

**THE MINISTRY OF
NATURAL RESOURCES AND
ENVIRONMENT**

No. 27/2015/TT-BTNMT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, May 29, 2015

CIRCULAR

**On strategic environmental assessment, environmental impact assessment,
and environmental protection plans^(*)**

Pursuant to the June 23, 2014 Law on Environmental Protection;

Pursuant to the Government's Decree No. 18/2015/ND-CP of February 14, 2015, providing environmental protection master plans, strategic environmental assessment, environmental impact assessment, and environmental protection plans;

Pursuant to the Government's Decree No. 21/2013/ND-CP of March 4, 2013, defining the functions, duties, powers and organizational structure of the Ministry of Natural Resources and Environment;

At the proposal of the General Director of the Vietnam Environmental Administration and the Director of the Legal Department;

The Minister of Natural Resources and Environment promulgates the Circular providing strategic environmental assessment, environmental impact assessment, and environmental protection plans.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular details Point c, Clause 1, Article 32 of the 2014 Law on Environmental Protection; Clause 5, Article 8; Clause 7, Article 12; Clauses 4 and 6, Article 14; Clause 2, Article 16; Clause 4, Article 17; Clause 5, Article 19; and Clause 4, Article 21 of the Government's Decree No. 18/2015/ND-CP of February 14, 2015, providing environmental protection master plans, strategic environmental assessment, environmental impact assessment, and environmental protection plans (below referred to as Decree No. 18/2015/ND-CP).

Article 2. Subjects of application

This Circular applies to agencies, organizations and individuals engaged in strategic environmental assessment, environmental impact assessment, and environmental protection planning.

Chapter II

STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 3. Performance of strategic environmental assessment

1. An agency which is tasked to formulate a strategy, master plan and plan on the list of those subject to strategic environmental assessment provided in Appendix I to Decree No.

^(*) *Công Báo Nos 637-638 (29/6/2015)*

18/2015/ND-CP shall make and send a dossier of request for appraisal of strategic environmental assessment report as prescribed in Clause 2, Article 8 of Decree No. 18/2015/ND-CP. The dossier of request for appraisal of strategic environmental assessment report shall be submitted directly or by post to the appraising agency and must comprise:

a/ One (1) written request for appraisal of strategic environmental assessment report, made according to the form provided in Appendix 1.1. to this Circular;

b/ Nine (9) copies of the strategic environmental assessment report and nine (9) copies of the draft strategy, master plan or plan. In case the appraisal council has more than nine (9) members, the agency tasked to formulate the strategy, master plan and plan shall provide some more copies of the strategic environmental report. The forms of the cover page and supplementary cover page of the strategic environmental assessment report and its structure and contents must comply with relevant forms provided in Appendices 1.2 and 1.3 to this Circular.

2. For revision of a strategy, master plan or plan as prescribed in Clause 1, Article 8 of Decree No. 18/2015/ND-CP:

a/ The agency that has formulated the strategy, master plan or plan shall send to the Ministry of Natural Resources and Environment one (1) written explanation of the revision of the strategy, master plan or plan and relevant environmental issues, enclosed with one (1) copy of the draft revised strategy, master plan or plan;

b/ Within twenty (20) working days, the Ministry of Natural Resources and Environment shall consider and issue a written reply to the agency tasked to formulate the strategy, master plan or plan and the agency competent to approve the strategy, master plan or plan.

Article 4. Appraisal of strategic environmental assessment reports

1. Strategic environmental assessment reports shall be appraised by councils formed by heads of appraising agencies. Such council must have the structure and composition prescribed in Clause 1, Article 10 of Decree No. 18/2015/ND-CP.

2. The operation of strategic environmental assessment report appraisal councils is prescribed in Chapter V of this Circular.

3. The time limit for appraising a strategic environmental assessment report is prescribed in Clause 4, Article 10 of Decree No. 18/2015/ND-CP. If the dossier is incomplete or invalid, within five (5) working days after receiving it, the appraising agency shall send a written notice to the appraisal-requesting agency for dossier modification and supplementation.

Article 5. Assimilation of appraisal opinions and reporting on results of appraisal of a strategic environmental assessment report

1. The agency tasked to formulate the strategy, master plan or plan shall study and assimilate opinions of the appraisal council and then send to the appraisal council:

a/ One (1) written explanation about the assimilation of opinions of the appraisal council on the strategic environmental assessment report, made according to the form provided in Appendix 1.4 of this Circular;

b/ One (1) copy of the strategic environmental assessment report, enclosed with a CD containing the report's content; one (1) copy of the draft strategy, master plan or plan which has been finalized based on opinions of the appraisal council.

2. Within fifteen (15) working days after receiving the finalized strategic environmental assessment report from the agency tasked to formulate the strategy, master plan or plan, the

appraising agency shall report on the appraisal results to the authority competent to approve the strategy, master plan or plan according to the form provided in Appendix 1.5 to this Circular.

