest in research and provision of environmental services.

3. Encourage organizations and individuals to participate in providing environmental services in the following areas:

- a) Collection, transportation, recycling and treatment of waste;
- b) Environmental monitoring, analysis, environmental impact assessment;
- c) Improving and restoring the environment and ecosystems of polluted and degraded areas;
- d) Consulting and transferring environmentally friendly production technology, environmental technology; energy-saving technology, clean energy production, renewable energy;
- d) Consulting, training, providing information on environment; clean energy, renewable energy, energy saving;
- e) Environmental assessment of goods, machinery, equipment and technology;
- g) Appraisal of environmental and biodiversity damage; appraisal of pollutants that have direct impacts on human health ;
- h) Other services on environmental protection.

4. Prices for environmental services are implemented in accordance with the provisions of law on prices.

5. The Government shall detail this Article.

Article 145. Environmentally friendly products and services

1. Environmentally friendly products and services are products and services created from environmentally friendly raw materials, materials, production technology and management, reducing negative impacts on the

environment during use and disposal, ensuring safety for the environment and human health and certified or recognized by competent authorities.

2. The Vietnam Ecolabel is a label certified by a competent authority of Vietnam for environmentally friendly products and services. Monitoring, analysis and assessment of conformity to compare with the criteria of the Vietnam Ecolabel for products and services must be carried out by an environmental monitoring organization in accordance with the provisions of this Law and by an organization assessing conformity in accordance with the provisions of the law on product and goods quality, the law on measurement and other relevant laws.

3. Vietnam recognizes environmentally friendly products and services that have been certified by international organizations and countries that have signed mutual recognition agreements with Vietnam.

4. The Government shall detail this Article.

Article 146. Green procurement

1. Green purchasing is the purchase of environmentally friendly products and services certified with the Vietnam Ecolabel or recognized in accordance with the provisions of law.

2. Prioritize green procurement for investment projects and tasks using the state budget according to Government regulations.

Article 147. Exploitation, use and development of natural capital

1. Natural capital is natural resources, including land, water, forests, fisheries, minerals, fossil fuels, natural energy sources and natural ecosystem services.

2. The exploitation, use and development of natural capital is carried out according to the following principles:

- a) Natural capital is inventoried and evaluated to serve socio-economic development according to the provisions of law;
- b) The State prioritizes investment in maintaining and developing renewable natural capital and providing natural ecosystem services ;
- c) Revenue from natural capital is prioritized for reinvestment in maintaining and developing natural capital.

3. The State encourages organizations and individuals to exploit, use, promote advantages, invest in maintaining and developing natural capital.

4. Ministries, ministerial-level agencies, and provincial People's Committees shall integrate investment in natural capital development into strategies, planning, plans, programs, projects, and socio-economic development projects.

Section 3. RESOURCES FOR ENVIRONMENTAL PROTECTION

Article 148. Resources for environmental protection

1. The State allocates resources to carry out the following environmental protection activities:

- a) Waste management, waste treatment support;
- b) Treatment, improvement and restoration of environmental quality;
- c) Construction of technical infrastructure for environmental protection; equipment for environmental protection; environmental monitoring;
- d) Inspection, examination and supervision of environmental protection;

- d) Conservation of nature and biodiversity; protection of natural heritage environment; response to climate change;
- e) Scientific research, development and transfer of environmental technology;
- g) Communication, raising awareness of environmental protection; environmental education; disseminating knowledge, propagating laws on environmental protection;
- h) International integration and international cooperation activities on environmental protection;
- i) Other state management activities on environmental protection as prescribed by law.

2. Resources to carry out environmental protection activities specified in Clause 1 of this Article include:

- a) State budget for regular expenditure and development investment expenditure for environmental protection;
- b) Socialized capital for environmental protection.

3. The state budget has a separate expenditure item for environmental protection activities and is gradually increased in each period, in accordance with budget capacity and requirements and tasks of environmental protection.

4. The project owner and facility are responsible for ensuring funding for the following environmental protection activities:

- a) Invest in innovation of waste treatment technology according to the provisions of law;
- b) Invest in construction and operation of environmental protection works according to the provisions of law;
- c) Implement environmental monitoring and surveillance programs (if any);
- d) Implement plans to prevent and respond to environmental incidents (if any);
- d) Other environmental protection activities as prescribed by law.

5. The budget for environmental protection activities specified in Clause 4 of this Article must be recorded, accounted for and made public on the facility's accounting system and reported in accordance with the provisions of law.

6. The Ministry of Natural Resources and Environment guides the statistics, monitoring and publication of resources for environmental protection activities.

