

**GOVERNMENT**

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

No.: **81/2007/NĐ-CP**

*Hanoi, 23 May 2007*

**DECREE**

**Providing the professional organisations and sections of environmental protection  
in the state agencies and state enterprises**

**THE GOVERNMENT**

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

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

At the request of the Minister of Home Affairs and the Minister of Natural Resource and Environment,

**DECIDES:**

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

**Article 1. Regulation scope and subject of application**

1. This Decree is to guide the implementation of the Law on Environmental Protection 2005, on the professional organisations and sections of environmental protection in the state agencies and state enterprises.

2. This Decree shall be applied to:

a) Professional organisations of environmental protection of the Ministry, Ministerial-level agency, Governmental bodies (hereinafter referred to as the Ministry);

b) Professional organisations and sections of environmental protection of the functional state agencies and legal execution bodies (hereinafter referred to as Department, Administration)<sup>(\*)</sup>, under the Ministry and Ministerial-level agency;

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\* The terms Department and Administration used in this context have the following meaning: Department refers to 'Cuc', and Administration refers to 'Tong Cuc' in Vietnamese. However, the term 'Department' sometimes means 'Vu' or 'So' (for provincial level).

c) Professional organisation of environmental protection under the Department of Natural Resource and Environment (hereinafter referred to as the professional organisation of environmental protection under the Provincial People's committee);

d) Professional section of environmental protection of the Division of Natural Resource and Environment under the People's Committee of the quarter, district, town and provincial city (hereinafter referred to as professional section of environmental protection under the District People's Committee);

e) Construction and Cadastral officer of the commune, ward, town (hereinafter referred to as Construction and Cadastral civil servant of the commune);

f) Professional organisation, and staff specialized in environmental protection in the Management Board in the Industrial zone, processing zone, high tech zone, economic zone, and the management board with other name (hereinafter referred to as Management Board of the economic zone);

g) Professional organisation and staff specialized in environmental protection in companies, corporations, state economic enterprises (hereinafter referred to as state enterprise).

3. The subjects who are not the subject of application of this Decree include:

a) Consultant organisation, inter-sectoral unit whose responsibility relates to environmental protection;

b) Public service delivery unit (except the the public service delivery unit of the State under the professional organisation on environmental protection as regulated at the items a, b, and c of clause 2 of this Article);

c) Vietnam Environmental Protection Fund; Environmental protection fund of the Ministry, industry and provinces;

d) Enterprises that carry out the environmental protection service;

e) Non-governmental organisation, self-control unit of the community to carry out the task of keeping the environmental sanitation and protection as regulated at the Article 116 of the Law on Environmental protection.

## **Article 2. Principle of the establishment and operation of the professional organisations and sections on environmental protection**

1. The professional organisation and section of environmental protection are established and operated in conformity with the requirements of organising the management structure in a simple manner, and multi-sectoral operation; while ensuring

the integration of implementing tasks on environmental protection into programs, plans and activities of the sector.

2. The establishment of specialized unit or assigning coordinating unit to perform the environmental protection task must be based on the characters and scope of implementing tasks and authority of state management, or executing law on environmental protection in a specific area or sector as regulated by the law on environmental protection.

3. Be flexible in employment and creating good condition for recruiting and employing staff and civil servants with sufficient profession on scientific and technological specialization relating to natural and social environment to work on environmental protection.

4. Coordinating effectively between the professional agency on environmental protection with the state agencies, organisations and individuals in supervising the implementation of law on environmental protection in the sector and specific area, and furthe mobilization of domestic socio-economic resources and foreign sponsor and international organisations to carry out the environmental protection task.

5. The recruitment, employment and management of cadres and civil servants working on environmental protection, as well as the implementation of the labor contract on environmental protection must follow the legislation on cadres and civil servants and other related regulations.

## **Chapter II**

### **PROFESSIONAL ORGANISATION AND SECTION OF ENVIRONMENTAL PROTECTION OF STATE AGENCIES AT CENTRAL LEVEL**

**Article 3. Professional organisation on environmental protection of the Ministry of Natural Resource and Environment, and other Ministries at Central level.**

1. The assistance of agencies and units provided to the Minister of Natural Resource and Environment in performing the state management on environmental protection is implemented under the regulation of the Government on the functions, tasks, authority and organisational structure of the Ministry of Natural Resource and Environment.