Chapter III

ENVIRONMENTAL IMPACT ASSESSMENT

Article 6. Dossiers of request for appraisal of environmental impact assessment reports

Owners of the projects specified in Clause 5, Article 33 of the 2014 Law on Environmental Protection and Clause 1, Article 12 of Decree No. 18/2015/ND-CP shall make dossiers of request for appraisal of environmental impact assessment reports and send them to agencies competent to appraise environmental impact assessment reports prescribed in Clause 1, Article 14 of Decree No. 18/2015/ND-CP. A dossier must comprise:

1. One (1) written request for appraisal of the environmental impact assessment report, made according to the form provided in Appendix 2.1 to this Circular.
2. Seven (7) copies of the project's environmental impact assessment report. If the appraisal council has more than seven (7) members, the project owner shall provide some more copies of the report. The forms of the cover page and supplementary cover page of the environmental impact assessment report and its structure and contents must comply with the forms provided in Appendices 2.2 and 2.3 to this Circular.
3. One (1) copy of the feasibility study report or investment project report or equivalent document.

Article 7. Consultation in the process of environmental impact assessment

1. Project owners shall conduct consultation according to Clauses 4, 5 and 6, Article 12 of Decree No. 18/2015/ND-CP.
2. Project owners' written requests for consultation shall be made according to the form provided in Appendix 2.4 to this Circular.
3. Written replies of consulted agencies and organizations shall be made according to the form provided in Appendix 2.5 to this Circular.
4. Minutes of consultation meetings with residential communities directly affected by projects shall be made according to the form provided in Appendix 2.6 to this Circular.
5. In the course of consultation, project owners shall ensure their written requests for consultation, enclosed with the environmental impact assessment reports, be sent to consulted parties.
6. The time limit for a consulted party to issue a reply is fifteen (15) working days after receiving a written request for consultation from the project owner.
7. For a project to be implemented in two (2) or more communes, the project owner may choose to organize consultation meetings with residential communities directly affected by projects on a communal or inter-communal scale.

Article 8. Appraisal of environmental impact assessment reports

1. Environmental impact assessment reports shall be appraised by appraisal councils, except the case prescribed in Clause 5, Article 14 of Decree No. 18/2015/ND-CP.
2. The time limit for appraisal of an environmental impact assessment report is prescribed in Clause 2, Article 14 of Decree No. 18/2015/ND-CP; in case the dossier is incomplete or invalid, within five (5) working days after receiving the dossier, the appraising agency shall issue a written reply to the project owner.

3. In the process of appraisal, the appraising agency may carry out the following activities:

- a/ Surveying and verifying information and data on the environmental state at the project site and in adjacent areas;
- b/ Taking samples for analysis and comparison;
- c/ Seeking criticisms on the environmental impact assessment report from specialists, social organizations and socio-professional organizations;
- d/ Organizing evaluation meetings.

4. The operation of councils to appraise environmental impact assessment report must comply with Chapter V of this Circular.

Article 9. Approval of environmental impact assessment reports

1. After an environmental impact assessment report is appraised and adopted without having to be modified or supplemented or adopted but required to be modified or supplemented, the project owner shall finalize the report and send to the appraising agency a dossier of request for approval of the environmental impact assessment report, comprising:

a/ One (1) written request for approval of the environmental impact assessment report, clearly explaining contents already modified or supplemented according to conclusion of the appraisal council, unless modification or supplementation is not required;

b/ The environmental impact assessment report bound into hard-back volumes and bearing the signature of the project owner at the bottom of each page, including also the appendices (except the cover page which shall be made according to the form provided in Appendix 2.2 to this Circular), enclosed with one (1) CD recorded containing one (1) “.doc” file and one (1) “.pdf” file of the whole report (including appendices). The number of hard copies of the environmental impact assessment report must be sufficient for distribution to the recipients prescribed in Clause 3, Article 9 of this Circular.

2. Responsibilities of an appraising agency after receiving a dossier of request for approval of an environmental impact assessment report:

a/ Within twenty (20) working days after receiving the dossier, the head of the appraising agency shall issue a decision approving the environmental impact assessment report according to the form provided in Appendix 2.7 to this Circular, and give certification on the back of the supplementary cover page of the approved environmental impact assessment report according to the form provided in Appendix 2.8 to this Circular;

b/ In case the dossier is unsatisfactory, within ten (10) working days after receiving the dossier, the appraising agency shall issue a written reply clearly stating the reason.