7. The Government shall detail Clauses 1 and 2 of this Article.

Article 149. Green credit

1. Green credit is credit granted for the following investment projects:

- a) Efficient use of natural resources;
- b) Responding to climate change;
- c) Waste management;
- d) Pollution treatment, environmental quality improvement;
- d) Restoration of natural ecosystems;
- e) Conservation of nature and biodiversity;

g) Create other environmental benefits.

2. Lending activities of credit institutions and foreign bank branches in Vietnam for investment projects must comply with regulations on environmental risk management in lending activities.

3. Encourage credit institutions and foreign bank branches in Vietnam to finance and provide preferential loans for projects specified in Clause 1 of this Article.

4. The Governor of the State Bank guides the management of environmental risks in credit granting activities of credit institutions and foreign bank branches in Vietnam.

5. The Government shall issue a roadmap for implementation and incentive mechanisms for granting green credit.

Article 150. Green bonds

1. Green bonds are bonds issued by the Government, local authorities, and enterprises in accordance with the provisions of the law on bonds to mobilize capital for environmental protection activities and investment projects that bring environmental benefits.

2. Proceeds from issuing green bonds must be accounted for and monitored in accordance with the provisions of the law on bonds and used for investment projects in the field of environmental protection, investment projects that bring environmental benefits including:

- a) Renovation and upgrading of environmental protection works;
- b) Change technology towards applying the best available techniques;
- c) Applying circular economy, green economy, low carbon emissions;
- d) Prevent and minimize environmental pollution;
- d) Environmental improvement and restoration after environmental incidents;
- e) Efficient use of natural resources, land resources, energy saving, development of renewable energy sources;
- g) Building multi-purpose, environmentally friendly infrastructure;
- h) Effective management of water resources and wastewater treatment;
- i) Adapting to climate change, investing in developing natural capital;
- k) Other investment projects as prescribed.

3. The issuer of green bonds must provide information on environmental impact assessment, environmental license of investment projects and use of capital mobilized from green bond issuance to investors.

4. Issuers and investors purchasing green bonds shall enjoy incentives as prescribed by this Law and other relevant legal provisions.

5. The Government shall detail this Article.

Article 151. Environmental protection fund

1. The Vietnam Environmental Protection Fund and provincial environmental protection funds are state financial institutions established at the central, provincial and municipal levels to provide preferential loans, receive deposits, sponsor, support and contribute financial investment for environmental protection activities.

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

2. The authority to establish an environmental protection fund is prescribed as follows:

- a) The Prime Minister decides on the establishment, organization and operation of the Vietnam Environmental Protection Fund;
- b) The People's Committee at the provincial level decides on the establishment, organization and operation of the provincial environmental protection fund;
- c) Organizations, enterprises and individuals establish environmental protection funds and operate them in accordance with the provisions of law.

3. The Government regulates the operating capital of the Vietnam Environmental Protection Fund and provincial environmental protection funds.

Article 152. Scientific research, technology development, application and transfer of technology on environmental protection

1. Organizations and individuals investing in scientific research, technology development, and technology transfer application on environmental protection enjoy incentives and support from the State.

2. Scientific research, technology development, and technology transfer application activities on environmental protection that are given incentives and support by the State include:

- a) Efficient use of natural resources, energy saving, nature conservation, biodiversity and environmental friendliness;
- b) Reuse, recycling of waste, waste treatment, environmental improvement and restoration;
- c) Control and reduce environmental pollution; monitor and forecast environmental changes;
- d) Research and develop solutions to respond to climate change.

Section 4. EDUCATION AND COMMUNICATION ON ENVIRONMENTAL PROTECTION

Article 153. Education, training and fostering on environmental protection

1. The content and educational programs of the national education system are integrated and incorporate knowledge and laws on environmental protection.
2. The State shall give priority to training and fostering human resources for environmental protection; invest in training and fostering cadres, civil servants, leaders, managers, and technical workers in environmental protection; encourage organizations and individuals to participate in environmental protection education and training and fostering human resources for environmental protection.
3. The Minister of Education and Training shall preside over and coordinate with the Minister of Natural Resources and Environment to prescribe the content and programs of education and training on environmental protection and the development of human resources for environmental protection.

Article 154. Communication, dissemination of knowledge, and propaganda of laws on environmental protection

1. Communication, dissemination of knowledge, and propaganda of laws on environmental protection are carried out regularly and widely.
2. The Ministry of Natural Resources and Environment shall preside over and coordinate with ministries, ministerial-level agencies, socio-political organizations, media agencies, and the press to be responsible for communicating, disseminating knowledge, and propagating laws on environmental protection.
3. Ministries and ministerial-level agencies shall preside over and coordinate with the Ministry of Natural Resources and Environment, media and press agencies responsible for communicating, disseminating

knowledge, and propagating laws on environmental protection in the management field.

4. The Provincial People's Committee shall preside over and coordinate with media and press agencies responsible for communicating, disseminating knowledge, and propagating laws on environmental protection in the locality.

