

Hanoi, 29 April 1998

No. 490-1998-TT-BKHCNMT

CIRCULAR

**PROVIDING GUIDELINES FOR PREPARATION AND APPRAISAL OF
ENVIRONMENTAL IMPACT EVALUATION REPORTS IN RESPECT OF
INVESTMENT PROJECTS**

Pursuant to the *Law on Protection of the Environment* passed by the National Assembly of the Socialist Republic of Vietnam on 27 December 1993 and promulgated by the President on 10 January 1994;

Pursuant to Decree 175-CP dated 18 October 1994 of the Government providing guidelines for the implementation of the *Law on Protection of the Environment*;

Pursuant to Decree 10-1998-ND-CP dated 23 January 1998 of the Government on measures for encouragement and guarantee of foreign direct investment activities in Vietnam;

Pursuant to Directive 11-1998-CT-TTg dated 16 March 1998 of the Government on the implementation of Decree 10-1998-ND-CP of the Government and improvement of foreign direct investment procedures;

Pursuant to Decree 22-CP dated 22 May 1993 of the Government on the duties, powers and organizational structure of the Ministry of Science, Technology and Environment;

The Ministry of Science, Technology and Environment (MOSTE) hereby provides guidelines for the preparation and appraisal of environmental impact evaluation reports in respect of domestic investment projects, joint venture projects and foreign direct investment projects in Vietnam as follows:

I. General Principles

I.1. Domestic investment projects, joint venture projects, business co-operation contracts with foreign partners, one hundred (100) per cent foreign owned projects and other forms of investment (hereinafter referred to as *investment projects*) being implemented within the territory of Vietnam shall be required to abide by the provisions of this Circular via the field of protection of the environment.

I.2. MOSTE hereby classifies investment projects into two groups:

1. Projects which are subject to preparation and submission of environmental reports, referred to as Group I projects in this Circular, shall be projects which can potentially cause environmental pollution on a wide scale, can easily cause

environmental hazards, or are difficult to control and determine environmental standards for. These projects are listed in Appendix I.

Projects in this group shall be registered as having satisfied environmental standards if located in industrial zones/export processing zones in respect of which decisions on approval of environmental impact evaluation reports have been issued.

2. All remaining projects, referred to as Group II projects in this Circular, shall be registered as having satisfied environmental standards on the basis of self-preparation and self-analysis of their own environmental impact evaluation reports.

I.3. A decision on approval of an environmental impact evaluation report or a certificate of "registration of satisfaction of environmental standards" shall be the legal basis, from an environmental aspect, for the competent State authority to consider and permit a project to proceed.

II. Implementation Stages

II.1. Application for investment license:

1. In respect of Group I projects:

The application file of a Group I project shall contain a section or separate chapter summarizing the potential impact of the project on the environment (see Appendix II). This shall be the basis for consideration by the State body in charge of environmental protection in the process of appraisal of such application file.

2. In respect of Group II projects:

In respect of Group II projects, a "registration of satisfaction of environmental standards" must be prepared for submission to the State body in charge of environmental protection for consideration.

The contents of the registration of satisfaction of environmental standards are provided for in Appendix III of this Circular.

The application file to be submitted shall include:

- Application for registration of satisfaction of environmental standards in the form provided in Appendix IV.2;
- Three copies of the registration of satisfaction of environmental standards. In cases of foreign direct investment projects or joint ventures with foreign partners, an English copy of the report shall be required;
- One copy of the feasibility study or technical-economic explanatory statement in respect of the project.

II.2. Design and construction:

1. After issuance of an investment license and determination of a project site for a Group I project, an environmental impact evaluation report must be prepared

for submission to the State body in charge of environmental protection for appraisal.

2. The contents of environmental impact evaluation reports are stipulated in Appendix I.2 of Decree 175-CP dated 18 October 1994 of the Government.

3. The application file to be submitted for appraisal shall include:

- An application for appraisal of the environmental impact evaluation report in the form provided in Appendix IV.1;
- Seven copies of the environmental impact evaluation report. In cases of foreign direct investment projects or joint ventures with foreign partners, an English copy of the report shall be required;
- One copy of the feasibility study or technical-economic explanatory statement in respect of the project.

