

## **Decree 149/2004/ND-CP**

### **Amended English Translation from ADB 04-08-04**

**GOVERNMENT**

**SOCIALIST REPUBLIC OF VIETNAM**

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### **GOVERNMENT DECREE ON REGULATION ON LICENSING OF WATER RESOURCES EXPLOITATION, EXTRACTION AND UTILISATION AND WASTE WATER DISCHARGE IN WATER SOURCES**

#### **GOVERNMENT OF VIETNAM**

Pursuant to the Law on Government Organisation dated December 25, 2001;

Pursuant to the Resolution 02/2002/QH11 dated August 5, 2002 of the first session of the 11<sup>th</sup> National Assembly of the Socialist Republic of Vietnam regulating the list of ministries and governmental agencies;

Pursuant to the Law on Water Resources dated May 20, 1998; and,

Pursuant to the Government Decree No. 91/2002/ND-CP dated November 11, 2002 of regulating the mandates, tasks, authority and organisational structure of the Ministry of Natural Resources and Environment; and,

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

#### **DECREES**

#### **CHAPTER I GENERAL PROVISIONS**

##### **Article 1. Scope of regulations**

1)-The Decree shall regulate the issue, extension, amendment, termination and revoking of permits on exploration, extraction, exploitation, utilisation of water resources and waste water discharge into water sources/ bodies

##### **Article 2. Application of Regulation**

1)-The Decree shall be applied for all national and foreign organisations and individuals, (hereinafter called organisations and individuals) that work in the areas of exploration, extraction, exploitation, utilisation of water resources and waste water discharge into water sources.

2)-In case of any provisions otherwise regulated by an international treaty that the Socialist Republic of Vietnam signs or commits to, the subject of regulation shall be bound to the treaty thereof.

##### **Article 3. Permits of exploration, Extraction and utilisation of water resources and of waste water discharge into water sources**

1)-Permits of exploration, extraction and utilisation of water resources and of wastewater discharge into water sources include groundwater exploration permits, groundwater extraction and utilisation permits, surface water exploitation and utilisation permits, and waste water discharge

permit.

#### **Article 4. Licensing principles**

The following principles shall be observed in the licensing of exploration, extraction, exploitation, utilisation of water resources and waste water discharge into water sources

- (1) Ensure that permits are issued and renewed only to individuals and to legally established organisations.
- (2) Ensuring the protection of state interests, rights and benefits of relevant organisations and individuals and the environment
- (3) Giving priority to licensing for exploration, extraction, exploitation and utilisation of water resources for domestic use
- (4) Ensuring that, extraction, exploitation and utilisation of water sources and wastewater discharge into water sources do not pollute the water sources or put their sustainability at risk.
- (5) Ensuring that the licensed groundwater extractions in a specific area do not exceed its potential exploitation limit and that, in an area where groundwater extraction is approaching its potential exploitation limit, the extraction shall not be expanded until groundwater resources in that area are supplemented artificially;

#### **Article 5. Licensing fundamentals**

1)-The licensing of exploration, extraction, exploitation, utilisation of water resources and wastewater discharge into water sources shall be based on the following fundamentals.

- (a) the Law on Water Resources and other relevant legal documents;
- (b) socio-economic development and environmental strategies of the nation, industries, regions and localities
- (c) river basin plans approved by authorised state agencies must ensure the assessed shares of water sources are determined on the basis of protecting the water sources from pollution and maintaining their sustainability
- (d) assessments made by the authorised agencies on the application documents for exploration, extraction, exploitation and utilisation of water resources and waste water discharge into water sources;

2)-The licensing of waste water discharge into water sources must be based on provisions of Clause 1, Article 4 hereinabove and on: -

- (a) government approved water quality standards applicable for wastewater and the Ministry of Natural Resources and Environment will specify interim guidelines, when specific standards are not approved.
- (b) the assimilative capacity of the water sources.
- (c) sanitary protection zones that are defined by an authorised state agency when adjacent to

water extraction and exploitation areas

## **CHAPTER II LICENSING, EXTENSION, AMENDMENT, TERMINATION AND REVOKING OF PERMITS ON EXPLORATION, EXPLOITATION AND UTILISATION OF WATER RESOURCES AND WASTE WATER DISCHARGE INTO WATER SOURCES**

### **Article 6. Exemption from licensing**

1)-Licensing exemption shall be applicable in the following cases:

- (a) extraction, exploitation and utilisation of surface and/or ground water at the household scale for household domestic use
- (b) extraction, exploitation and utilisation of surface and/or ground water at a low scale within the household for agriculture, forestry, aquaculture, small crafts, hydropower and others;
- (c) extraction, exploitation of sea water at a low scale for utilisation within the household for salt production and aquaculture
- (d) exploitation and utilisation of rain, surface water and/or, sea water harvested within the boundaries of the occupier's land area that is owned or leased as regulated by the law on land administration and the law on water resources;
- (e) extraction, exploitation and utilisation of water resources by non-commercial organisations involved in forestry, water transportation, aquaculture, salt production, sports, entertainment, tourism, health care, convalescence, and scientific research;
- (f) extraction, exploitation and utilisation of groundwater from reconstructed facilities within licensed exploitation areas with pumping rate and water level draw-down not greater than limits as identified and approved in the permits;

2)-Domestic wastewater discharge into water sources at a small household scale

3)-Households that extract and exploit groundwater at small scales do not have to apply for permits but have to be registered when: -

- (a) groundwater extracted is used for irrigation, aquaculture and small-scaled crafting in such areas when the total water extraction volume does not exceed the assessed dry season average groundwater availability.
- (b) depth of drilled boreholes exceeds the authorised limit

3)-Provincial Peoples' Committees of centrally governed provinces or municipalities for those activities, which are exempt from licensing, shall specify household's extraction quantities and limits for extraction and utilisation of surface and groundwater resources, for waste water discharge into water sources and the allowable depth of drilled boreholes that have to be licensed

### **Article 7. Permit duration and renewal conditions**

1)-A surface water exploitation and utilisation permit shall be issued initially for a duration of 20 years from the date of its approval and periodically renewed to extend the permit for up to 10 years;

2)-A groundwater exploration permit shall be issued initially for a duration of up to 3 years from the date of approval and can be renewed only once to extend the permit for up to a further 2 years;

3)-A groundwater extraction, exploitation and utilisation permit shall be issued initially for a duration of 15 years from the date of its approval and periodically renewed to extend the permit for up to 10 years;

4)-A water discharge permit shall be issued initially for a duration of 10 years from the date of its approval and periodically renewed to extend the permit for up to 5 years;

5)-The renewal of permits for extraction, exploration and utilization of water resources and discharge of waste water into water sources shall comply with the regulations in Article 5 and with the following terms and conditions: -

- (a) at the time of applying for renewal permit holder must meet all obligations stated in Article 18 of this Decree;
- (b) a permit holder must apply for a renewal of an existing permit no later than three months before the permit's expiry date.

### **Article 8. Extension of and amendment to permits**

Permits may not be extended or the permit conditions may be amended under the following circumstances.

1)-For the exploration of groundwater resources

- (a) if continuance of the implementation of the exploration projects were to be impeded by unfavourable land conditions
- (b) if during exploration, the actual hydrogeological conditions experienced were to differ significantly from those assessed at the time of the permit approval;
- (c) if the depth of the groundwater facility, or the groundwater yield were to exceed the designed quantities by more than 10%

2)-For extraction, exploitation and utilisation permits: -

- (a) The water source cannot meet approved extraction levels.
- (b) If the water demand exceeds the water available and there are no means of supplementing supplies
- (c) If special situations develop whereby water extraction, exploitation and utilisation must be limited;
- (d) If water extraction has caused land-subsidence, deformation of structures, salinity intrusion, degradation and severe pollution of water sources.

3)-Permits for waste water discharged into water sources may not be extended or the permit conditions may be amended under the following circumstances: -

- (a) the assimilative capacity of the receiving water source has been reached.
- (b) projected waste water discharge levels are approaching the assimilative capacity of the receiving water source and there are no viable methods to manage/treat waste water and/or to rehabilitate water sources;
- (c) situations arise, which require putting an embargo on further discharge into water sources.

## **Article 9. Suspension of permits**

1)-A permit may be suspended when: -

- (a) the permit holder violates the permit's terms and conditions;
- (b) the permit holder deliberately transfers his/her permit to others without approval
- (c) the permit holder uses the permit for purposes other than those stated in the permit without approval

2)-An authorised Licensing Agency shall decide the effective time for suspension of permits. Within this time, the permit holders are not eligible to any rights attached to the permits, unless specifically approved.