3. The agency appraising the environmental impact assessment report shall send the appraisal decision and environmental impact assessment report already certified to the project owner and related agencies, specifically as follows:

a/ For an environmental impact assessment report to be appraised and approved by the Ministry of Natural Resources and Environment: send the appraisal decision to the Ministry of Natural Resources and Environment and send the appraisal decision, enclosed with the environmental impact assessment report, to the provincial-level People’s Committee of the locality where the project will be implemented, except projects classified as national defense or public security secrets;

b/ For an environmental impact assessment report to be appraised and approved by a ministry or ministerial-level agency: send the appraisal decision to the Ministry of Natural

Resources and Environment and send the appraisal decision, enclosed with the environmental impact assessment report, to the provincial-level People's Committee of the locality where the project will be implemented, except projects classified as national defense or public security secrets.

c/ For an environmental impact assessment report to be appraised and approved by a provincial-level People's Committee: send the appraisal decision to the Ministry of Natural Resources and Environment and district- and commune-level People's Committees of the locality where the project will be implemented; and send the appraisal decision, enclosed with the environmental impact assessment report, to the provincial-level Natural Resources and Environment Department and the Industrial Park Management Board, if the project is located in an industrial park.

4. After receiving a decision approving an environmental impact assessment report from a ministry or ministerial-level agency, the provincial-level People's Committee shall photocopy the decision and send the copies to the provincial-level Natural Resources and Environment Department and district- and commune-level People's Committees of the locality where the project will be implemented, or to the Industrial Park Management Board, if the project is located in an industrial park.

Article 10. Responsibilities of project owners after their environmental impact assessment reports are approved

1. To implement the provisions in Article 16 of Decree No. 18/2015/ND-CP.

2. To make environmental management plans in line with the environmental management and monitoring programs proposed in the environmental impact assessment reports already approved; if making any change to the environmental management and monitoring programs, to update the environmental management plans and send the updated plans to commune-level People's Committees according to Clause 3 of this Article. The forms of the cover page and supplementary cover page of an environmental management plan and its structure and contents must comply with relevant forms provided in Appendices 2.9 and 2.10 to this Circular.

3. To send environmental management plans to the commune-level People's Committees of the locality where consultation meetings have been organized in the process of environmental impact assessment for posting up before the projects are implemented. The form of environmental management plan to be sent by a project owner to a commune-level People's Committee for posting must comply with Appendix 2.11 to this Circular.

4. To notify plans on trial operation of waste treatment facilities to consulted organizations and agencies approving environmental impact assessment reports according to the form provided in Appendix 2.12 to this Circular; to put waste treatment facilities to trial operation together with the trial operation of the projects. When an environmental incident occur, to immediately stop the trial operation and promptly report it to competent state management agencies for guidance; to take responsibilities for remedying environmental incidents and pay compensation according to law.

5. In case an economic zone, industrial park, export processing zone, hi-tech park, industrial cluster or concentrated business and service zone receives investment projects other than those in the sectors and trades calling for investment as stated in the approved environmental impact assessment report of its infrastructure construction project, but is not required to make again the environmental impact assessment report as prescribed at Point c, Clause 1, Article 15 of Decree No. 18/2015/ND-CP, the infrastructure construction project owner shall give written explanations to the agency approving the environmental impact assessment report and carry out procedures for receiving these investment projects only after obtaining written consent of the agency approving the environmental impact assessment report.

6. If the project is transferred to another owner, the new owner shall continue implementing the approved environmental impact assessment report.

Article 11. Authorization of the competence to appraise and approve environmental impact assessment reports to Industrial Park Management Boards

1. Provincial-level People's Committees may authorize Industrial Park Management Boards to appraise and approve environmental impact assessment reports if the Industrial Park Management Boards have set up Environmental Management Divisions and have a payroll of at least five (5) persons specialized in environmental protection.

2. The authorization referred to in Clause 1 of this Article shall be applied only to projects with environmental impact assessment reports to be appraised and approved by provincial-level People's Committees, which are located in industrial parks of which the infrastructure construction projects' environmental impact assessment reports have been approved or which have completed the construction of centralized wastewater treatment facilities or which have been certified by competent agencies as having completed the construction of environmental protection works in accordance with law.

3. Provincial-level People's Committees shall consult in writing the Ministry of Natural Resources and Environment about the authorization of the competence to appraise and approve environmental impact assessment reports according to the form provided in Appendix 2.13 to this Circular. The Ministry of Natural Resources and Environment shall issue a written reply within fifteen (15) working days.

4. On the basis of the agreement of the Ministry of Natural Resources and Environment, provincial-level People's Committees shall authorize Industrial Park Management Board to appraise and approve environmental impact assessment reports according to the form provided in Appendix 2.14 to this Circular.

5. Industrial Park Management Boards shall perform authorized tasks related to appraisal and approval of environmental impact assessment reports prescribed in Clauses 2, 3, 4 and 5, Article 14 of Decree No. 18/2015/ND-CP in the capacity as provincial-level People's Committee; make periodical reports to provincial-level People's Committees; and submit to the inspection and guidance of provincial-level People's Committees and provincial-level Natural Resources and Environment Department in accordance with law.