Chapter XII

INTERNATIONAL INTEGRATION AND COOPERATION ON ENVIRONMENTAL PROTECTION

Article 155. Principles of international integration and cooperation on environmental protection

1. International integration and cooperation on environmental protection are carried out on the basis of equality, mutual benefit, strengthening the overall strength and enhancing the position and prestige of the country, respecting independence, sovereignty and territorial integrity, complying with the laws of each party, international law and commitments in international treaties and international agreements related to the environment .

2. International treaties and agreements that are beneficial to national, regional and global environmental protection and are consistent with Vietnam's interests and capacity shall be given priority for consideration for signing.

3. International disputes related to the environment shall be resolved through peaceful means, in accordance with international law, practice and the laws of the parties concerned.

Article 156. Responsibilities in international integration and cooperation on environmental protection

1. The State encourages proactive international integration in environmental protection, focusing on the areas of management and protection of environmental components, biodiversity conservation, green growth, sustainable development and response to climate change; ensuring resources and fully implementing obligations committed to in international treaties and international agreements related to the environment, responding to the trend of international integration, and supporting international economic integration.

2. The State encourages international investment, cooperation and support for state management, human resource training, sharing of environmental information and data, scientific research, transfer of advanced technology, conservation of nature, biodiversity and other activities on environmental protection; response to and resolution of environmental incidents and environmental-related issues at national, regional, global and cross-border levels.

3. Organizations and individuals proactively implement internationally recognized and widely applied environmental requirements, conditions and standards to enhance competitiveness in international trade; prevent and limit negative impacts on the environment.

4. The Ministry of Natural Resources and Environment is the focal agency for synthesizing international integration and cooperation activities on environmental protection. Ministries, ministerial-level agencies, and provincial People's Committees organize the implementation of international integration and cooperation on environmental protection within their management scope.

Chapter XIII

RESPONSIBILITIES OF THE VIETNAM FATHERLAND FRONT, SOCIO-POLITICAL ORGANIZATIONS, SOCIO-POLITICAL-PROFESSIONAL ORGANIZATIONS, SOCIO-PROFESSIONAL ORGANIZATIONS AND RESIDENTIAL COMMUNITIES IN ENVIRONMENTAL PROTECTION

Article 157. Responsibilities and powers of the Vietnam Fatherland Front

1. The Vietnam Fatherland Front, within the scope of its tasks and powers, is responsible for propagating and mobilizing member organizations and the People to participate in environmental protection activities.

2. The Vietnam Fatherland Front shall provide advice, review, and supervise the implementation of policies and laws on environmental protection in accordance with the provisions of law. State management agencies at all levels shall be responsible for creating conditions for the Vietnam Fatherland Front to participate in environmental protection.

Article 158. Responsibilities and powers of socio-political organizations, socio-political-professional organizations, and socio-professional organizations

1. Socio-political organizations, socio-political-professional organizations, and socio-professional organizations have the following responsibilities:

- a) Comply with environmental protection laws;
- b) Participate in environmental protection activities.

2. Socio-political organizations, socio-political-professional organizations, and socio-professional organizations have the following rights:

- a) Be provided with and request information on environmental protection according to the provisions of law;
- b) Consulting on investment projects related to its functions, tasks and powers;
- c) Consulting and commenting on environmental protection with state management agencies, investment project owners and related facilities according to the provisions of law;
- d) Participate in environmental protection inspection activities at investment projects, facilities, concentrated production, business and service areas, and industrial clusters related to their functions, tasks, and powers;
- d) Recommend competent state agencies to handle violations of environmental protection laws.

3. State environmental management agencies at all levels are responsible for creating conditions for socio-political organizations, socio-political-professional organizations, and socio-professional organizations to exercise the rights specified in Clause 2 of this Article.

4. The Government shall detail Clause 3 of this Article.

Article 159. Rights and obligations of residential communities

1. Representatives of the residential community in the area affected by the environmental impact of investment projects, facilities, concentrated production, business and service areas, and industrial clusters have the right to request the project owner or facility to provide information on environmental protection through direct dialogue or in writing; organize fact-finding activities on environmental protection of investment projects, facilities, concentrated production, business and service areas, and industrial clusters; collect and provide information to competent authorities and be responsible for the information provided.

2. Representatives of the residential community in the area affected by the environmental impact of an investment project, facility, concentrated production, business, service area, or industrial cluster have the right to request relevant state management agencies to provide results of inspection, examination, and handling of that investment project or facility, except in cases where such information is a state secret or a business secret as prescribed by law.

3. Representatives of the residential community have the right to participate in assessing the environmental protection results of investment projects, facilities, concentrated production, business and service areas, and industrial clusters; and take measures to protect the rights and interests of the residential community in accordance with the provisions of law.