## **Article 10. Revoking of permits**

1)-A permit may be revoked when

- (a) an organisation holding a permit is subject to legal foreclosure or declared bankrupt; individual permit holders die, or are legally considered to have disappeared, or are incompetent or have incapacity to conduct their civilian rights;
- (b) a permit is not used within 12 months of the approval date to extract water and/or the exploitation and /or utilisation of the water are not in accordance with the approved permit conditions
- (c) a permit holder violates decisions made to suspend the permit
- (d) a permit holder violates permit terms and conditions, by causing significant pollution of the water sources or put their sustainability at risk
- (e) a permit is incorrectly approved
- (f) defence, security, national or community interests are deemed to apply;

2)-If a permit were revoked, as per violations regulated in items (b), (c) and (d) of Clause 1, Article 10, the permit holder may be issued with a new permit but only after a period of 3 years has elapsed since the revoking occurred and all obligations applied at the time of revoking have been fulfilled by the permit holder.

3)-If a permit is revoked under violations stated in items (d)? and (e), of Clause 1, Article 10, the authorised Licensing Agency may issue a new permit.

## **Article 11. Return of permits**

1)-A permit holder has a right to return a permit to the authorised water resources management agency, accompanied by a written explanation in writing.

2)-Organisations and individuals are entitled to apply for new permits to replace a returned permit, two (2) years after the other permit was returned.

## **Article 12. Cancellation of permits**

1)-A permit shall be cancelled when: -

- (a) a permit is revoked;
- (b) a permit expires; and,
- (c) a permit is returned.

2)-Once a permit is cancelled, all rights and obligations specified in that permit shall become null and void.

## **Article 13. Jurisdiction of permit granting, extending, amending, terminating and revoking**

1)- MoNRE shall be the authorised Licensing Agency responsible to issue, extend, amend, terminate and revoke permits for

- (a) key national water resources projects that are approved by the Prime Minister
- (b) groundwater extraction works with capacity of 3000m<sup>3</sup>/day or higher
- (c) agricultural production using surface water and extracting 2m<sup>3</sup>/s or higher;
- (d) purposes, other than agriculture, using surface water and extracting 50,000m<sup>3</sup>/day or higher
- (e) wastewater discharge into water sources at a rate of 5000m<sup>3</sup>/day or higher

2)- The PPCs shall be the authorised Licensing Agencies responsible for issuing, extending, amending, terminating and revoking permits in the cases that are not defined in Article 13.1

## **Article 14. Authorised Application Receiving and Managing Agencies and Licensing Agencies**

1)-Under an authorised delegations from Ministry of Natural Resources and Environment, the Department of Water Resources Management (DWRM) shall be the Application Receiving and Managing Agency to receive and manage permit applications

2)-Under an authorised delegations from the Provincial Peoples' Committees, the Departments of Natural Resources and Environment (DoNREs) shall be the Application Receiving and Managing Agencies to receive and manage permit applications

## **CHAPTER III RIGHTS AND OBLIGATIONS OF LICENSING AGENCIES, APPLICATION RECEIVING AND MANAGING AGENCIES AND PERMIT HOLDERS**

### **Article 15. Rights and obligations of Licensing Agencies**

Licensing Agencies have the following rights and obligations:-

- (1) to issue, extend, renew, amend, terminate, and/or revoke permits within the delegated authorities stated in article 13

- (2) to inform an organisation and individual in writing, the reasons for refusing to issue, extend, renew or amend permits; and
- (3) to undertake inspections and/or conduct periodical or sudden examinations to assess a permit holder's compliance with the obligations provided in article 18

#### **Article 16. Rights and Obligations of Application Receiving and Managing Agencies**

Agencies authorised to receive and manage permit applications have the following rights and obligations: -

- (1) to receive applications and give instruction on application procedures
- (2) to request organisations and individuals applying for permits to supplement all necessary information and materials to their applications in accordance with regulations;
- (3) to appraise applications and hold responsibility for the appraisal decisions
- (4) to carry out necessary regulated procedures and to make submissions to authorised Licensing Agencies for the approval and issuance of permits
- (5) to maintain registers of applications and permits

