

Law No: 17/2012/QH13

## LAW ON WATER RESOURCES

*According to the 1992 Constitution of the Socialist Republic of Vietnam, as amended pursuant to the Resolution No. 51/2001/QH10, the National Assembly herewith promulgates the Law on Water Resources.*

### CHAPTER I GENERAL PROVISIONS

#### **Article 1. Scope of regulation**

1. This Law regulates the management, protection, extraction and use of water resources and the prevention, combat against and overcoming of consequences and harmful effects caused by water within the territory of the Socialist Republic of Vietnam.

2. Groundwater and sea water belonging to the exclusive economic zones and continental shelves of the Socialist Republic of Vietnam, mineral water and natural hot water are not regulated by this Law.

#### **Article 2. Explanation of terms and expressions**

In this Law, the terms and expressions below are interpreted as follows:

1. *Water resources* include surface water, groundwater, rain water, and sea water within the territory of the Socialist Republic of Vietnam.

2. *Water sources* are natural or artificial forms of water accumulation that can be exploited and used, including rivers, streams, canals, lakes, ponds, swamps, lagoons, seas, aquifers, rains, glaciers, snows and other forms of water accumulation.

3. *Surface water* is the water existing on the surface of the continental lands or offshore islands.

4. *Ground water* is the water existing in aquifers.

5. *Interprovincial water sources* are the water sources occurring within two or more provinces or centrally-run cities.

6. *Provincial water sources* are the water sources totally occurring within one province or centrally-run city.

7. *International water sources* are the water sources flowing from Vietnam's territory to other countries or from other countries to Vietnam's territory or the water sources on the border between Vietnam and the neighboring countries.

8. *River basin* is an area of land where surface water and groundwater naturally go into a river and eventually an estuary or an ocean.

There are interprovincial river basins and provincial river basins.

9. *Interprovincial river basin* is the river basin lying in two or more provinces or

centrally-run cities.

10. *Provincial river basin* is the river basin totally located in one province or centrally-run city.

11. *Domestic water* is portable water or the water that can be used for food preparation, drinking and sanitary purposes of human beings.

12. *Clean water* is the water that meets the Vietnamese technical standards of clean water.

13. *Domestic water sources* are the water sources that can be used for domestic purposes or treated to become domestic water.

14. *Water pollution* is any physical, chemical, or biological change in water quality that makes the water no longer meets technical standards and norms, and causes negative impacts on human beings and living things.

15. *Water degradation* is the regression in quantity and quality of a water source compared to its natural status or the status observed in previous periods.

16. *Water depletion* is the serious reduction in quantity of a water source that makes the water source unable to meet the demands of water extraction and use and maintenance of aquatic ecosystems.

17. *Wastewater reception capacity of a water source* designates the capacity of a water source to receive an additional amount of wastewater while ensuring its water quality for specific purposes in compliance with Vietnamese technical standards and norms or applicable international standards and norms permitted by competent state agencies.

18. *Minimum flow* is the minimally necessary flow to maintain a river or a river segment in ensuring the normal development of aquatic ecosystems and the minimum water extraction and use activities of water users.

19. *Threshold of groundwater extraction* is the limit allowed for the groundwater extraction so as not to cause salinity intrusion, water degradation and depletion, land subsidence or adverse impacts on related surface water and environments.

20. *Sanitary protection zone of a domestic water extraction area* is the zone adjacent to an area extracting water from the water sources prescribed for protection against the domestic water pollution.

21. *Functions of a water source* are specific water use purposes depending on the benefits of the water source.

22. *Protection corridor of a water source* is the land bounds along or surrounding the water source, prescribed by competent state agencies.

**Article 3. Principles of the management, protection, extraction and use of water resources, and prevention, combat against and overcoming of harmful effects caused by water**

1. Water resources management must be executed in a unified manner on river basin and water source basis in combination with management following administrative borders.

2. Water resources must be managed in an integrated and unified manner in terms of quantity and quality; between surface water and groundwater; inland water and estuarine water, internal water, and territorial water; between upstream and downstream, in combination with other natural resources management.

3. The protection, extraction and use of water resources, and prevention, combat against and overcoming of harmful effects caused by water must comply with the water

resources strategies and plans approved by competent state management agencies; harmonize with the protection of environment, natural landscapes, historical and cultural monuments, beauty spots, and other natural resources; and ensure national defense and security, and social order and safety.

4. Water resources protection is the responsibility of every agency, organization and individual and must take prevention as principal, link to the protection and development of forests and water resources regeneration, combine with the protection of water quality and aquatic ecosystems, overcome and mitigate water pollution, degradation and depletion.

5. The extraction and use of water resources must be done in an economic, safe, and efficient way; ensure integrated and multipurpose use, equity, rationality, harmonized benefits and equality in terms of interests and obligations among organizations and individuals.

6. The prevention, combat against and overcoming of the harm caused by water must be planned with proactive measures; ensure harmonization of national, regional and sectoral interests; combine science and advanced technologies with people's traditional experiences and must be suitable to the socio-economic conditions.

7. The projects on the protection, extraction and use of water resources, and prevention, combat against and overcoming of harmful effects caused by water must contribute to the socio-economic development and take measures to ensure life of the people, national defense and security, and protect cultural and historical monuments, beauty spots and environment.

8. Planning, plans, programs, and projects on socio-economic development and national defense and security must link to water capability, water resources protection; ensure minimum flows in rivers and extraction threshold of aquifers; and take measures to ensure people's life.

9. Ensuring the national sovereignty and interests, justice and rationality in the protection, extraction, use and development of water resources, and prevention and combat against the harm caused by water with respect to international waters.