4. Project owners and facilities must comply with the requests of community representatives in accordance with the provisions of law.

5. State environmental management agencies at all levels are responsible for building an online system to receive, process, and respond to feedback and recommendations from organizations, individuals, and communities on environmental protection.

Chapter XIV

INSPECTION, EXAMINATION, AUDIT, HANDLING OF VIOLATIONS, DISPUTES, COMPLAINTS AND ACCUSATIONS ABOUT THE ENVIRONMENT

Article 160. Inspection, examination of environmental protection, auditing in the environmental field

1. The responsibility for organizing and directing the implementation of environmental protection inspections and audits is stipulated as follows:

- a) The Minister of Natural Resources and Environment organizes inspections and examinations of environmental protection nationwide;
 - b) The Minister of National Defense organizes inspections and examinations on environmental protection for investment projects and facilities related to state secrets on national defense;
 - c) The Minister of Public Security shall organize inspections and examinations of environmental protection for investment projects and facilities involving state security secrets; direct the Environmental Crime Prevention Police force to inspect the implementation of environmental protection laws;
 - d) The Chairman of the Provincial People's Committee shall organize inspections and examinations of environmental protection in the locality; direct the participation in coordination of inspections and examinations of environmental protection in the cases specified in Point a of this Clause or at the request of competent authorities;
 - d) The Chairman of the District People's Committee organizes inspections and examinations of environmental protection in the area; directs the participation in coordination of inspections and examinations of environmental protection in the cases specified in Point d of this Clause or at the request of competent authorities;
 - e) The Chairman of the People's Committee at the commune level shall organize environmental protection inspections of households, individuals and entities under the authority of receiving environmental registration in the area; direct the participation in coordination of environmental protection inspections and audits in the cases specified in Point d of this Clause or at the request of competent authorities.
2. The authority, organization and operation of specialized inspection on environmental protection are implemented according to the provisions of law on inspection and specific regulations in the field of environmental protection as follows:
- a) [\[2\]](#) Planned inspection;
 - b) Unscheduled inspections are conducted according to regulations when agencies, organizations and individuals are found to have signs of violating environmental protection laws; at the request of handling complaints, denunciations, preventing and combating corruption or assigned by the Minister of Natural Resources and Environment or the Chairman of the Provincial People's Committee. Unscheduled inspections are not announced in advance if necessary;
 - c) Except for surprise inspections as prescribed in this Law, the number of environmental protection inspections shall not exceed once a year for an organization or individual;
 - d) During the inspection process, state management agencies on environmental protection at all levels are responsible for transferring records of cases with signs of environmental crimes to competent authorities for investigation and handling in accordance with the provisions of law; coordinate with the Environmental Crime Prevention Police force to inspect compliance with environmental protection laws by organizations and individuals upon request.

3. Inspection of compliance with environmental protection laws is an inspection activity of competent state agencies on organizations and individuals, except for inspections to resolve administrative procedures prescribed in this Law, which is carried out as follows:

a) Unannounced inspections by state management agencies on environmental protection are conducted when there are grounds to believe that an organization or individual has signs of violating environmental protection laws or as decided by the Minister of Natural Resources and Environment or Chairman of the Provincial People's Committee;

b) The Environmental Crime Prevention and Control Police force shall conduct inspections of organizations and individuals when there are signs of criminal activities or violations of the law related to environmental crimes; when there are denunciations, reports of crimes, recommendations for prosecution or reports, reflections on violations of the law related to environmental crimes and inform the state management agency on environmental protection at the same level for coordination; coordinate in inspecting the compliance with the provisions of the law on environmental protection in other cases for organizations and individuals according to the plan approved by the Minister of Natural Resources and Environment or the Chairman of the Provincial People's Committee. Annually, send a written notice of the results of inspections and handling of violations of the law on environmental protection to the state management agency on environmental protection at the same level for synthesis and monitoring.

4. Environmental protection inspection and examination activities must ensure no overlap and no impact on normal production, business and service activities of organizations and individuals; must be coordinated by state management agencies on environmental protection, the Environmental Crime Prevention and Control Police force and other relevant agencies.

5. The State Audit shall conduct audits in the environmental field in accordance with the provisions of the State Audit Law and other relevant legal provisions.

6. The Government shall detail Clauses 2, 3 and 4 of this Article.

Article 161. Handling of violations

1. Organizations and individuals who violate the law on environmental protection, causing pollution, degradation, environmental incidents, causing damage to the State, organizations and individuals must be responsible for remedying pollution, restoring the environment, compensating for damage and be handled according to the provisions of this Law and other relevant legal provisions.