#### **Article 17. Rights of permit holders**

A permit holder has the following rights: -

- (1) to explore, extract, exploit and utilise water resources and discharge waste water into water sources in line with the permit's terms and conditions
- (2) to expect support from the state to protect his/hers legitimate rights and benefits given in permits
- (3) to be compensated (by the state) for losses and damages caused by the act of revoking permits for reasons of defence, national and community security and interests in compliance with provisions of governing laws and regulations;
- (4) to be compensated (by whom and how) for losses and damages caused by others due to their illegal violations of permit holders' legitimate rights and benefits in their act of exploration, extraction, exploitation and utilisation of water resources and discharge of waste water into water sources in line with provisions of governing laws and regulations;
- (5) to request Licensing Agencies to extend permits, review terms and conditions of permits, adjust contents of permits in compliance with governing laws and regulations
- (6) to surrender a permit in accordance with regulations;
- (7) to complain and/or sue for any act which detrimentally impacts on his/hers legitimate rights and benefits in conducting exploration, extraction, exploitation and utilisation of water resources and discharge of waste water into water sources in line with provisions of governing laws and regulations;



- (8) to access and use water resources databases and information in compliance with provisions of governing laws and regulations
- (9) to be entitled to transfer, lease, hand over, or mortgage property and assets dedicated to exploration, extraction, exploitation and utilisation of water resources and discharge of waste water into water sources in compliance with provisions of governing laws and regulations

### **Article 18. Obligations of permit holders**

Permit holders shall be obliged to

- (1) to fully observe provisions of governing laws and regulations on water resources and terms and conditions given in permits
- (2) to pay fees and charges on application for exploration, extraction, and exploitation of groundwater permits; to pay fees and charges on application for extraction, exploitation and utilisation of surface water permits; to pay fees and charges on application for permits to discharge of waste water into water sources; to pay resource tax and fees for environment protection in the area of waste water; and to compensate for losses and damages as regulated by governing laws and regulations;
- (3) to cause no impediments or harms to other organisations and individuals conducting authorised exploration, extraction, exploitation and utilisation of water resources and discharge of waste water into water sources
- (4) to protect water sources in the areas of exploration, extraction, exploitation and utilisation of water resources and discharge of water into water sources
- (5) to provide sufficient and transparent information about water status in the areas of exploration, extraction, exploitation and utilisation of water resources and discharge of water into water sources when requested by authorised agencies
- (6) to carry out appropriate safety measures and solutions to prevent or recover unfavourable incidences and/or aftermaths occurring during conducting exploration, extraction, exploitation and utilisation of water resources and discharge waste water into water sources; report in timely manner to authorised licensing agencies so as to appropriately handle the incidences;
- (7) to monitor the performance of exploration, extraction, exploitation and utilisation of water resources and discharge of wastewater into water sources, as specified by licensing agencies
- (8) to decommission works for exploration, extraction, exploitation and utilisation of water resources and discharge of waste water into water sources when permits become null and void and the relevant organisations responsible for the works shall remove all equipment and other facilities from the site within sixty (60) days since the expiry date of a permit
- (9) to create favourable conditions for research, studies and monitoring of water sources in the areas of water resources extraction and waste water discharge, which are conducted under the approval of the government of Viet Nam

## **CHAPTER IV PROCESS AND PROCEDURES OF LICENSING OF EXPLORATION, EXPLOITATION AND UTILISATION OF WATER RESOURCES AND DISCHARGE OF WASTE WATER INTO WATER SOURCES**

### **Article 19. Processes and procedures for licensing of groundwater exploration**

1)-Applicants for groundwater permits for exploration permits shall submit two (02) sets of dossiers to an Application Receiving and Managing Agency. A set of dossier shall comprise of: -

- (a) an application form
- (b) a groundwater exploration project proposal for any facility with an extraction rate of  $200\text{m}^3/\text{day}$  or more; an exploration well design for any well with an extraction rate under  $200\text{m}^3/\text{day}$ ;
- (c) a notarised land title certifying the rights to use the land in which the exploration is to be conducted, or an official document issued by a relevant Provincial Peoples' Committee allowing the use of land in which the exploration is to be conducted

2)-The processes and procedures for handling a groundwater exploration permit application and issuing such a permit are as follows: -

- (a) the Application Receiving and Managing Agency shall appraise an application dossier for a groundwater exploration proposal within five (05) working days of its receipt. If the Agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.
- (b) for applicants seeking to license a groundwater exploration project, the Application Receiving and Managing Agency, shall appraise the dossier, as regulated in Article 20.1, within the fifteen (15) working days of its receipt, if the extraction rate is expected to be below  $2000\text{m}^3/\text{day}$  and within thirty (30) days if the extraction rate were expected to be  $2000\text{m}^3/\text{day}$  or more. If necessary, the Agency will conduct a site inspection/s
- (c) If the application were supported by the Agency, it will submit a recommendation to an authorised Licensing Agency to approve the issue of the permit.
- (d) If the Agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.