#### **Article 4. State policies on water resources**

1. Ensuring rational, economical and efficient water resources management, protection and extraction to meet the demands of sustainable socio-economic development, and national defense and security.

2. Investing in and organizing water resources baseline investigations and planning; establishing water resources monitoring system, water resources information system and database, improving the capacity in the forecast of water resources, water pollution, floods, droughts, salinity intrusion, sea level rise, and other harms caused by water; and supporting water resources and water resources infrastructure development.

3. Giving priority to search for, explore and exploit water sources, make available preference policies for investment projects on water extraction for domestic and production water supply for people in mountainous areas, ethnic minority areas, border areas and islands, areas of socio-economic disadvantage, and freshwater shortage areas.

4. Investing in and making available favorable mechanisms for organizations and individuals to invest in research on and application of advanced sciences and technologies for water resources management, protection and development, economic and efficient use of water resources, wastewater treatment meeting technical standards and norms for reuse, saltwater and brackish water treatment for freshwater, rainwater harvesting and use, artificial recharge, restoration of polluted, degraded and depleted water sources; and prevention, combat against and overcoming of the consequences and harms caused by water.

5. Ensuring budget for water resources baseline investigations and planning, water resources protection, and prevention and combat against the consequences and harms caused by water.

#### **Article 5. Propaganda and education on water resources**

1. Ministries, ministerial-level agencies, and People's Committees at all levels, within their mandates and powers, shall have the responsibility to coordinate with the mass media and education and training agencies to propagate and educate on water resources, guide the people to implement measures for water resources protection, to use water economically and efficiently, and comply with legal regulations on water resources.

2. The Central Committee of the Vietnam Fatherland Front and its member organizations shall have responsibility, within their mandates and powers, to coordinate with the state management agencies for water resources to propagate and encourage the participation of the people in water resources protection, economic and efficient use of water and compliance with legal regulations on water resources; observation of the water resources protection, extraction and use, and prevention and combat against the consequences and harms caused by water.

#### **Article 6. Collection of public and stakeholders' opinions on the extraction and use of water resources and wastewater discharge into water sources**

1. The organizations and individuals investing in projects that involve construction of water extraction or extraction works or wastewater discharge into water sources, which in turn have significant impacts on production and life of local communities, shall have responsibility to coordinate with the local governments to perform the following activities:

- a) Gathering opinions of the representatives of the relevant communities, organizations and individuals in the affected areas on the issues related to the plans of water extraction and use, or wastewater discharge of such projects; receiving, collecting, explaining and sending as attachment to the project documents when submitting to the competent authorities for approval of the investment;
- b) Disclosing information on the issues related to water extraction and use and wastewater discharge into water sources and their potential impacts prior to implementation;
- c) The costs of the activities provided in this item shall be borne by the investors.

2. In case the investment projects involve water diversion, in addition to the compliance with the provisions at item 1 of this Article, organizations and individuals that invest in the projects are required to acquire comments of the People's Committees and river basin organizations on the dimensions and water diversion plan prior to the preparation of such investment projects. The acquisition of comments is provided as follows:

- a) Relevant People's Committees of communes, wards, and towns (hereinafter referred to as the Communal People's Committees), People's Committees of districts, urban districts, cities and towns under provinces (hereinafter referred to as District -People's Committees) in case of the water diversion projects within provincial river basins;
- b) Relevant People's Committees of provinces and centrally-run cities (hereinafter referred to as Provincial -People's Committees) and river basin organizations in case of water diversion projects other than those prescribed in point a of this item.

3. In case the projects invest in construction of reservoirs or dams on rivers in interprovincial river basins without water diversion, in addition to the compliance with the

provisions at item 1 of this Article, prior to the preparation of the investment project, the organization and individual investors shall have the following responsibilities:

- a) To acquire comments of the relevant Provincial People's Committees and river basin organizations on the proposed dimensions and plans of the construction on the mainstreams;
- b) To send out prior notice to the relevant Provincial People's Committees and river basin organizations on the proposed dimensions and plans of the construction on the tributaries.

4. The Government shall make concrete provisions on acquisition of comments and disclosure of information stipulated in this Article.

#### **Article 7. List of river basins and list of water sources**

1. The list of river basins and the list of water sources shall serve as basis to realize the contents of water resources management on river basin and water source basis.

2. The list of river basins includes:

- a) Interprovincial river basins;
- b) Provincial river basins.

3. The list of water sources includes:

- a) Interprovincial water sources;
- b) Provincial water sources;
- c) International water sources.

4. The Ministry of Natural Resources and Environment shall prepare the list of interprovincial river basins and submit to the Prime Minister for issuance; prepare and publish the list of provincial river basins, and the list of interprovincial and international water sources.

5. Provincial People's Committees shall prepare and publish the list of provincial water sources in their provinces.

#### **Article 8. Storage and use of the information on water resources**

1. Storage of the documents related to water resources is specialized archives and shall comply with the regulations on archives.

2. The state management agencies for water resources shall have the responsibility to provide information on water resources to organizations and individuals when required as stipulated by laws.

3. Organizations and individual that use water resources information shall pay the fees of using information in accordance with the regulations on charges and fees.

#### **Article 9. Prohibited acts**

1. The disposal of wastes and garbage, the discharge or leaking out toxic matters into water sources and other acts causing water pollution, degradation and depletion.

2. The discharge of wastewater and introduction of wastes into the sanitary protection zones of domestic water sources; the disposal of wastewater without treatment or adequate treatment to meet technical standards and norms into water sources.