2. Heads of agencies, organizations, cadres, civil servants, public employees, and personnel in charge of environmental protection who abuse their positions and powers to cause trouble or harassment to organizations and individuals, cover up for organizations and individuals who violate environmental protection laws, or are irresponsible in causing environmental pollution or incidents, depending on the nature and severity of the violation, shall be subject to disciplinary action, administrative sanctions, or criminal prosecution; in case of causing damage, compensation must be paid in accordance with the provisions of law.

Article 162. Environmental disputes

1. Contents of environmental disputes include:

a) Disputes over rights and responsibilities for environmental protection in the exploitation and use of environmental components;

b) Disputes over determining the causes of environmental pollution, degradation and incidents;

c) Disputes over responsibility for handling, remedying consequences, and compensating for environmental damage.

2. Environmental dispute resolution shall be carried out in accordance with the provisions of civil law, the provisions of this Law and other relevant legal provisions. Environmental damage compensation disputes shall be settled in accordance with Article 133 of this Law and other relevant legal provisions.

3. The time limit for calculating the statute of limitations for filing an environmental lawsuit is the date when the damaged organization or individual has the right to request to know or should know the damage caused by the environmental law violation of another organization or individual.

4. Environmental disputes within the territory of the Socialist Republic of Vietnam in which one or more parties are foreign organizations or individuals shall be resolved in accordance with the laws of the Socialist Republic of Vietnam, except in cases where international treaties to which the Socialist Republic of Vietnam is a member provide otherwise.

Article 163. Complaints and denunciations about the environment

1. Organizations and individuals have the right to complain about violations of environmental protection laws by agencies, organizations and individuals according to the provisions of law.

2. Individuals have the right to denounce violations of environmental protection laws to competent authorities and persons in accordance with the provisions of law on denunciation.

Chapter XV

STATE MANAGEMENT RESPONSIBILITY FOR ENVIRONMENTAL PROTECTION

Article 164. Contents of state management of environmental protection

1. Promulgate and organize the implementation of policies, laws; standards, technical regulations, technical instructions; strategies, planning, plans; programs, projects on environmental protection.

2. Appraisal and approval of appraisal results of environmental impact assessment reports; issuance, change, adjustment, re-issuance and revocation of environmental licenses; environmental registration; issuance, re-issuance and revocation of environmental certificates.

3. Control of pollution sources; waste management, environmental quality; environmental improvement and restoration; protection of natural heritage environment, conservation of nature and biodiversity; prevention and response to environmental incidents.

4. Build and manage environmental monitoring system; organize environmental monitoring.

5. Build and update information systems, environmental databases, and environmental reports.

6. Develop and deploy a system to monitor and evaluate climate change adaptation activities; a system to measure, report, and verify greenhouse gas emission reduction.

7. Greenhouse gas inventory; development and updating of scenarios and databases on climate change, sea level rise and urban flooding; national climate assessment; guidance on the use of climate change information and data and integration of climate change response content into strategies and planning.

8. Organize the implementation of domestic carbon market; implement credit exchange mechanism, international commitment to reduce greenhouse gas emissions.

9. Inspect, examine; resolve complaints and denunciations; handle violations of environmental protection laws; determine damage and request compensation for environmental damage.

10. Environmental communication and education, raising awareness and consciousness of environmental protection; training and fostering expertise and management skills in environmental protection.

11. Organize scientific research, technology development, technology transfer application, international integration and cooperation on environmental protection.

12. Arrange state budget funds to carry out environmental protection tasks according to current budget decentralization; compile statistics, monitor and publish sources of expenditure for environmental protection.

Article 165. State management responsibility of the Government for environmental protection

1. Unify state management of environmental protection nationwide; promulgate or submit to competent authorities for promulgation legal documents, mechanisms and policies on environmental protection.
2. Decide policies on environmental protection, improvement and preservation; direct the focus on solving and overcoming environmental pollution and degradation, improving environmental quality in key areas; control pollution, respond to and overcome environmental incidents; develop clean energy, sustainable production and consumption; develop environmental industry and environmental services.
3. Perfecting the system of state management agencies on environmental protection to meet management requirements; assigning and decentralizing the implementation of state management on environmental protection; allocating resources for environmental protection activities; directing research and application of science and technology; integrating and cooperating internationally on environmental protection.
4. Annually report to the National Assembly on environmental protection work.