2. Establishing the Department of Environment at the following Ministries: Ministry of Industry, Ministry of Agriculture and Rural Development, Ministry of Health, Ministry of Construction, Ministry of Transport, Ministry of Fisheries, this is to assist the Minister of the relevant Ministries above in giving advice and submission to the Minister for issuing and organising the implementation of legal documents, programs, proposal and project on environmental protection in the assigned sector and area.

For other Ministries and Ministerial-level agencies where there exists the Department of Science and Technology: it should be renamed as the Department of Science, Technology and Environment, in order to advise and submit to the Minister and Head of the above agencies to issue and organise the implementation of legal documents, programs, plans, projects and proposals on science, technology and environmental protection in the assigned sector and area.

The Ministry and Ministerial-level agency could introduce the public service delivery units on environmental protection such as: Centre for environmental monitoring, and Information Centre, the functions of which are to process and provide information on environmental management.

3. The police of the Ministry of Public Security is to investigate the violations of the law on environmental protection. The organisation and operation of the police of environment are decided by the Minister of Public Security.

**Article 4. Professional organisation and section on environmental protection of the Department and Administration under the Ministry and Ministerial-level Agency.**

1. Basing on the requirements and tasks on environmental protection to establish the professional Section (Division) to advise the Director or General Director in environmental protection if the following conditions are met:

a) The state management functions of the Department or Administration relate directly to the environmental protection task in exploitation and use of natural resources or in production, service activities in public areas, or in organising task forces for crime prevention and control, and violation of law on environmental protection;

b) In the organisational structure of the Department or Administration, there includes a lot of functional units be responsible for environmental protection;

c) Inclusion of Affiliate (or Department under the Administration) and public service delivery units under the Department or Administration allocated in many provinces and cities (at least 3 centrally-governed provinces and cities)

2. For the Department or Administration which is responsible for environmental protection under the state management functions of the Department or Administration, but could not meet the conditions regulated at the clause 1 of this Article, then the functional or staff shall have to work as the coordinator to assist the Director or General Director on environmental protection.

3. The Department or Administration regulated at the clause 1 of this Article may include public service delivery units of environmental protection under the Department or Administration, including:

a) Centre for environmental monitoring;

b) Information Centre be responsible for processing and providing information on environmental protection.

**Article 5. Tasks and authority of the professional organisation of environmental protection under state agency at Central level**

1. To advise the Minister, Head of Ministerial-level agency, or Director or General Director (Hereinafter referred to as Head of equivalent state management agency) to develop, direct, and organise the implementation of programs, planning, plans on environmental protection in their own function, or integrating the environmental protection contents into strategy, programs, planning, and operation plan of the sector and area, or agency and unit; to participate in the appraisal of survey or evaluation report of the strategy, planning, plan of reasonable use and protection of natural resources under their own management area.

2. To advise the Head of equivalent state management agency to raise recommendation to the authorized state agency to issue, apply and adjust the environmental standard, environmental quality, and environmental wastes in line with the typical operation of the sector; recommend measures to apply effectively the environmental standards in the assigned areas as regulated by law.

3. To advise Head of equivalent state management agency to direct and organise the implementation of the tasks: creation and appraisal of strategic environmental assessment report, environmental impact assessment report; management and control of waste, noise, vibration, light, and radiation; prevention and handling environmental incidents, rehabilitation of environmental pollution, and environmental recovery; informing and reporting environmental situation, and developing other resource for environmental protection as regulated by law.

4. To monitor and supervise the implementation of the law on environmental protection for the organisations and individuals under the scope of management; identify and recommend to deal with or handle as authorized for the violation of law on environmental protection; host or participate in dealing with the environmental complaints or denunciations, and providing environmental compensation.

5. Dissemination and education of law, and international conventions relating to environmental protection in the assigned functions and tasks.

6. To host or participate in implementing international cooperation projects relating to environmental protection.

7. To guide or organise the implementation of monitoring impacts on the environment in the scope of state management; produce statistics and manage the environmental database relating to the assigned task.

8. To organise the scientific research, environmental forecast and warning; develop, apply, and transfer technology on environmental protection; coordinate with agencies and units in implementing environmental protection services.