3. The disposal of toxic gases directly into water sources; the discharge of wastewater into soils through drilled wells, dug wells and other forms to introduce wastewater into soils; and the cheating on wastewater discharge.

4. The illicit placing of obstacles, construction of structures and tree planting that hinder floodways or water circulation in rivers, streams, reservoirs, canals, and ditches.

5. The illicit sand and gravel mining in rivers, streams, canals, ditches, and reservoirs; the mineral mining, drilling, excavation, construction of houses, structures, and works and other activities in the protection corridors of water resources which may cause erosion or collapse of the banks of rivers, streams, canals, ditches and reservoirs or serious impacts, menacing the stability and safety of rivers, streams, canals, ditches and reservoirs.

6. The sabotage of the works that protect, extract, use, observe, and monitor water resources, and the works that prevent, combat against and overcome the consequences and harms caused by water.

7. The obstruction of water resources baseline investigations, and the lawful rights of water extraction and use of organizations and individuals.

8. The illicit water resources exploration, extraction and use, wastewater discharge into water sources and groundwater drilling.

9. The non-conformance with operational processes of reservoirs and multi-reservoirs issued by competent state agencies.

10. The construction of reservoirs, dams, and water extraction works that is not in conformance with the water resources planning.

## CHAPTER II WATER RESOURCES BASELINE INVESTIGATIONS, STRATEGIES, AND PLANNING

### Section 1 WATER RESOURCES BASELINE INVESTIGATIONS

#### **Article 10. State responsibility in baseline survey on water resources**

1. Water resources baseline investigations shall be implemented in compliance with the planning and plans approved by competent authorities.

The budgets for water resources baseline investigations shall be allocated in the yearly State budget estimates.

2. The Ministry of Natural Resources and Environment shall prepare the general planning for water resources baseline investigations and submit to the Prime Minister for approval.

3. Based on the approved general planning for water resources baseline investigations, the ministries, ministerial-level agencies and Provincial People's Committees within their mandates and powers shall have the responsibility to develop their own plan of water resources baseline investigations.

#### **Article 11. The general planning for water resources baseline investigations**

1. The preparation of the general planning for water resources baseline investigations must:

a) Meet the requirements of the development of strategies, planning, and plans for socio-economic development, national defense and security, regional planning, and water resources strategies;

b) Serve as the basis for water resources baseline investigations and serve the preparation of water resources planning.

2. The basis for the preparation of the general planning for water resources baseline investigations includes:

a) The strategies, planning and plans for socio-economic development, national defense and security, regional planning and water resources strategies;

b) The implementation results of the previous general planning for water resources baseline investigations.

3. Main contents of the general planning for water resources baseline investigations:

a) Definition of the needs for information and data on water resources and water extraction and use in the whole country;

b) Review and assessment of the implementation results of the previous baseline investigations or the implementation results of the previous general planning for water resources baseline investigations;

c) Determination of water resources baseline investigation activities needed for the river basins, regions, and water sources subject for water resources baseline investigations in the planning period;

d) Prioritization of the baseline investigation activities defined at point c of this item;

e) Solutions, budgets, implementation plans and schedules.

4. The period of the general planning for water resources baseline investigations is 10 years with 20-year vision.

#### **Article 12. Water resources baseline investigation activities**

1. Water resources baseline investigations include the following activities:

a) Water resources investigations and assessments;

b) Periodic water resources inventory every 5 years;

c) Investigations on the status of water resources extraction and use, discharge and disposal of wastewater, exhaust gases and other waste into water sources;

d) Development and maintenance of the water resources observation and monitoring network;

e) Development and maintenance of the forecast and warning system for flood, inundation, drought, salinity intrusion, sea level rise and other harms caused by water;

f) Development and maintenance of the water resources information systems and databases;

g) Preparation of the national water resources reports, water resources reports of provinces and centrally-run cities, and reports on water resources extraction and use of different sectors and fields.

2. Contents of the water resources investigations and assessments provided at Point a, Item 1 of this Article include:

a) Preparation of specific maps of river basins and specific maps of rivers, streams, lakes and reservoirs, lagoons and seas;

b) Preparation of hydro-geological maps for aquifers and water-bearing formations and complexes;

c) Quantity and quality assessments of water sources and groundwater exploration;

d) Preparation of water resources maps, water quality maps, and water resources thematic maps;

- e) Assessments of the status of pollution, degradation, salinization, and depletion of surface water and groundwater, sea water pollution; and classification of water sources according to levels of pollution, degradation and depletion;
- f) Determination of the wastewater reception capacity of water sources and preparation of wastewater reception maps of water sources;
- g) Determination of minimum flows for rivers, extraction thresholds of aquifers, water reserve areas, and prohibited or restricted water extraction areas;
- h) Assessments, warnings and forecasts of climate change impacts on water resources; quantity and quality fluctuations of water sources and harm caused by water;
- i) Determination of the potential artificial recharge of groundwater.

### **Article 13. Implementation of water resources baseline investigations**

1. The Ministry of Natural Resources and Environment shall be responsible to:
  - a) Organize the implementation of water resources baseline investigations nationwide;
  - b) Synthesize the results of water resources baseline investigations of different ministries, ministerial-level agencies and Provincial People's Committees;
  - c) Prepare and publish the 5-years national water resources reports and annual water resources thematic reports.
2. The ministries and ministerial-level agencies within their powers and mandates shall have the responsibility to organize the implementation of the investigations and preparation of reports on water use status of sectors and fields, and send to the Ministry of Natural Resources and Environment for synthesis.
3. Provincial People's Committees shall organize the implementation of water resources baseline investigations in their localities as devolved by the Government and send the results to the Ministry of Natural Resources and Environment for synthesis.
4. Water resources baseline investigations must be implemented by capable entities as prescribed by the Ministry of Natural Resources and Environment.
5. The Government shall make concrete provisions for water resources baseline investigations.