Chapter IV

INSPECTION AND CERTIFICATION OF ENVIRONMENTAL PROTECTION WORKS SERVING THE PROJECT OPERATION

Article 12. Reporting on the completion of environmental protection works serving the project operation

1. Owners of the projects specified in Column 4 of Appendix II to Decree No. 18/2015/ND-CP shall make dossiers of reporting on completion of environmental protection works serving the project operation and send them to agencies approving environmental impact assessment reports for inspection and grant of certificates as prescribed in Clause 6, Article 16 of Decree No. 18/2015/ND-CP.

2. A dossier of reporting on completion of environmental protection works serving the project operation must comprise:

a/ One (1) written request for inspection and certification of completion of environmental protection works, made according to the form provided in Appendix 3.1 to this Circular;

b/ One (1) copy of the decision approving the environmental impact assessment report, enclosed with a copy of the approved environmental impact assessment report;

c/ Seven (7) copies of the report on completion of environmental protection works serving the project operation, made according to the form provided in Appendix 3.2 to this Circular. For a project located in two (2) or more provinces or centrally run cities, the project owner shall send an additional number of copies of the report equal to the additional number of provinces or centrally run cities to serve inspection work.

3. For a project with phased investment or involving many independent items, the project owner may make a dossier of reporting on completion of environmental protection works for each phase of investment or each independent project item, provided that environmental protection works serving the operation of the project in each investment phase or each independent item have been completed.

4. For projects other than those specified in Column 4 of Appendix II to Decree No. 18/2015/ND-CP of which the environmental impact assessment reports have been approved under the 1993 or 2005 Law Environmental Protection, project owners are not required to make dossiers of reporting on completion of environmental protection works serving the project operation.

Article 13. Inspection of environmental protection works serving the project operation

1. Environmental protection works serving the operation of a project shall be inspected by a team formed by the head of the agency approving the environmental assessment report or another agency as authorized (below collectively referred to as inspection agency). The decision to form a team to inspect the completion of environmental protection works serving the project operation shall be made according to the form provided in Appendix 3.3 to this Circular.

2. The inspection team shall be composed of employees of the inspection agency, environmental specialists and specialists in the fields relevant to the project, including one (1) head and possibly one (1) deputy head in case of necessity; one (1) secretary and members.

3. In addition to the persons specified in Clause 2 of this Article, an inspection team which is not formed by the provincial-level Natural Resources and Environment Department of the locality where the project concerned is implemented must also include a representative of the provincial-level Natural Resources and Environment Department.

4. For a project with the environmental impact assessment report to be appraised and approved by a provincial-level People's Committee, in addition to the persons specified in Clause 2 of this Article, the head of the inspection agency may decide to invite a representative of the district-level specialized agency in charge of environmental protection of the locality in which the project is implemented to join the inspection team

Article 14. Working principles of inspection teams

1. Inspection teams shall work on the principle of public discussion among their members and between their members and representatives of project owners at meetings and in the course of field inspection of environmental protection works.

2. The field inspection of environmental protection works of a project shall be conducted:

a/ With the participation of at least two-thirds (2/3) of members of the inspection team, including the head or deputy head (if authorized by the head) and secretary;

b/ In the presence of a competent representative of the establishment.

Article 15. Responsibilities and powers of inspection team members

1. General responsibilities and powers of inspection team members:

a/ To study dossiers of request for inspection and certification of completion of environmental protection works serving the project operation;

b/ To attend meetings of the inspection team and participate in the field inspection of completion of environmental protection works;

c/ To talk to the project owner about environmental protection works in the course of inspection;

d/ To make written comments on and evaluations of environmental protection works according to the form provided in Appendix 3.4 to this Circular, then send them to the head of the inspection team (through the secretary) for summarization; to take responsibility before law for their comments and evaluations;

dd/ To manage documents provided to them in accordance with law and return these documents at the request of the inspection agency after accomplishing their tasks;

e/ To enjoy remunerations for conducting field inspection in accordance with current law.

2. Responsibilities and powers of the inspection team secretary:

In addition to the general responsibilities and powers specified in Clause 1 of this Article, the inspection team secretary also has the following responsibilities and powers:

a/ To contact the project owner, inspection team members and related organizations and individuals for preparing a working schedule for the inspection team;

b/ To summarize comments and evaluations of inspection team members and report them to the head of the inspection team;

c/ To draft minutes of inspection of completion of environmental protection works.

3. The deputy head of an inspection team has the responsibilities and powers of inspection team members specified in Clause 1 of this Article and of the inspection team head specified in Clause 4 of this Article as authorized by the latter.

4. Responsibilities and powers of the inspection team head:

In addition to the responsibilities and powers specified in Clause 1 of this Article, the inspection team head also has the following responsibilities and powers:

a/ To take general responsibility for activities of the inspection team;

b/ To assign tasks to inspection team members;

c/ To chair and monitor meetings of the inspection team;

d/ To assume the prime responsibility for handling recommendations of inspection team members, project owners and representatives of related agencies in the course of field inspection and make conclusions;

dd/ When necessary, to decide to measure, take samples and analyze environmental indicators of wastes before being discharged into the environment in accordance with current laws.