Article 166. State management responsibility for environmental protection of the Ministry of Natural Resources and Environment

The Ministry of Natural Resources and Environment is responsible to the Government for unified state management of environmental protection and has the following responsibilities:

1. Preside over the development, promulgation or submission to competent authorities for promulgation and implementation of legal documents on environmental protection; national environmental technical standards and regulations; strategies, planning, plans, programs, projects on environmental protection;
2. Give opinions on the content of strategic environmental assessment; organize appraisal of environmental impact assessment reports; grant, change, adjust, re-grant, and revoke environmental licenses; grant, change, and re-grant environmental certificates according to authority;
3. Direct, guide, inspect and organize the implementation of pollution source control; waste management, environmental quality; environmental improvement and restoration; environmental protection of natural heritage, nature conservation and biodiversity; prevention and response to environmental incidents according to the provisions of law;
4. Organize the construction and management of the national environmental monitoring network; approve and organize the implementation of environmental monitoring programs; provide information and warnings about environmental pollution according to the provisions of law;
5. Organize the development of environmental protection content in regional planning; guide the development of environmental protection content in provincial planning and planning of special administrative-economic units;
6. Organize statistics, build, maintain and operate information systems, environmental databases, and environmental reports according to the provisions of law;
7. Communicate, disseminate knowledge, propagate laws on environmental protection, educate, raise awareness and consciousness about environmental protection; train and foster expertise and management skills on environmental protection according to the provisions of law;
8. Propose policies on taxes, environmental protection fees, issuance of green bonds and other economic instruments to mobilize and use resources for environmental protection in accordance with the law;
9. Organize the development and implementation of a national system for monitoring and evaluating climate change adaptation activities; a system for measuring, reporting and appraising national greenhouse gas emission reduction activities;
10. Organize the implementation of national greenhouse gas inventories; develop and update national databases and climate change scenarios; guide the use of climate change information and data and integrate

climate change response content into strategies and planning;

11. Synthesize to propose the allocation of state budget estimates for environmental protection activities of ministries, ministerial-level agencies, provincial People's Committees and guide the implementation according to the provisions of the law on state budget; guide the statistics, monitoring and announcement of expenditure sources for environmental protection;

12. Submit to the Government the participation in international organizations, signing international treaties and international agreements on the environment; implementing international integration and cooperation on environmental protection in areas under its management;

13. Inspect and examine compliance with laws and state management responsibilities for environmental protection; resolve environmental complaints and denunciations; determine damages and request compensation for environmental damages; handle violations of environmental protection laws in accordance with the provisions of law;

14. Organize scientific research, technology development, and technology transfer application in the field of environmental protection in accordance with the provisions of law;

15. Coordinate with the Vietnam Fatherland Front and central agencies of socio-political organizations in organizing the implementation of the State's guidelines, policies and laws on environmental protection, and supervising environmental protection activities;

16. Perform other environmental protection tasks assigned by the Government and Prime Minister.

Article 167. State management responsibilities for environmental protection of ministries and ministerial-level agencies

1. The Ministry of National Defense is responsible for organizing the implementation of environmental protection laws in the defense sector; building and organizing forces and means to participate in responding to and overcoming environmental incidents; participating in cross-border environmental monitoring and offshore seawater monitoring in accordance with the provisions of law.

2. The Ministry of Public Security is responsible for organizing the implementation of environmental protection laws in the activities of the People's Public Security force; directing and organizing activities to prevent and combat crimes and violations of the law related to environmental crimes; ensuring security, order and social safety in the environmental field according to the provisions of law; mobilizing forces to participate in responding to and overcoming environmental incidents according to the provisions of law.

3. Ministries and ministerial-level agencies, within the scope of their tasks and powers, are responsible for coordinating with the Ministry of Natural Resources and Environment to perform state management tasks on environmental protection.

4. The Government shall specify in detail the responsibilities of ministries and ministerial-level agencies in performing state management tasks on environmental protection according to the provisions of this Law.

Article 168. State management responsibilities for environmental protection of People's Committees at all levels

1. The People's Committee at the provincial level, within the scope of its tasks and powers, has the following responsibilities:

a) Develop, promulgate or submit to the People's Council of the same level for promulgation and organize the implementation of legal documents on environmental protection; local environmental technical standards and regulations; strategies, plans, programs, projects on local environmental protection; environmental protection contents in provincial planning;

b) Organize appraisal and approval of appraisal results of environmental impact assessment reports; grant, reissue, adjust, reissue and revoke environmental licenses according to authority;