## **Section 2**

### **WATER RESOURCES STRATEGIES AND PLANNING**

#### **Article 14. Water resources strategies**

1. The development of water resources Strategies must ensure the following principles and bases:
  - a) Conforming to the strategies, planning and plans for socio-economic development of the whole country, national defense and security, and regional planning;
  - b) Meeting the water demands for domestic, production, sustainable socio-economic development, national defense and security; water resources protection, efficient prevention and combat against the harms caused by water; and efficient extraction and use of water resources;
  - c) Water demands, water availability, international cooperation potentials; and international conventions of which the Socialist Republic of Vietnam is a member;



d) Results of baseline investigations, water resources forecasts, and forecasts on climate change impacts on water sources.

2. Water resources strategies shall include the main contents as follows:

a) Viewpoints, guiding principles, visions and objectives on the protection, extraction and use of water resources, and the prevention, combat against and overcoming of the harms caused by water;

b) Orientations, tasks and holistic solutions on the protection, extraction and use of water resources, the prevention, combat against and overcoming of the harms caused by water; prioritized programs and projects in each stage of the strategy period.

3. A water resources strategy shall be developed for 10-year period with 20-year vision corresponding to the period of the socio-economic development strategy.

4. The Ministry of Natural Resources and Environment shall take the lead and coordinate with relevant ministries, ministerial-level agencies and Provincial People's Committees to develop water resources strategies and submit to the Prime Minister for approval.

#### **Article 15. Water resources planning**

1. Water resources planning shall include:

a) National water resources planning;

b) Water resources planning for interprovincial river basins and interprovincial water sources;

c) Water resources planning of provinces and centrally-run cities.

2. The subjects of planning are surface water and groundwater.

3. The period of water resources planning is 10 years with 20-year vision.

#### **Article 16. Principles of water resources planning**

1. The preparation of water resources planning must ensure the following principles:

a) Conforming to the strategies, planning and plans for socio-economic development of the whole country, national defense and security, regional planning, and water resources strategies;

b) Linked to land use planning and planning of sectors related to the extraction and use of water resources; requirements on the protection of environment, natural landscapes, cultural and historical monuments, beauty spots and other natural resources for sustainable development;

c) Ensuring the integrity between surface and groundwater; water resources extraction and use and water resources protection and prevention, combat against and overcoming of the consequences and harms caused by water; ensuring economic and efficient extraction and use of water resources, and harmonized water use benefits among localities, sectors, and between upstream and downstream;

d) Ensuring publicity and participation of relevant communities and stakeholders in the preparation of the planning;

e) The water resources planning for interprovincial river basins and interprovincial water sources must comply with the national water resources planning; the water resources planning of provinces and centrally-run cities must comply with the national water resources planning and the water resources planning of interprovincial river basins and interprovincial water sources.

2. The planning for irrigation, hydropower, water supply, inland navigation and other planning relating to water resources extraction and use developed by ministries, sectors and

localities (hereinafter generally referred to as specialized planning including water resources extraction and use) must conform to water resources planning.

#### **Article 17. Basis for the preparation of water resources planning**

1. Strategies and plans for socio-economic development, national defense and security, and regional and local planning.
2. Water resource strategies, water extraction and use demands of sectors and localities, and for environment protection.
3. Natural, socio-economic features and specific conditions of each river basin and region, water availability and forecast of climate change impacts on water resources.
4. Results of water resources baseline investigations.
5. Technical norms, standards and codes issued by competent agencies.
6. Provisions of international conventions of which the Socialist Republic of Vietnam is a member in cases relating to international water sources.
7. Water resources planning tasks.

#### **Article 18. Contents of the National Water Resources Planning**

1. Overall assessment of the natural, socio-economic, and environmental conditions, water resources status, the status of extraction, use and protection of water resources, prevention, combat against and overcoming of consequences and harms caused by water.
2. Evaluation of the implementation results of the previous planning.
3. Consideration of trends of water resources, the needs of water extraction and use for domestic purposes and socio-economic development.
4. Determination of objectives and tasks of water resources management, regulation, allocation, extraction, use and protection, and prevention, combat against and overcoming the consequences and harms caused by water.
5. Identification of the requirements for trans-basin water diversion; identification of works for water resources regulation, extraction and use at large scale.
6. Prioritization of preparation of planning for river basins and water sources.
7. Solutions, budgets, implementation plan and schedule.

#### **Article 19. Contents of water resources planning for interprovincial river basins, interprovincial water sources and water resources planning of provinces and centrally-run cities**

Water resources planning includes one or more of the following contents:

1. Water resources allocation:
  - a) Evaluation of the quantity and quality of water sources, the status of water resources extraction and use; forecast of the trends of flows and levels of aquifers, and water use demands;
  - b) Zoning functions of water sources;
  - c) Determination of the water allocation to water exploiters and users, the priorities and allocation in case of droughts and water shortage; identification of provisional water sources for domestic water supply in case of water pollution incidents;
  - d) Identification of the monitoring network of water resources and water resources extraction and use;
  - e) Identification of the demands for water diversion between sub-river basins in a river basin and trans-river basin water diversion;

f) Identification of works for water resources regulation, extraction, use and development;

g) Solutions, budgets, implementation plan and schedule.