9. To coordinate with the professional organisations on environmental protection of the Ministry of Natural Resource and Environment, Department of Natural Resource and Environment at provincial level, Office of Natural Resource and Environment at district level, environmental protection funds in order to guide and apply the development of environmental protection services.

10. To recommend to award the achievements of environmental protection for organisations and individuals under their management authority.

### **Chapter III**

## **PROFESSIONAL ORGANISATION AND SECTION OF ENVIRONMENTAL PROTECTION UNDER THE STATE AGENCY AT LOCAL AREA**

### **Article 6. Professional organisation of environmental protection under the Provincial People's Committee**

1. The Department of Natural Resource and Environment assist the Provincial People's Committee to implement the functions and authority of state management on environmental protection in provincial area as regulated at items b, c, d, e, f, and g of the clause 1 of the Article 122 of the Law on Environmental Protection.

2. To re-organise the Division of Environmental Protection or a section of environmental protection under the Department of Natural Resource and Environment in order to upgrade to an Affiliate of Environmental Protection (hereinafter referred to as Affiliate) under the Department of Natural Resource and Environment.

a) The function of the Affiliate is to advise the Director of the Department of Natural Resource and Environment to issue, as authorized, or submit to the authorized level to issue and approve the legal documents, program, plan, project or proposal of environmental protection in the centrally-governed provinces and cities, and organise the implementation of the approved documents.

b) The Affiliate has legal status, with stamp, working station; has its own account at the State Treasury or bank. The administrative staffing of the Affiliate includes the existed staff of the Division of Environmental Protection or section of environmental protection under the Department of Natural Resource and Environment. The staffing of the Affiliate is decided by the authorized agency as regulated by law. The operation budget of the Affiliate is allocated by the state budget as regulated by law.

c) The Ministry of Natural Resource and Environment shall host and coordinate with the Ministry of Home Affairs to provide specifically the tasks, authority,

administrative staffing, and organisational structure of the Affiliate of Environmental Protection.

d) The re-organisation of the Division of Environmental Protection or section of environmental protection under the Department of Natural Resource and Environment in order to upgrade to be the Affiliate of Environmental Protection under the Department of Natural Resource and Environment must be completed before 31 July 2007.

e) Basing on the needs of work and budget allocated for environmental protection, the Director of the Department of Natural Resource and Environment shall submit to the Provincial People's Committee to decide the staffing for the public service delivery unit for state management of environmental protection of the Department.

### **Article 7. Professional organisation of environmental protection under the District people's committee**

1. The Office of Natural Resource and Environment assists the district people's committee to perform the tasks and authority of state management on environmental protection in the district area as regulated at items b, c, d, e, f, g, and h of the clause 2 of the Article 122 of the Law on Environmental Protection.

2. Head of the Office of Natural Resource and Environment shall assign staff to manage and assist to perform the state management functions of environmental protection as regulated on the staffing of civil servants of the Office of Natural Resource and Environment as follow:

a) 02 to 03 civil servants will be assigned to the plain districts; island districts with national parks or natural reservation zone; quarters; cities under the provincial level; towns with the population more than 35,000 people;

b) 01 to 02 civil servants will be assigned to the mountainous districts, other island districts, and town with the population less than 35,000 people.

3. Basing on the needs environmental protection in the area, the Chairman of the district People's Committee could authorize to the Head of the Office of Natural Resource and Environment to sign labor contract to support the task of environmental protection. The budget of implementing the labor contract is from the budget of environmental protection allocated to the district.

### **Article 8. The civil servant at commune level to assist the commune people's committee in environmental protection**

1. The Construction and cadastral civil servants at commune level have the responsibility to assist the commune people's committee to perform the tasks and authority of state management of environmental protection in the commune area as regulated at clause 3, Article 122 of the Law on Environmental Protection.

2. Basing on the needs of work and characters of environmental protection in the area, the Chairman of the commune people's committee could sign labor contract to support the task of environmental protection. The budget of implementing the labor contract is from the budget of environmental protection allocated to the commune.

