

Vietnam

Country: [Viet Nam](#) [1]

EIA Law: Law on Environmental Protection (2014)

Law Link: [Link](#) [2]

EIA Regulations: Decree No. 18/2015/ND-CP (amended by Decree No. 40/2019)

Regulations Link: [Link](#) [2]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Env'tl. Prot. Law, Art. 18(1); Decree No.18/2015, Appendix II

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Possible impact to, or adjacent to, a protected area

Criteria for Screening Detail: Env'tl. Prot. Law, Art. 18(1); Decree No.18/2015, Appendix II

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: A project proponent "shall carry out, on his own, or hire an advisory organization to carry out the environmental impact assessment and take statutory responsibility for the conclusive result after carrying out such assessment." Env'tl. Prot. Law, Art. 19(1)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: "Expenses incurred from the formulation and inspection of the report on environmental impact assessment, and included in total investment budget shall be covered by the project owner." Env'tl. Prot. Law, Art. 19(4); Decree 18/2015, Art. 12(2)

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: Decree 18/2015, Art. 13

Conflict of Interest: Yes

Conflict of Interest Detail: EIA consultants/contractors are held legally responsible for the information and conclusions presented in the EIA: "The advisory organization in charge of EIA shall take responsibility to the project owner and take legal responsibility for the EIA results and information or figures in the EIA report." Decree 18/2015, Art. 12(3)

Terms of Reference: No

Days for Decision Maker Review: 20-45 days (EIA assessment + approval) + 20 days (decision on project)

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: Env'tl. Prot. Act, Art. 25, Decree 18/2015 (as amended), Art. 14(11)(a)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: Neither the Law on Environmental Protection nor the EIA Decrees expressly authorize the decisionmaker to impose conditions with its decision, but the authority can be implied by provisions requiring project proponents to comply with terms included in the decision document. Project proponents must "[c]omply with the requests specified in the approval of their report on environmental impact assessment." Env'tl. Prot. Law, Art. 26(1)

Expiry of Decision: 2 years

Expiry of Decision Detail: Env'tl. Prot. Law, Art. 20(1)

Financial Assurances or Bond: No

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: Env'tl. Prot. Law, Art. 22(11)

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Health impacts

Economic impacts

Mitigation: Yes

Mitigation Detail: Env'tl. Prot. Law, Art. 22(7)

Monitoring Plans: Yes

Monitoring Plans Detail: Project developers must develop an environmental management plan. Decree 18/2015, Art. 16

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: "The EIA report assessment authority must publish the approval decision and EIA report on its website" Decree 18/2015 (as amended), Art. 14(13)

Final EIA Available: Yes

Final EIA Available Detail: EIA reports are sent to the Peoples' Committee in the area directly impacted by the project. Decree 18/2015 (as amended), Art. 12(5). There are no additional directives with regard to public access to the EIA report.

Final EIA Locations: Internet

Local government office

Fee to View EIA Documents: No

Availability of Reference Studies: No

Availability of Reference Studies Detail: There are no provisions in the EIA laws concerning public access to background studies or information associated with the EIA. This information may be accessible, however, through the Access to Information law.

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: "The EIA report assessment authority must publish the approval decision and EIA report on its website" Decree 18/2015 (as amended), Art. 14(13)

Public Scoping: No

Public Review of TOR: No

Public Participation Opportunities: Public Meetings and/or public hearings

Public Meetings: Yes

Public Meetings Detail: The consultation with the community under the direct impact of the project shall be carried out in the form of community meeting co-chaired by project owner and the People's Committee of the commune where the project is carried out together with the participation of representatives of Vietnamese Fatherland Front of communes, socio-political organizations, socio-professional organizations, neighborhoods, villages convened by the People's Committee of the commune. All opinions of delegates attending the meeting must be sufficiently and honestly stated in the meeting minutes." Decree 18/2015, Art. 12(6)

Public Input at Meeting: Yes

Public Input at Meeting Detail: The consultation with the community under the direct impact of the project shall be carried out in the form of community meeting co-chaired by project owner and the People's Committee of the commune where the project is carried out together with the participation of representatives of Vietnamese Fatherland Front of communes, socio-political organizations, socio-professional organizations, neighborhoods, villages convened by the People's Committee of the commune. All opinions of delegates attending the meeting must be sufficiently and honestly stated in the meeting minutes." Decree 18/2015, Art. 12(6)

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

Ministry or agency has discretion to decide whether to hold a meeting and/or hearing

Days for Public to Review Final EIA: 0

Public Comments on Draft EIA: No

Public Comments on Final EIA: No

Public Comments on Final EIA Detail: Consultation occurs during preparation of the EIA and it does not appear from the EIA law or decrees that the public has an opportunity to review or comment on the final EIA.

Response to Public Comments: Yes

Response to Public Comments Detail: "Agencies approving environmental impact assessment reports shall, before granting approval, have to consider complaints and recommendations made by project owners, concerned population communities, organizations and/or individuals." EP Law, Art. 22(2)

Facilitation of Public Participation: No

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: Administrative review may be available through Law No. 64/2010/QH12 on Administrative Procedures

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: "Organizations, individuals are entitled to file a complaint and lawsuit against any breach of environmental protection in accordance with the law." Env'tl. Prot. Law, Art. 162. The scope of this

provision and whether it allows citizens to challenge an inadequate EIA are not clear. Judicial review may also be available through Review may be available through the Ordinance on the Procedures for Settlement of Administrative Cases (available at <https://www.wipo.int/edocs/lexdocs/laws/en/vn/vn055en.pdf>)

Project Monitoring: Yes

Project Monitoring Detail: For certain projects, the developer must submit reports on environmental protection works to the approving authority before the project may be put into operation. In addition, "With regard to project of investment having multiple phases, the results of environment protection works serving the operation phase shall be reported according to every phase of the project." Decree 18/2015, Arts. 16, 17

Enforceability of EIA: Yes

Enforceability of EIA Detail: "Organizations, individuals are entitled to file a complaint and lawsuit against any breach of environmental protection in accordance with the law." Env'tl. Prot. Law, Art. 162. The scope of this provision and whether it allows citizens to enforce provisions in the EIA or license are not clear.

Enforceability of Permit: Yes

Enforceability of Permit Detail: "Organizations, individuals are entitled to file a complaint and lawsuit against any breach of environmental protection in accordance with the law." Env'tl. Prot. Law, Art. 162. The scope of this provision and whether it allows citizens to enforce provisions in the EIA or license are not clear.

Modified: October 25th, 2019

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Links

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[2] <https://www.elaw.org/vietnam-environmental-impact-assessment-eia-laws>