2. Water resources protection:

a) Identification of the requirements for water resources protection towards the water extraction and use and aquatic ecosystems;

b) Identification of the areas of water resources pollution, degradation and the depletion; assessment of water quality variation, and water quality zoning;

c) Identification of the works and non-engineering measures to protect water sources, and restore the polluted, degraded and depleted water sources to ensure the functions of water sources;

d) Identification of the monitoring network of water quality, wastewater discharge into water sources;

e) Solutions, budgets, implementation plan and schedule.

3. Prevention, combat against and overcoming of the consequences and harms caused by water:

a) Identification of the riverbank sections eroding or at risk of erosion, areas of land subsidence or at risk of subsidence, and salinity intrusion due to groundwater exploration and extraction; assessment of the status and progress and identification of the causes and water damage zoning;

b) Overall assessment on the efficiency and impacts of the works and non-engineering measures in the prevention, combat against, and overcoming the consequences and harms defined at point a of this item;

c) Identification of the measures to improve the quality and efficiency of the activities to prevent, combat against and overcome the consequences and harms caused by water; and measures to improve the quality and efficiency of the forecasting and warning systems for the harms caused by water;

d) Identification of the works and non-engineering measures to minimize the damages caused by water;

e) Solutions, budgets, implementation plan and schedule.

4. The contents of the planning, if required, may include recommendations on the adjustment of the tasks and operation processes of the works for water resources extraction, use and protection, and prevention, combat against and overcoming of the harms caused by water to realize the contents provided at this Article.

## **Article 20. Water resources planning tasks**

1. Contents of the water resources planning tasks:

a) Overall assessment of the natural, socio-economic features, water resources status, situation of the protection, extraction, and use of water resources, and the prevention, combat against and overcoming of the consequences and harms caused by water;

b) Preliminary definition of the functions of water sources, the demands for water supply and water drainage, the issues to be addressed in the protection, extraction, and use of water resources, and the prevention, combat against and overcoming of the consequences and harms caused by water;

c) Definition of the subjects, scopes and contents of the planning in order to ensure the water resources functions and address the issues identified at point b of this item;

d) Identification of the solutions, budgets, plan and schedule of the formulation of the planning.

2. The agencies that prepare the water resources planning shall have the responsibility to approve the water resources planning tasks.

### **Article 21. Preparation and approval of the water resources planning**

1. Responsibility to prepare and approve water resources planning:

a) The Ministry of Natural Resources and Environment shall take the lead and coordinate with the Ministry of Agriculture and Rural Development, Ministry of Industry and Trade, Ministry of Construction and relevant ministries and ministerial-agencies in the preparation of the national water resources planning and submit to the Prime Minister for approval;

b) The Ministry of Natural Resources and Environment shall take the lead and coordinate with the Ministry of Agriculture and Rural Development, Ministry of Industry and Trade, Ministry of Construction and relevant ministries, ministerial-agencies and localities to prepare and approve the water resources planning for interprovincial river basins and interprovincial water sources:

c) The Provincial People's Committees shall prepare the water resource planning of their provinces and centrally-run cities and submit to the People's Council at the same level for endorsement upon written comments of the Ministry of Natural Resources and Environment;

2. Prior to submission to the responsible authorities for approval, the water resources planning must be commented in writing by the ministries, ministerial-agencies, localities, river basin organizations and relevant organizations.

3. The competent state agencies authorized to organize the preparation of water resources planning are entitled to hire consultants to prepare the water resources planning.

4. The budgets for the preparation and approval of water resources planning shall be covered by the state budget.

5. The Ministry of Natural Resources and Environment shall stipulate the norms, unit prices, technical codes, and documents of water resources planning.

### **Article 22. Adjustments of water resources planning**

1. The water resources planning shall be adjusted in the following cases:

a) There is an adjustment of the strategies, planning and plans of socio-economic development, national defense and security, regional planning, and water resources strategies that result in changes to the objectives of the previously approved planning;

b) The approved water resources planning do not ensure the principles stipulated at point e, item 1, Article 16 of this Law;

c) The newly developed national focus projects causing major impacts on water resources;

d) There is a major change to the natural conditions that exerts significant impacts on water resources;

e) There is an adjustment of the administrative boundaries at provincial level.

2. The contents of the adjustments of the planning must base on the results of analysis and assessment of the implementation of the approved water resources planning, the factors that influence the adjustments of the planning, ensure the inheritance, and adjust only the contents in need of change.

3. The state agencies authorized to approve water resources planning shall decide the adjustments of the previously approved water resources planning.

4. The preparation, consultation and appraisal of the adjustments of water resources planning shall be implemented as prescribed for the preparation of water resources planning.

#### **Article 23. Requirements for water resources planning consultants**

1. The water resources planning consultants must have legal entity, be qualified in human resource regarding the number and professional qualifications of the individuals participating in the water resources planning, management capabilities and technical conditions for the engaged work.

2. The Ministry of Natural Resources and Environment shall make detailed provisions on the qualifications of the water resources planning consultants.

#### **Article 24. Publication and organization of the implementation of the water resources planning**

1. The water resources planning shall be published within 30 days upon the date of approval. The authority to publish the water resources planning is prescribed as follows:

a) The Ministry of Natural Resources and Environment shall publish the national water resources planning and the water resources planning for interprovincial river basins and interprovincial water sources;

b) The Provincial People's Committees shall publish the water resources planning for provinces and centrally-run cities.

2. Based on the water resources planning approved by the responsible authorities, the ministries, ministerial-level agencies, and Provincial People's Committees, within their powers and mandates, shall have the following responsibilities:

a) To prepare, approve or submit to the responsible authorities for approval their specialized planning that involves water resources extraction and use. For the specialized planning including water resources extraction and use developed by ministries and ministerial-level agencies, there must be written endorsement by the Ministry of Natural Resources and Environment;

b) To adjust the planning and plans that involve water resources extraction and use so that they conform to the water resources planning approved by responsible authorities;

c) To guide and organize the implementation of water resources planning for the contents within their powers and mandates.