II.3. Completion of construction:

Prior to operation of construction works, the State body in charge of environmental protection shall have the responsibility to:

- ☐ Co-ordinate with the construction permit-issuing body in inspecting waste treatment facilities and other safety conditions in accordance with the provisions on environmental protection;
- ☐ where construction works are found not to satisfy the approved environmental protection options, request the investor to take necessary measures in accordance with the appraised environmental impact evaluation report or the certified registration of satisfaction of environmental standards;
- ☐ Issue a permit to the project after all requirements for environmental protection have been fulfilled.

III. Organization of Appraisal

1. The appraisal of environmental impact evaluation reports and consideration of “registrations of satisfaction of environmental standards” shall be delegated in accordance with the provisions in Appendix II of Decree 175-CP dated 18 October 1994 of the Government.

2. The appraisal of environmental impact evaluation reports shall be carried out strictly in accordance with the contents of Decision 1806-QD-MTg and Regulations 1807-MTg issued by M.O.S.T.E on 31 December 1994.

3. The body which appraises an environmental impact evaluation report shall issue a decision on approval of such environmental impact evaluation report (Appendix V) to Group I projects and a certificate of registration of satisfaction of environmental standards (Appendix VI) to Group II projects and, at the same time, be responsible for inspection and supervision of the environmental protection activities of such projects.

4. In particular cases, a local State body in charge of environmental protection may appraise Group I projects and consider Group II projects which do not fall within its delegated authority after sending an official letter to MOSTE for authorization and obtaining approval thereof.

5. The time-limit for appraisal of an environmental impact evaluation report shall not exceed sixty (60) days from the date on which the State body in charge of environmental protection receives a full and proper application file. Where an application file does not meet stipulated requirements, within five days, the appraisal body shall be responsible for notifying the investor for adjustment or amendment thereof. Within ten (10) days of approval of an environmental impact evaluation report, the appraisal body shall be responsible for issuing a decision on approval of the environmental impact evaluation report to the project.

6. The time-limit for consideration of a "registration of satisfaction of environmental standards" and issuance of a certificate shall not exceed twenty (20) days from the date on which the State body in charge of environmental protection receives a full and proper application file. Where an application file does not meet stipulated requirements, within five days, the appraisal body shall be responsible for informing the investor for adjustment or amendment thereof.

IV. Environmental Standards

1. Any project implemented within the territory of Vietnam must apply the Environmental Standards of Vietnam issued by the Minister of MOSTE. Projects implemented in localities where separate environmental standards already exist may apply the local environmental standards provided that those standards are stricter than those issued by MOSTE.

2. Where the relevant environmental standards to be applied are yet to be provided for in the Environmental Standards of Vietnam, the investor may apply the environmental protection standards of advanced countries subject to the written permission of MOSTE.

V. Implementing Provisions

- ☐ This Circular shall replace Circular 1100-TT-MTg issued by the Ministry of Science, Technology and Environment on 20 August 1997.
- ☐ MOSTE hereby delegates authority to local Departments of Science, Technology and Environment to inspect and supervise strictly the implementation of decisions on approval of environmental impact evaluation reports and certificates of registration of satisfaction of environmental standards; and the compliance with applicable provisions relating to environmental protection in all projects implemented within their respective localities. Any breach of the provisions relating to environmental protection by any project shall be dealt with seriously in accordance with law.
- ☐ The Office of Environment under MOSTE or the Departments of Science, Technology and Environment shall bear responsibility for consideration and issuance of registrations of satisfaction of environmental

standards as delegated in accordance with the provisions of clause 1 of Part III of this Circular.

- ☐ Environmental impact evaluation reports which have been submitted to the State body in charge of environmental protection prior to the effective date of this Circular shall be appraised in accordance with the previous provisions.
- ☐ This Circular shall be of full force and effect after fifteen (15) days from the date of signing.

Minister of Science, Technology and Environment

CHU TUAN NHA