Article 16. Contents and forms of presentation of results of inspection of environmental protection works serving the project operation

1. Results of inspection of environmental protection works serving the project operation shall be presented in a minutes of inspection according to the form provided in Appendix 3.5 to this Circular.

2. Inspection minutes must truthfully and objectively reflect the actual state of environmental protection works actually built at the time of inspection.

3. On the last day, the inspection team head (or deputy head if authorized by the head), secretary and the competent representative of the project owner shall sign every page of the inspection minutes and write their full names and titles on the last page.

Article 17. Grant of certificates of completion of environmental protection works

1. On the basis of inspection results, in case environmental protection works serving the project operation have been built in conformity with the approved environmental impact assessment reports and documents approving modifications or changes to the environmental impact assessment reports, if any, within the time limit prescribed in Clause 2, Article 17 of Decree No. 18/2015/ND-CP, inspection agencies shall grant certificates of completion of environmental protection works serving the project operation. In case the environmental protection works serving the project operation have not yet met requirements, within five (5) working days after the inspection finishes, inspection agencies shall send a notice to the project owners.

2. Project owners shall remedy existing problems of environmental protection works serving the project operation and report such to inspection agencies for consideration and certification. Inspection agencies shall consider and grant certificates or issue a written reply to the project owners within five (5) working days.

3. The form of the certificate of completion of environmental protection works serving the project operation is provided in Appendix 3.6 to this Circular.

Chapter V

APPRAISAL COUNCILS FOR STRATEGIC ENVIRONMENTAL ASSESSMENT
REPORTS AND ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

Article 18. Composition and working principles of appraisal councils for strategic environmental assessment reports and environmental impact assessment reports

1. Appraisal councils for strategic environmental assessment reports and environmental impact assessment reports (below collectively referred to as appraisal councils) shall be formed to appraise strategic environmental assessment reports and environmental impact assessment reports, respectively, on a case-by-case basis. The decision to form an appraisal council shall be made according to the form provided in Appendix 4.1 to this Circular.

2. The appraisal councils shall advise the head of the appraising agency and take responsibility before law and the appraising agency for appraisal results.

3. The appraisal council shall work on the principle of public discussion among council members and between councils and agencies tasked to formulate strategies, master plans or plans and project owners (below collectively referred to as project owners).

4. The appraisal council shall operate through its appraisal standing body according to its functions and tasks defined by competent authorities. Responsibilities of the appraisal standing body are prescribed in Article 25 of this Decree.

Article 19. Conditions and criteria for appraisal council members

1. The council chairperson or vice chairperson must be an environmental specialist or a specialist in the fields relevant to operation of the project concerned and have at least seven (7), five (5) or three (3) years' experience, for those possessing a university degree, a master or doctor diploma, respectively, or must be a leader of the appraising agency or appraisal standing body.

2. A critical member must be an environmental specialist or a specialist in the fields relevant to operation of the project concerned and have at least seven (7), five (5) or three (3) years' experience, for those possessing a university degree, a master or doctor diploma, respectively.

3. The council secretary must be a civil servant of the appraisal standing body.

4. Other council members must be environmental specialists or specialists in the fields relevant to operation of the project and have at least three (3), two (2) or one (1) years' experience, for those possessing a university, master or doctor diploma, respectively.

Article 20. Responsibilities of council members

1. To study strategic environmental assessment reports or environmental impact assessment reports and related dossiers and documents provided by appraisal standing bodies.

2. To attend meetings of the appraisal council, conferences and seminars, participating in investigations and surveys conducted during the appraisal of strategic environmental assessment reports or environmental impact assessment reports as arranged by the appraisal standing body.

3. To write specialized reports serving the appraisal of strategic environmental assessment reports or environmental impact assessment reports as assigned by the appraisal standing body.

4. To write comments on strategic environmental assessment reports or environmental impact assessment reports according to the form provided in Appendix 4.2 to this Circular, then send them to the appraisal standing body at least one (1) working day before official meetings of the appraisal council; and to present these comments at official meetings of the appraisal council.

5. To fill in cards of appraisal of strategic environmental assessment reports or environmental impact assessment reports according to the form provided in Appendix 4.3 to this Circular.

6. To write comments on strategic environmental assessment reports or environmental impact assessment reports already modified or supplemented by the project owner after official meetings of the appraisal council when the appraisal standing body so request in writing.

7. To manage documents provided to them under law and return these documents at the request of the appraisal standing body after accomplishing their tasks.

8. To take responsibility before the appraising agency and law for their comments and evaluations on strategic environmental assessment reports or environmental impact assessment reports and tasks assigned to them during the appraisal.

Article 21. Powers of council members

1. Council members have the following powers:

a/ To request the appraisal standing body to provide sufficient documents relevant to dossiers of request for appraisal, for study and evaluation.

b/ To propose the appraisal standing body to organize meetings, seminars and other activities to directly serve appraisal work.

c/ To attend meetings of the appraisal council; and meetings and seminars and other activities directly serving appraisal work as arranged by the appraisal standing body;

d/ To talk directly to the project owner and strategic environmental assessment report or environmental impact assessment report making consultancy units at meetings of the appraisal council; to reserve their opinions which are different from those of the appraisal council.