3. The River Basin Organizations shall have the responsibility to propose and recommend to the competent state agencies the measures to ensure the implementation of the water resources planning; and recommend the solutions to the issues arising during the implementation of the water resources planning.

4. Organizations, individuals and communities shall be facilitated to exercise their rights to supervise and recommend measures for the implementation of water resources planning.

5. The Ministry of Natural Resources and Environment shall have the responsible to guide, inspect and organize the implementation of water resources planning.

## CHAPTER III

### PROTECTION OF WATER RESOURCES

#### **Article 25. Responsibility to protect water resources**

1. Organizations and individuals have the responsibility to protect water resources.
2. The local authorities at all levels have the responsibility to protect water resources in the locality.
3. Organizations and individuals have the responsibility to regularly protect the water sources directly exploited or used by them, and at the same time have the right to monitor the behaviors and acts that pollute, degrade and deplete water sources by other organizations and individuals.
4. Any person who detects the behaviors or acts causing damages or threatening the safety of water sources has the duty to prevent and inform immediately the nearest local authorities for timely settlement. In case the local authorities who is informed but cannot handle, it must report to the direct higher authorities or responsible authorized agencies.

#### **Article 26. Prevention and combat against pollution, degradation and depletion of water resources**

1. Activities that exploit and use water resources must comply with the water resources plans, which have been approved by the responsible authorities; any activity causing regression of water resources functions, land subsidence, pollution, and salinization must take the responsibility for remediation and compensation of damages as prescribed by laws.

2. It is not allowed to build the new hospitals and health care units that treat the infectious diseases, cemeteries, landfills, the enterprises that produce toxic chemicals, the production and processing enterprises that generate hazardous waste water in the corridor for the protection of water sources.

It is obligatory for existing enterprises to apply measures to treat, strictly control and monitor waste water quality and wastes before disposal into land and water sources. The existing enterprises that are polluting water sources must take measures to overcome within the deadline given by the responsible authorities on state management of water resources; in cases if they cannot overcome, they shall be closed or required to displace as stipulated by laws.

3. The development of economic zones, industrial zones, export processing zones, high-tech zones, industrial clusters, urban areas, centralized residential areas, centralized tourism sites, recreation spots, navigation routes and roads, underground structures, water supply and drainage infrastructures, mineral exploitation works, power plants, waste water storage facilities, production, commercial, service bases and others that potentially pollute, degrade, deplete water resources must take preventive and protection measures against water resources pollution, degradation and depletion.

4. Organizations and individuals that carry out mining or construction, if including water pumping, extraction and draining that lead to lowering ground water level and water resources drying up, must immediately stop the pumping and take mitigation and remediation measures as requested by the responsible authorities on state management of water resources, and compensate for the damages as stipulated by laws, if any.

5. Ponds and lakes storing waste water and waste water storage facilities must be protected from infiltration and overflow to ensure not causing water pollution.

**Article 27. Response to, remediation of water pollution incidents and rehabilitation of the polluted and depleted water sources**

1. The response to and remediation of water pollution incidents shall be done as follows:

a) The enterprises working in production, business and services that potentially cause water pollution incidents have the responsibility to develop alternatives, provide adequate equipment and means, and take measures to timely respond to and remediate water pollution incidents caused by themselves;

b) In case of water pollution incidents, the authorized state agencies at the locality have the responsibility to identify the causes, the organization and individual offenders; coordinate the mitigation of negative effects caused by the incidents; assess and monitor the levels of water quality degradation, the damages caused by the incidents to request for compensation for the damages caused by the offenders;

c) The Provincial-level People's Committees of the areas directly affected by the water pollution incidents have the responsibility to implement proactive measures to prevent and minimize the spread of the pollution, handle and mitigate the pollution within their sphere of control, coordinate with the relevant central provinces and cities in the prevention and handling of the incidents, and timely report to the Ministry of Natural Resources and Environment;

d) In addition to the penalties as stipulated by laws, organizations and individuals causing the incidents also have the responsibility to remediate the aftermaths of the immediate water pollution and degradation, improve and restore water quality in the long term and compensate for the damages caused by themselves.

2. Response and remediation of the water pollution incidents of international water sources:

a) The People's Committees of all levels where the international water sources occur have the responsibility to oversee and detect pollution incidents in the locality; implement proactive and timely measures to prevent and minimize the spread of the pollution in case of incidents; handle and mitigate the pollution within their sphere of control, and report to the Provincial-level People's Committees for the later to lead the handling of the incidents, and report to the Ministry of Natural Resources and Environment;

b) The Ministry of Foreign Affairs, Ministry of Natural Resources and Environment, relevant ministries and ministerial-level agencies have the responsibility to coordinate with the relevant agencies of the country where the pollution incidents happens to the international water sources in promptly applying prevention and remediation measures in conformity with the relevant international laws and conventions.

3. The response to and remediation of the water pollution incidents in emergency cases shall be applied in conformity with legal provisions on emergencies.

4. The restoration of the polluted and depleted water sources shall be as follow:

a) The water sources must be classified by level and scope of pollution and depletion, and prioritized for restoration;

b) The Ministry of Natural Resources and Environment has the responsibility to develop, submit to the Prime Minister for approval, and arrange implementation of the restoration plan for the international and interprovincial water sources; the Provincial-level People's Committees have the responsibility to develop, approve, and arrange implementation of the restoration plan for the provincial water sources.