### **Article 20. Process and procedures for licensing of groundwater extraction, exploitation and utilisation**

1)-Organisations and individuals applying for permits to extract, exploit and use groundwater shall submit two (02) sets of dossiers to the Application Receiving and Managing Agency as regulated in the Article 14. The dossier shall consist of

- (a) an application form;
- (b) a groundwater extraction, exploitation and utilisation project report;
- (c) a 1/50,000 to 1/25,000 scale map of the groundwater extraction area/s showing the location/s of the proposed works

- (d) a report on exploration results indicating construction details and potential water yields from groundwater supply works with an extraction rate of 200m<sup>3</sup>/day or more; a report on only construction details for works with an extraction rate of less than 200m<sup>3</sup>/day; and a report on the status of extraction for any operating works;
- (e) a report on any water quality analyses findings for the groundwater extraction sources at the time of applying for the permit
- (f) notarised copies of land titles/ownership documents for the land where the extraction works are located. If the land, where the extraction works are/or will be located, is not owned by the applicant, the applicant shall have to provide copies of any agreement between the applicant and those who have the approved land use rights, certified by the authorised Provincial Peoples' Committees.

2)-The process of licensing is regulated as follows

- (a) the Application Receiving and Managing Agency shall appraise an application dossier for a groundwater extraction, exploitation and utilisation proposal within five (05) working days of its receipt. If the Agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.
- (b) for applicants seeking to license existing groundwater extraction facilities, the Application Receiving and Managing Agency, shall appraise the dossier, as regulated in Article 20.1, within the fifteen (15) working days of its receipt. If the application were supported by the Agency, it will submit a recommendation to an authorised Licensing Agency to approve the issue of the permit.
- (c) for applicants seeking to license a new groundwater extraction proposal, the Application Receiving and Managing Agency, shall appraise the dossier, as regulated in Article 20.1, within ten (10) working days of its receipt. If necessary, the Agency will conduct a site inspection/s. If the application were supported by the Agency, within fifteen (15) working days of the receipt of all documents relating to the construction of the new groundwater extraction proposal, it will submit a recommendation to an Authorised Licensing Agency to approve the issue of the permit. If the Agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.

## **Article 21. Process and procedures on licensing of surface water extraction**

1)-Organisations and individuals applying for permits to extract surface water shall submit two (02) sets of dossiers to the Application Receiving and Managing Agency as regulated in the Article 14 The dossier shall consist of:

- (a) an application form
- (b) a surface water extraction and utilisation project report including details on any operation details for any new proposal; a report on status of surface water extraction and utilisation for existing operations.
- (c) a report on water quality analysis findings for the surface water source/s at the site/s of extraction at the time of applying for the permit
- (d) a 1/50,000 to 1/25,000 scale map showing the location/s of the surface water extraction site/s
- (e) notarised copies of land titles/ownership documents for the land where the extraction facilities are located. If the land, where the extraction facilities are/or will be located, is not

owned by the applicant, the applicant shall have to provide copies of any agreement between the applicant and those who have the approved land use rights, certified by the authorised Provincial Peoples' Committees

2)-The licensing process is regulated as follows

- (a) the application receiving and managing agency shall appraise an application dossier for a surface water extraction, exploitation and utilisation proposal within five (05) working days of its receipt. if the agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.
- (b) for applicants seeking to license existing surface water extraction exploitation and utilisation, the application receiving and managing agency, shall appraise the dossier, as regulated in article 20.1, within the thirty (30) working days of its receipt. if necessary, the agency will conduct a site inspection/s. if the application were supported by the agency, it will submit a recommendation to an authorised Licensing Agency to approve the issue of the permit. if the agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.