#### **Chapter IV**

### **PROFESSIONAL ORGANISATION AND SECTION OF ENVIRONMENTAL PROTECTION IN THE MANAGEMENT BOARD OF THE ECONOMIC ZONES AND IN STATE ENTERPRISES**

#### **Article 9. Professional organisation and section of environmental protection in the Management Board of the Economic zone**

1. Chairman of the Management Board of the economic zone could assign 02 – 03 staff of the Division (Section) of Planning management, Construction and Environment to perform the task of environmental protection of the economic zone.

Basing on the special features of management in the are, and the work requirements, the Management Board of the Economic zone could establish an Office of Environmental Mangement, if there are more than 04 staff who have sufficient profession of environmental protection.

2. Chairman of the Management Board provides specific regulations of the tasks and authority of the professional organisation or staff who is in charge of environmental protection in the economic zone.

#### **Article 10. Professional organisation and section of environmental protection in state enterprises**

The management board (for the enterprises organised with Management board), or General Director, Director of the state enterprise must assign employee to be in charge of organising the implementation of regulations on environmental protection; organise a specialized section to assist the General Directo or Director in dealing with environmental issues relating to the production or business of the enterprise and its subsidiary bodies (if any); establish a functional force to handle the environmental incident and examine periodically the operation of this force as regulated by the law.

#### **Chapter V**

### **ORGANISING THE IMPLEMENTATION AND VALIDITY**

#### **Article 11. Organising the implementation**

1. The Minister of Natural Resource and Environment shall have the responsibility to:

a) Host and coordinate with the Minister of Home Affairs to guide the organisation and operation of the public service delivery units of state management on environmental protection; issue the plan and contents of training program on legal knowledge and profession of environmental protection to cadres and civil servants in charge of environmental protection;

b) Issue the coordinating mechanism between the professional agency and staff of environmental protection with the state agency, the people, social associations, and non-governmental organisations, media agency in dissemination, and supervise the implementation of law on environmental protection; guide the conditions and norms of using equipments and facilities for environmental protection.

2. The Ministry of Home Affairs shall submit to the Government a decision of adding staffing and guide other Ministries and industries, and Provincial People's Committee to allocate staff and civil servants of environmental protection in conformity with the regulation of this Decree.

3. The Minister of Finance shall host and coordinate with the Minister of Natural Resource and Environment to provide specific budget regulation of the operation of the professional organisation and section of environmental protection, and the budget allocated for implementing the labor contract as regulated at the clause 3 of Article 7, and clause 2 of Article 8 of this Decree.

4. The Minister, Head of Ministerial-level agency, Head of Governmental bodies, Chairman of different People's Committee, Chairman of the Management Board of the economic zone, processing zone, high tech zone, industrial zone, and management board with other name, General Director and Director of state enterprise, based on this Decree and other regulations of environmental protection, have the responsibility to assign specific tasks, and create good conditions for organisations and individuals in the implementation of the regulations on environmental protection under their own tasks and authority.

#### **Article 12. Validity and implementation responsibility**

1. This Decree shall take in full effect after 15 days published on the Official Gazette.

2. The Minister of Natural Resource and Environment shall have the responsibility to host and coordinate with the Minister of Home Affairs and other Ministers, Heads of relevant agencies in guiding and examining the implementation of this Decree.

3. The Ministers, Heads of Ministerial-level agency, Head of Governmental bodies, Chairman of different People's Committee, Chairman of the Management Board of the economic zone, processing zone, high tech zone, industrial zone, and management board with other name; Management Board, General Director and Director of state enterprise and state corporation shall be responsible to implement this Decree./.

***Destination:***

- Secretariat of the Central Party;
  - Prime Minister, Deputies Prime Minister;
  - Ministries, Ministerial – level agencies, Governmental bodies,
  - Office of the Central Steering committee of corruption prevention and control;
  - People's Council and People's Committee of centrally-governed provinces and cities;
  - Central Office and Commissions of the Party;
  - Office of the President;
  - Council of ethnic community and Commissions of the National Assembly;
  - National Assembly Office;
  - Supreme People's Court;
  - Supreme People's Prosecution service;
  - State Audit;
  - Central Committee of the Vietnam Father Front;
  - Central Agency of the social associations;
  - Economic corporations, 91 corporation;
  - Governmental Office: Minister, chairman and vice chairmen
- Government website, 112 execution commission, Speaker of the Prime Minister;  
The Departments under the Governmental Office, Official Gazette;
- Archived at: OP (8b), Hoa 320 copies.