5. The cost to remediate water pollution incidents in case the organization and individual offenders are unidentified and costs to restore the polluted and depleted water

sources according to the plan stipulated at point b, item 4 of this Article, shall be covered by the state budget.

#### **Article 28. Observation and monitoring of water resources**

1. The responsibility to observe and monitor water resources are provided as follows:

a) The Ministry of Natural Resources is responsible to observe and monitor water quantity and quality of water sources, exploitation and use of water resources, waste water discharge into water sources for the interprovincial and international water sources;

b) The Provincial-level People's Committees are responsible to observe and monitor water quantity and quality of water sources, exploitation and use of water resources, waste water discharge into water sources for the provincial water sources;

c) Organizations and individuals that exploit and use water resources, discharge waste water into water sources have the responsibility to observe and monitor the water exploitation and use and waste water discharge as stipulated by laws.

2. The Ministry of Natural Resources shall make concrete provisions on the observation and monitoring of water resources.

#### **Article 29. Protection and development of water production sources**

1. The State shall make plans to protect and develop the protective watersheds and other forests; implement the reforestation and vegetation expansion programs to prevent from land erosion, improve water storage capacity, protect and develop water production sources.

2. Organizations and individuals that exploit the forests are responsible to take measures of forest exploitation and protection pursuant to the Law on Forest Protection and Development, to not cause watershed degradation.

3. Organizations and individual that invest in building reservoirs and projects on mineral exploitation and processing and other activities that use or affect the forested areas, must reforest the areas deforested in the construction of structures or contribute finance for the reforestation as requested in case of no land available locally for the reforestation.

4. Organizations and individual that manage and operate reservoirs must contribute finance for the forest protection activities in the catchment area of the reservoirs and participate in the activities for the protection and development of the watersheds.

5. The Government shall make concrete provisions on the compensation reforestation, financial contribution as well as the management and use of financial resources for the protection and development of watersheds in reservoir catchments.

#### **Article 30. Ensuring the circulation of water flow**

The mineral exploitation, construction of bridges, wharfs or other structures that hinder or cross rivers and streams, canals and ditches; installation of tunnels, pipelines or cables over rivers, streams, canals and ditches; and putting cages in rivers must not impede the flows and comply with the standards for flood control and other relevant technical requirements as prescribed by laws.

#### **Article 31. Corridors for the protection of water sources**

1. Corridor for the protection of water is required for the following water sources:

a) Hydropower reservoirs, irrigation reservoirs and other reservoirs;

b) Natural and artificial lakes in urban areas and centralized residential areas; large lake and ponds as regulators in other areas; and natural lagoons and swamps;

c) Rivers, streams, canals and ditches which are water supply sources or drainage channels or of significant importance to socio-economic development and environmental protection activities;



d) The water sources relevant to belief and religious activities, of high value of biodiversity, cultural conservation, protection and development of natural ecosystems.

2. The organizations that manage and operate the reservoirs cited at Point a, Item 1 of this Article, have the responsibility to set up landmarks of the corridors for the protection of water sources as provided for, and transfer the landmarks to the Commune-level People's Committee where the reservoirs are for management and protection.

3. The Provincial-level People's Committees have the responsibility to set up and manage the corridors for the protection of water sources cited at Points b, c and d, Item 1 of this Article.

4. The Government shall make detailed provisions for the setting up and management of the corridors for the protection of water resources.

### **Article 32. Protection of the quality of domestic water sources**

1. Organizations and individuals are not allowed to dispose waste-water or introduce wastes into the sanitary protection areas of domestic water sources.

2. Organizations and individuals who exploit water for domestic water supply must take the following measures:

a) To carry out regular observation and monitoring of the quality of domestic water sources and ensure the quality for the water sources under their exploitation;

b) To make available alternative measures for water exploitation in case of water pollution to the domestic water sources that are under exploitation.

3. The persons who detect acts deteriorating and polluting domestic water sources, have the responsibility to stop the acts and timely report to the authorized state organizations for handling.

4. The Provincial-level People's Committees have the following responsibilities:

a) To identify and publish the sanitary protection areas of the domestic water sources in their locality as provided by the Ministry of Natural Resources and Environment;

b) To publish the information on quality of domestic water sources and give warns on the unusual phenomenon of quality of domestic water sources in their locality.

5. The district and commune People's Committees have the responsibility to implement measures to protect quality of domestic water sources in their locality.

### **Article 33. Protection of the quality of water sources used for agricultural production, aquaculture, industrial production, mining and other activities**

1. The application of pesticides, veterinary and other chemicals in agriculture, husbandry and aquaculture must comply with the technical standards and norms, and must not cause water pollution.

2. Production, commercial, service bases, mining and other activities are not allowed to discharge untreated waste water or with non-standard treatment into water sources; safe measures must be taken to prevent from leakage and loss in case toxic chemicals are used in the process.

3. Organizations and individual that exploit and use water resources for navigation, sports, recreation, tourism, health care, convalesce, scientific research and other purposes, are not allowed to pollute water sources.

### **Article 34. Prevention and protection from sea water pollution**

1. Organizations and individuals that acts on the seas must make available alternatives, equipment and human capabilities in order to prevent and minimize sea water pollution.

In case of occurrence of sea water pollution, timely handling and remediation measures must be taken and reported to the responsible authorities; if damages occur, compensation must be paid pursuant to legal provisions.

2. Waste sources from activities in coastal areas, islands and on the seas must be controlled and treated to meet the technical standards and norms before disposal into the seas.