2. To enjoy remuneration according to current financial regulations for performing their tasks; to have travel, accommodations and other expenses for their participation in activities of the appraisal council paid under law.

Article 22. Responsibilities and powers of chairpersons, deputy chairpersons and criticism members of appraisal councils

1. In addition to the responsibilities and powers of council members specified in Articles 20 and 21 of this Circular, the council chairperson also has the following responsibilities and powers:

a/ To chair meetings of the appraisal council;

b/ To handle opinions raised at meetings of the appraisal council and make conclusions at these meetings;

c/ To sign minutes of meetings of the appraisal council and take responsibility before the appraising agency and law for conclusions made at these meetings.

2. In addition to the responsibilities and powers of council members specified in Articles 20 and 21 of this Circular, the council vice chairpersons also has the responsibilities and powers of the council chairperson as authorized by the latter.

3. In addition to the responsibilities and powers of council members specified in Clauses 1, 2, 3, 5, 6, 7 and 8, Article 20, and Article 21, of this Circular, critical members also have to make written comments on contents of strategic environmental assessment reports or environmental impact assessment reports according to the form provided in Appendices 4.4 and 4.5 to this Circular.

Article 23. Responsibilities and powers of council secretaries

In addition to the responsibilities and powers of council members specified in Articles 20 and 21 of this Circular, the council secretary also has the following responsibilities and powers:

1. To provide forms of written comments and cards of appraisal of strategic environmental assessment reports or environmental impact assessment reports to appraisal council members.

2. To report to the council chairperson on major problems of dossiers after studying by themselves and summarizing opinions of council members on these dossiers;

3. To inform the appraisal council of comments of appraisal council members who do not attend official meetings of the appraisal council and written comments sent by the provincial-level Natural Resources and Environment Department to the appraisal standing body, if any.

4. To make and sign minutes of meetings of the appraisal council; and take responsibility for the adequacy and truthfulness of these minutes.

5. To make dossiers and documents for settlement of expenses for activities of the appraisal council.

6. To perform other tasks to serve activities of the appraisal council at the request of the appraisal standing body.

Article 24. Responsibilities and powers of council members being representatives of provincial-level Natural Resources and Environment Departments joining appraisal councils formed by ministries, ministerial-level agencies or government-attached agencies

In addition to the responsibilities and powers of council members relevant to the titles they hold in the appraisal council, council members being representatives of provincial-level Natural Resources and Environment Departments joining appraisal councils formed by ministries, ministerial-level agencies or government-attached agencies also have the following responsibilities and powers:

1. To collect and provide the appraisal council with information and documents relevant

to strategies, master plans, plans and projects; and to take responsibility for information and documents provided to the appraisal council.

2. To authorize in writing their colleagues to participate in activities of the appraisal council with their responsibilities and powers case they cannot do so.

Article 25. Responsibilities of appraisal standing bodies

1. To draft the decision to form the appraisal council and submit it to competent authorities for consideration and decision.

2. To contact and request the project owner to additionally provide relevant documents in case of necessity and send them to appraisal council members within five (5) working days after the issuance of the decision to form the appraisal council.

3. To collect and provide information relevant to strategies, master plans, plans or projects to the appraisal council.

4. To hold meetings of the appraisal council and the activities specified in Clause 3, Article 10 of Decree No. 18/2015/ND-CP and Clause 3, Article 8 of this Circular.

5. To notify in writing the project owner of appraisal results and requirements for finalization of the appraisal dossier within five (5) working days after the last official meeting of the appraisal council. Such a notice must specify one (1) of the following appraisal results: adoption without requiring modification or supplementation; adoption on the condition of modification or supplementation; rejection.

6. To review contents of strategic environmental assessment reports or environmental impact assessment reports already modified or supplemented by the project owner. In case of necessity, to request in writing a number of council members to make further comments on the modified or supplemented strategic environmental assessment reports or environmental impact assessment reports.

7. To draft the report on results of appraisal of strategic environmental assessment reports of strategies, master plans or plans or decisions approving environmental impact assessment reports of projects for submission to competent authorities for consideration and decision.

8. To estimate and finalize expenses for activities of the appraisal council.

Article 26. Conditions for holding official meetings of appraisal councils

An official meeting of an appraisal council may be held only when the following conditions are fully satisfied:

1. It is attended (personal presence at a meeting or participation in an online meeting) by at least two-thirds (2/3) of the total number of members of the appraisal council, including the council chairperson or a vice chairperson if authorized by the chairperson (below collectively referred to as the meeting chairperson), the council secretary and at least one (1) critical member.

2. It is attended by a competent representative of the project owner or the person authorized by a competent body of the project owner.