- c) Direct, guide, inspect and organize the implementation of pollution source control; prevent and respond to environmental incidents in the area according to the provisions of law; organize the management of waste sources in the area according to assignment and decentralization; be responsible to the Government for the occurrence of environmental pollution in the area;
- d) Organize monitoring, supervision, warning, environmental quality management and waste management in the area according to authority and guidance of the Ministry of Natural Resources and Environment ; environmental improvement and restoration; environmental protection of natural heritage, nature conservation and biodiversity;
- d) Invest in the construction, management and operation of the environmental monitoring network according to the national environmental monitoring master plan; develop, approve and organize the implementation of local environmental monitoring programs; provide information and warnings about environmental pollution according to the provisions of law;
- e) Organize investigation, statistics, update information systems, environmental databases, and environmental reports according to law provisions;
- g) Communicate, disseminate knowledge, propagate laws on environmental protection; educate, raise awareness and consciousness about environmental protection; train and foster expertise and management skills on environmental protection according to the provisions of law;
- h) Inspect and examine the compliance with the law and state management responsibilities for environmental protection in the area; resolve complaints and denunciations about the environment; assess and request compensation for environmental damage; handle violations of the law on environmental protection according to the provisions of law;
- i) Mobilize and use resources for environmental protection work according to the provisions of law; submit to the People's Council of the same level to arrange funds to perform environmental protection tasks according to current budget decentralization; guide, allocate and inspect the implementation of state budget expenditures for local environmental protection activities;
- k) Organize research and apply scientific and technological advances; participate in international cooperation activities on environmental protection in accordance with the provisions of law;
- l) Perform other environmental protection tasks assigned by the Government and the Prime Minister.

2. The People's Committee at district level, within the scope of its tasks and powers, has the following responsibilities:

- a) Develop, promulgate or submit to competent authorities for promulgation legal documents on environmental protection, plans, programs, projects and proposals on local environmental protection;
- b) Grant, change, adjust, re-grant, and revoke environmental licenses according to authority;
- c) Direct, guide, inspect and organize the implementation of pollution source control; prevent and respond to environmental incidents in the area according to the provisions of law; organize the management of waste sources in the area according to assignment and decentralization; be responsible to the Provincial People's Committee for the occurrence of environmental pollution in the area;
- d) Organize monitoring, supervision, warning, environmental quality management and waste management in the area according to the authority or decentralization of the Provincial People's Committee ; environmental improvement and restoration; nature conservation and biodiversity;
- d) Inspect, examine, and handle violations of environmental protection laws according to authority or transfer to competent persons for handling according to law provisions; resolve complaints, denunciations, and recommendations on environmental protection;

e) Communicate, disseminate knowledge, propagate laws on environmental protection; educate, raise awareness and consciousness about environmental protection in the community;

g) Environmental information and environmental reports as prescribed by law;

h) Mobilize and use resources for environmental protection work according to the provisions of law; submit to the People's Council of the same level or competent authority to arrange funds to perform environmental protection tasks according to current budget allocation;

i) Perform other environmental protection tasks assigned by the Provincial People's Committee.

3. The People's Committee at the commune level, within the scope of its tasks and powers, has the following responsibilities:

a) Develop, promulgate, and organize the implementation of legal documents, regulations, and conventions on environmental protection and sanitation; develop and organize the implementation of projects and tasks on environmental protection;

b) Direct, guide, inspect and organize the implementation of pollution source control; receive environmental registration; prevent and respond to environmental incidents in the area according to the provisions of law; organize the management of waste sources in the area according to assignment and decentralization; be responsible to the District People's Committee for environmental pollution in the area;

c) Organize monitoring, supervision, warning, environmental quality management and waste management in the area according to the authority or decentralization of the District People's Committee ; environmental improvement and restoration; nature conservation and biodiversity;

d) Communicate to raise awareness, build awareness of environmental protection in the community; mobilize people to participate in maintaining hygiene and protecting the environment; guide local communities to include environmental protection in village covenants, conventions, build new rural areas, and cultural families;

d) Inspect and handle violations of environmental protection laws according to authority or transfer to competent persons for handling according to law provisions; resolve complaints, denunciations and recommendations on environmental protection according to authority;

e) Mobilize and use resources for environmental protection work according to the provisions of law;

g) Organize the collection of environmental information and environmental reports according to the provisions of law;

h) Perform other environmental protection tasks assigned by the District People's Committee.

4. The environmental protection responsibilities of local authorities in special administrative-economic units are prescribed by the National Assembly when establishing such special administrative-economic units, except in cases where the law on special administrative-economic units has already prescribed.

Chapter XVI

TERMS OF IMPLEMENTATION [\[3\]](#)

Article 169. Amendment and supplementation of a number of laws related to environmental protection

1. Abolish, amend and supplement a number of articles of the Law on Water Resources No. 17/2012/QH13, which has been amended and supplemented by a number of articles under Law No. 08/2017/QH14 and Law No. 35/2018/QH14 as follows:

a) Abolish Article 37 and Point d, Clause 1, Article 38;

b) Amend and supplement Clause 1, Article 73 as follows:

“1. The Ministry of Natural Resources and Environment and the Provincial People's Committees shall issue, extend, adjust, suspend and revoke water resource licenses.

The granting of environmental licenses including the discharge of wastewater into water sources is carried out in accordance with the provisions of the law on environmental protection.”.

2. Abolish Point d, Clause 1, Article 44 and Article 58 of the Law on Water Resources No. 08/2017/QH14, which has been amended and supplemented by a number of articles under Law No. 35/2018/QH14 and Law No. 59/2020/QH14.