## **Article 22. Process and procedures on licensing of waste water discharge**

Organisations and individuals applying for permits to discharge wastewater into water sources shall submit two (02) sets of dossiers to the Application Receiving and Managing Agency as regulated in the Article 14. The dossier shall consist of

- (a) an application form
- (b) a report on any water quality analyses findings for the water source/s that receive the waste water at the time of applying for the permit
- (c) a copy of any regulation/s on a sanitation protection zone/s provided by an authorised agency in the area where the waste water is to be discharged
- (d) for new facilities a report on proposed waste water discharge arrangements, including details of the proposed operation process/es of the project; for operating facilities, a report on the current waste water discharge status including recent operations, plus details of the analysis results of the quality of discharged waste water and a document from the authorised collection agency certifying the proper payment of environmental protection fees for waste water discharge.
- (e) a 1/10,000 scale map showing the location of the discharge site
- (f) a copy of an Environment Impact Assessment report certified by an authorised relating to waste water discharge proposal to be assessed prepared in compliance the regulations for assessing environmental impacts
- (g) notarised copies of land titles/ownership documents for the land where the discharge facilities are located. If the land, where the extraction facilities are/or will be located, is not owned by the applicant, the applicant shall have to provide copies of any agreement between the applicant and those who have the approved land use rights, certified by the authorised Provincial Peoples' Committees

2)-The licensing process is regulated as follows:

- (a) the application receiving and managing agency shall appraise an application dossier for a

wastewater discharge facility within five (05) working days of its receipt. if the agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.

- (b) for applicants seeking to license existing wastewater discharge facilities, the application receiving and managing agency, shall appraise the dossier, as regulated in article 20.1, within the thirty (30) working days of its receipt. if necessary, the agency will conduct a site inspection/s. if the application were supported by the agency, it will submit a recommendation to an authorised Licensing Agency to approve the issue of the permit. if the agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.

### **Article 23. Process and procedures on extending and/or renewing granted permits on exploration, extracting, exploitation and utilisation of water resources and waste water discharge into water sources**

1)-Organisations and individuals applying for extending and/or renewing issued permits on exploration, exploitation, exploitation and utilisation of water resources and waste water discharge into water courses shall submit two (02) sets of dossiers to the Application Receiving and Managing Agency as regulated in the Article 14. The dossier shall consist of:

- (a) an application form for extending and renewing the issued permit together with a clear explanation of reasons for the application.
- (b) a copy of the granted permit;
- (c) a report on the analysis results of the water quality of water source/s involved at the time of applying for extending and renewing the permit;
- (d) a progress report on implementation of existing the licensed proposal
- (e) a report outlining any proposals to amend the approved permit's conditions for exploration, exploitation and utilisation of water resources and wastewater discharge into water courses.
- (f) 2)-For applicants seeking to extend or renew existing permits, the Application Receiving and Managing Agency, shall appraise the dossier, as regulated in Article 20.1, within the twenty (20) working days of its receipt. If necessary, the Agency will conduct a site inspection/s. If the application were supported by the Agency, it will submit a recommendation to an Authorised Licensing Agency to approve the issue of the permit. If the Agency were not to support the application, it shall notify the applicant in writing of the reasons for rejection of the application.

## **CHAPTER V IMPLEMENTATION PROVISIONS**

### **Article 24. Implementation Responsibilities**

1)-Either within their levels of authority or in collaboration with the Ministry of Natural Resources and Environment, other related Ministries and/or State agencies, the Ministry of Finance (MoF) shall develop and submit to authorised governance levels regulations for a)-the payment and collection of fees and charges from a permit holder for exploration, extraction, exploitation and use of groundwater and/or surface water and on for waste water discharge into water sources on the registration of such permits; and b)-the use of such fees and charges.

2)-The Ministry of Science and Technology (MoST) shall prepare and regulate standards for

waste water discharge into water sources and shall, in collaboration with the Ministry of Natural Resources and Environment, examine and check the observation of the specified standards

3)-The Ministry of Natural Resources and Environment shall prepare regulations on the processes and procedures for issuing, extending, renewing and amending of permits and shall be responsible for the implementation of this Decree

### **Article 25. Implementation**

1)-Permits issued prior to the date when this Decree becomes effective shall remain valid and shall continue in line with provisions of this Decree; Permits granted prior to the date when this Decree comes into force but are considered to be invalid under the provisions of this Decree. The permit holders shall have to apply for a new permit within one (01) year of the date this Decree becomes effective.

1)-This Decree shall take effect 15 days after the date of its official publication, in accordance with the *Official Gazette*. Articles 5, 9, 10 and 12 of Decree 179/CP dated December 30, 1999, which regulate the implementation of the Law on Water Resources and other contrary regulations shall become null and void.

2)-Ministries, heads of ministerial level agencies, heads of government agencies, chairpersons of centrally governed municipal and provincial People's Committees shall be responsible to implement this Decree.

For the Government of Vietnam

Prime Minister

Phan Van Khai