3. The project owner has paid the charge for appraisal of the environmental impact assessment report under law.

Article 27. Collection of opinions of provincial-level Natural Resources and Environment Departments which have no representatives to join appraisal councils formed by ministries, ministerial-level agencies or government-attached agencies

1. Appraisal standing bodies shall send strategic environmental assessment reports to provincial-level Natural Resources and Environment Departments of localities which are directly related to environmental issues of strategies, master plans or plans and have no representatives to join appraisal councils, and send environmental impact assessment reports to provincial-level Natural Resources and Environment Departments of localities in which projects are implemented and which have no representatives to join appraisal councils, for opinion.

2. Provincial-level Natural Resources and Environment Departments shall send their written opinions to appraisal standing bodies within five (5) working days after receiving the latter's written requests.

3. Opinions of provincial-level Natural Resources and Environment Departments shall be considered and discussed at meetings of appraisal councils.

Article 28. Participants in meetings of appraisal councils

1. Participants in a meeting of the appraisal council shall be decided and invited by the appraisal standing body.

2. Participants in a meeting of the appraisal council may present their opinions at the meeting, shall follow the instructions of the meeting chairperson, and are entitled to remunerations as prescribed by law.

Article 29. Contents and proceedings of an official meeting of an appraisal council

1. The secretary shall read aloud the decision to form the appraisal council, introduce meeting participants, briefly report on the processing of the appraisal dossier and provide information on activities already conducted by the appraisal council and appraisal standing body.

2. The meeting chairperson shall conduct the meeting according to the competence specified in Clause 1, Article 22 of this Circular.

3. The project owner (or the consultancy unit authorized by the project owner) shall briefly present the strategic environmental assessment report or the environmental impact assessment report.

4. The project owner and appraisal council members shall exchange opinions and discuss unclear issues (if any) of the dossier.

5. Critical members and other members of the appraisal council shall present their written comments.

6. The secretary shall read aloud written comments of absent appraisal council members and opinions of the provincial-level Natural Resources and Environment Department which have no representative in the appraisal council.

7. Participants shall present their opinions, if any.

8. The appraisal council may hold a separate meeting (as decided by the meeting chairperson) to reach unanimity on its conclusions.

9. The meeting chairperson shall disclose conclusions of the appraisal council.

10. Appraisal council members shall raise their opinions which are different from the conclusions disclosed by the meeting chairperson, if any.

11. The project owner shall present its/his/her opinions, if any.

12. The meeting chairperson shall wrap up the meeting.

Article 30. Contents of conclusions of appraisal councils

1. Conclusions of an appraisal council must have the following contents:

a/ Limitations of the dossier; requirements and recommendations related to the completion of the dossier (if any) based on opinions of the appraisal council members;

b/ Appraisal results at one (1) of the three (3) levels: adoption; adoption on the condition of modification or supplementation; or rejection, based on results of counting of appraisal cards on the principle specified in Clause 2 of this Article.

2. The principle of making appraisal results:

a/ Adoption without requiring modification or supplementation: When all appraisal council members attending in the meeting, in their appraisal cards, agree to adopt the report without requiring modification or supplementation;

b/ Adoption on the condition of modification or supplementation: When at least two-thirds (2/3) of the total number of attending council members, including at least one (1) critical member, in their appraisal cards, agree to adopt the report or adopt the report but requiring it to be modified or supplemented;

c/ Rejection: When over one-third (1/3) of the total number of council members or two (2) critical members, in their appraisal cards, reject the report.

Article 31. Form and contents of minutes of official meetings of appraisal councils

1. Minutes of official meetings of appraisal councils shall be made according to the form provided in Appendix 4.6 to this Circular. Opinions of project owners, council members and meeting participants shall be fully and truthfully recorded in meeting minutes.

2. Meeting chairpersons and secretaries shall sign at the bottom of each page of the minutes of official meetings of appraisal councils and write their full names and titles in the appraisal councils on the last page.

Chapter VI

ENVIRONMENTAL PROTECTION PLANS

Article 32. Responsibilities to certify the registration of environmental protection plans

1. Provincial-level Natural Resources and Environment Departments shall certify the registration of environmental protection plans of the projects specified in Appendix 5.1 to this Circular.

2. District-level People's Committees shall certify the registration of environmental protection plans of the projects specified in Clause 1, Article 18 of Decree No. 18/2015/ND-CP, except those prescribed in Clause 1 of this Article.

3. District-level People's Committees may authorize commune-level People's Committees to certify the registration of environmental protection plans of production, business and service projects or plans of households which are implemented in one commune. The written certification of the competence to certify the registration of environmental protection plans to commune-level People's Committees shall be made according to the form provided in Appendix 5.2 to this Circular.