3. Amending and supplementing a number of articles of the Law on Public Investment No. 39/2019/QH14, which has been amended and supplemented by a number of articles under Law No. 64/2020/QH14 as follows:

a) Amend and supplement Point g, Clause 2, Article 30 as follows:

“g) Analysis and preliminary assessment of social impacts; preliminary assessment of environmental impacts (if any) according to regulations of law on environmental protection;”;

b) Amend and supplement Clause 6, Article 31 as follows:

“6. Preliminary analysis and assessment of social impacts; preliminary assessment of environmental impacts (if any) in accordance with the provisions of law on environmental protection; preliminary determination of socio-economic investment efficiency;”.

4. Abolish, amend and supplement a number of points in Section IX - Fees in the field of natural resources and environment in Appendix No. 01 - List of Fees and charges issued together with the Law on Fees and Charges No. 97/2015/QH13, which has been amended and supplemented by a number of articles according to Law No. 09/2017/QH14 and Law No. 23/2018/QH14 as follows:

a) Amend and supplement point 1.4 as follows:

1.4	Environmental impact assessment report appraisal fee	* The Ministry of Finance regulates appraisal activities performed by central agencies; * The Provincial People's Council decides on appraisal activities performed by local agencies.
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b) Add point 1.6 after point 1.5 as follows:

1.6	Fees for appraisal, issuance, re-issuance and adjustment of environmental licenses	* The Ministry of Finance regulates appraisal activities performed by central agencies; * The Provincial People's Council decides on appraisal activities performed by local agencies.
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c) Abolish point 5.4, point 6.3 and sub-item 9.

Article 170. Entry into force

1. This Law comes into force from January 1, 2022, except for the case specified in Clause 2 of this Article.

2. Clause 3, Article 29 of this Law takes effect from February 1, 2021.

3. The Law on Environmental Protection No. 55/2014/QH13, amended and supplemented by a number of articles under Law No. 35/2018/QH14, Law No. 39/2019/QH14 and Law No. 61/2020/QH14, ceases to be effective from the effective date of this Law.

Article 171. Transitional provisions

1. Complete and valid dossiers received by competent state agencies for settlement according to environmental administrative procedures before the effective date of this Law shall be processed according to the provisions of law at the time of receipt, except in cases where organizations and individuals request to comply with the provisions of this Law.
2. The decision to approve the environmental impact assessment report, preliminary environmental impact assessment report, detailed environmental impact assessment report, supplementary environmental impact assessment report, re-established environmental impact assessment report, detailed environmental protection project and document confirming the simplified environmental protection project, registration of environmental standards, environmental protection commitment, environmental protection plan issued by a competent state agency before the effective date of this Law is a document equivalent to the decision to approve the results of the appraisal of the environmental impact assessment report when considering and granting environmental licenses.
3. The decision approving the environmental deposit, remediation and restoration project; environmental remediation and restoration plan; additional environmental remediation and restoration plan issued by a competent state agency before the effective date of this Law shall be part of the approval decision and confirmation document specified in Clause 2 of this Article for mineral exploitation projects when considering and granting environmental licenses.
4. Environmental certificates and confirmations with a limited term that have been issued by competent authorities before the effective date of this Law, except for the case specified in Point d, Clause 2, Article 42 of this Law , shall continue to be used until their expiry date.
5. Licenses to discharge wastewater into water sources and licenses to discharge wastewater into irrigation works that have been granted in accordance with the provisions of the Law on Water Resources and the Law on Irrigation shall continue to be used until the expiration of the license and shall be part of the environmental license prescribed in this Law. Organizations and individuals that have been granted licenses to discharge wastewater into water sources and licenses to discharge wastewater into irrigation works shall request competent authorities to grant environmental licenses in cases where they have completed works and equipment for treating exhaust gases and managing solid waste in accordance with the provisions of this Law.
6. The Government shall detail this Article.

UNIFIED TEXT AUTHENTICATION

Chairman

Bui Van Cuong

[1] Inspection Law No. 11/2022/QH15 is promulgated on the following grounds:

“ Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Inspection. ”.

[2] This point is amended and supplemented according to the provisions of Clause 2, Article 116 of the Law on Inspection No. 11/2022/QH15, effective from July 1, 2023.

[3] Articles 117 and 118 of the Inspection Law No. 11/2022/QH15, effective from July 1, 2023, stipulate as follows:

“ Article 117. Entry into force

1. This Law comes into force from July 1, 2023.

2. Inspection Law No. 56/2010/QH12 ceases to be effective from the date this Law comes into force.

Article 118. Transitional provisions

Inspections with inspection decisions issued before the effective date of this Law shall continue to be implemented in accordance with the provisions of Inspection Law No. 56/2010/QH12 .