4. Competent agencies prescribed in Clauses 1 and 2 of this Circular may consider authorizing management boards of industrial parks, export processing zones or economic zones to certify the registration of environmental protection plans of investment projects and production,

business and service plans which are implemented in industrial parks, export processing zones or economic zones according to Point d, Clause 1, Article 19 of Decree No. 18/2015/ND-CP. The written authorization of the competence to certify the registration of environmental protection plans to management boards of industrial parks, export processing zones or economic zones shall be made according to the form provided in Appendix 5.3 to this Circular.

Article 33. Dossiers of registration of environmental protection plans

1. A dossier of registration of an environmental protection plan with a provincial-level Natural Resources and Environment Department must comprise:

a/ Three (3) copies of the environmental protection plan, with the cover page and supplementary cover page and its structure and content complying with the forms provided in Appendices 5.4 and 5.5 to this Circular;

b/ One (1) report on the investment project or production, business and service plan.

2. A dossier of registration of an environmental protection plan with a district-level People's Committee must comprise:

a/ Three (3) copies of the written environmental protection commitment, with its structure and content following the form provided in Appendix 5.6 to this Circular;

b/ One (1) report on the investment project or production, business and service plan of the project owner.

3. In case of registering an environmental protection plan with an authorized agency, the dossier shall be made according to regulations on dossiers registered with the authorizing agency.

Article 34. Certification of registration of environmental protection plans

Within ten (10) working days after receiving a dossier of registration of an environmental protection plan, the dossier-receiving agency shall consider and certify the environmental protection plan according to Appendix 5.7 to this Circular. In case of refusal to make certification, it shall make a reply clearly stating the reason according to the form provided in Appendix 5.8 to this Circular.

Article 35. Implementation of environmental protection plans

1. The responsibilities of project owners, owners of production, business and service establishments and state agencies after environmental protection plans are certified are prescribed in Clause 4, Article 19 of Decree No. 18/2015/ND-CP.

2. Subjects prescribed in Clause 4, Article 33 of the Law on Environmental Protection shall re-register their environmental protection plans. The re-registration and responsibilities and time limit for certification of re-registration of environmental protection plans must comply with Articles 32, 33 and 34 of this Circular.

Chapter 7

ORGANIZATION OF IMPLEMENTATION AND IMPLEMENTATION PROVISIONS

Article 36. Transitional provisions

1. Dossiers of request for appraisal of strategic environmental assessment reports; appraisal and approval of environmental impact assessment reports; registration of written environmental protection commitments; inspection and certification of environmental protection plans and measures serving the project operation, which are received by competent agencies before the effective date of this Circular shall be considered and processed according to the Minister of

Natural Resources and Environment's Circular No. 26/2011/TT-BTNMT of July 18, 2011, detailing a number of articles of the Government's Decree No. 29/2011/ND-CP of April 18, 2011, on strategic environmental assessment, environmental impact assessment and environmental protection commitments, except those prescribed in Clause 2 of this Article.

2. From April 1, 2015, competent agencies shall issue replies and return dossiers of request for performance of administrative procedures related to environmental affairs that fall into any of the following cases:

a/ Dossiers of request for appraisal of strategic environmental assessment reports of strategies, master plans and plans other than those prescribed in Appendix I to Decree No. 18/2015/ND-CP;

b/ Dossiers of request for appraisal and approval of environmental impact assessment reports of projects other than those prescribed in Appendix II to Decree No. 18/2015/ND-CP;

c/ Dossiers of request for inspection and certification of environmental protection works and measures serving the project operation other than those prescribed in Column 4 of Appendix II to Decree No. 18/2015/ND-CP;

d/ Dossiers of registration for environmental protection plans of production, business or service projects or plan prescribed in Appendix IV to Decree No. 18/2015/ND-CP.

Article 37. Organization of implementation

1. Ministries, ministerial-level agencies, provincial- and district-level People's Committees shall make reports on appraisal of strategic environmental assessment reports; appraisal and approval of environmental impact assessment reports, and registration and inspection of implementation of environmental protection plans; and inspection and certification of environmental protection works under Article 21 of Decree No. 18/2015/ND-CP, and according to the forms provided in Appendices 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6 to this Circular.

2. Ministries, ministerial-level agencies and provincial-level People's Committees shall assign specialized agencies to act as standing bodies in appraising strategic environmental assessment reports and environmental impact assessment reports falling under their competence.

Article 38. Implementation provisions

1. Ministers, heads of ministerial-level agencies and government-attached agencies and chairpersons of People's Committees at all levels shall implement this Circular.

2. This Circular takes effect on July 15, 2015, and replaces the Minister of Natural Resources and Environment Circular No. 26/2011/TT-BTNMT of July 18, 2011, detailing the implementation of a number of articles of the Government's Decree No. 29/2011/ND-CP providing strategic environmental assessment, environmental impact assessment, and environmental protection commitments.

3. Any difficulties or problems arising in the course of implementation of this Circular should be promptly reported to the Natural Resources and Environment Ministry for guidance, study and revision as appropriate.-

Minister of Natural Resources and Environment
NGUYEN MINH QUANG

** All appendices to this Circular are not translated.*