### **Article 35. Protection of ground water**

1. Organizations and individuals that explore and exploit ground water; practice ground water drilling; conduct geological investigation drilling, conduct geological exploration, mining, oil and gas exploration and exploitation; foundation treatment, mine drying and other drilling, digging activities must take measures to protect ground water resources, fill up after-use or failure drilled holes.

2. Organizations and individuals that exploit minerals, build underground works must comply with the technical standards and norms on safety, prevention against the degradation and depletion of ground water sources.

3. Wherever ground water is overexploited or seriously degraded, the state management agencies for water resources must make zoning for the restricted or prohibited exploitation areas and take measures of strict control to protect ground water sources.

### **Article 36. Ground water drilling practice**

1. Ground water drilling for investigation, survey, exploration and exploitation must be practised by the organizations and individuals that are authorized to practice ground water drilling.

2. The Ministry of Natural Resources and Environment shall make provisions for the ground water drilling practice.

### **Article 37. Discharge of waste water into water sources**

1. Planning for municipalities, urban areas, rural centralized residential areas, tourism areas, recreational areas, industrial zones, economic zones, export processing zones, centralized industrial clusters and handicraft villages must include a system of waste water collection and treatment that are adequate to waste water discharge capacity, waste water receiving capacity of water sources and must be endorsed by the state management agencies for water resources before submission for approval.

2. Projects on construction, rehabilitation and upgrading of production and commercial bases must include separate systems for rain water and waste water collection; waste water treatment systems; and sewage systems, which must meet the technical standards and norms.

3. Organizations and individuals that discharge waste water into water sources must have permission by the authorized state agencies as stipulated in Article 73 of this Law, exceptionally for the cases stipulated in Item 5 of this Article.

4. The issuance of the permit for waste water discharge into water sources must be based on the technical standards and norms on quality of waste water, functions of the water sources and waste water receiving capacity of the water resources.

5. Organizations and individuals who discharge waste water at small-scale and without toxic and radioactive matters are not required to apply for the permit for waste water discharge into water sources.

6. The Government shall make concrete provisions on the granting of the permit for waste water discharge into water sources.

### **Article 38. Rights and obligations of the organizations and individuals that are permitted to discharge waste water into water sources**

1. Organizations and individuals that are permitted to discharge waste water into water sources shall be entitled to:

- a) Discharge waste water into water sources as prescribed in the permit;
- b) Be protected by the State for their legitimate rights and interests;
- c) Be paid with compensation by the State for the damage if the permit is revoked before the regulated terms because of reasons of national defense and security or for the national and public interests, pursuant to the provisions of laws;
- d) Request the relevant organizations and individuals to compensate for damage to their legitimate rights and interests in discharging waste water into water sources as provided for by laws;
- đ) Request to the state agencies authorized for granting permit to renew the permit, change the terms and adjust the contents of the permit;
- e) Return the permit as stipulated by laws;
- g) Transfer, lease, inherit, mortgage and guarantee with the assets invested in the structures that discharge waste water into water sources as stipulated by laws;
- h) Lodge a complaint or file a legal action against acts that violate their legitimate rights and interests to discharge waste water into water sources as prescribed by laws.

2. Organizations and individuals that are permitted to discharge waste water into water sources have the following obligations:

- a) To execute the legislations on water resources and comply with the provisions of the permit;
- b) To fulfill financial obligations as stipulated by laws;
- c) To ensure waste water treatment to meet the technical standards and norms throughout the process of waste water discharge into water sources;
- d) Not to hinder or damage the legitimate waste water discharge by other organizations and individuals;
- đ) To provide adequate and honest data and information on their waste water discharge into water sources when required by the authorized state agencies;
- e) To take safety measures, prevent and remediate the water pollution incidents caused by their waste water discharge as provided by laws;
- g) To carry out monitoring and observation of the discharge quantity and quality of waste water and the regulations on reporting and communicating on waste water discharge as provided by laws;
- h) To pay compensation to the affected organizations and individuals for the damages caused by their illegal waste water discharge;
- i) To fulfill the other obligations as provided by laws.

## **CHAPTER IV**

### **EXPLOITATION AND USE OF WATER RESOURCES**

#### **Section 1**

### **ECONOMIC AND EFFICIENT USE OF WATER RESOURCES**

#### **Article 39. Measures for economic and efficient use of water resources**

1. Organizations and individuals that exploit and use water resources must take the following measures for the sake of economical and efficient water use:

- a) To exploit and use water for the right purposes and in a rational way;
- b) To make plan for removing out-of-date and water-wasting equipment and facilities that consume excessive water;
- c) To improve and rationalize the water use procedures; introduce advanced techniques, technologies and facilities in the exploitation and use of water resources; increase the capacity of water reuse and recycling; storing rain water for use;
- d) To introduce suitable cropping patterns according to the water availability; improve, rationalize and apply water-saving measures, technologies and techniques in agricultural production; build, maintain and operate water diversion and storage works to save water in agricultural production.

2. The Ministry of Natural Resources and Environment shall have the responsibility to develop water-saving and efficient water use models; propagate water-saving models, equipment and technologies.

3. Ministries, ministerial-level agencies, within their powers and mandates, shall have the responsibility to:

- a) Develop and promulgate the technical norms on water use in order to promote and encourage economical and efficient water use;
- b) Develop plans and programs, lead and guide research on and application of water-saving technologies in order to gradually remove out-of-date and water-wasting technologies;
- c) Take the lead and coordinate with the Ministry of Natural Resources and Environment to develop and issue the water use standards within their sphere of control; inspect and control the compliance with the legislations for exploitation and use of water resources, and water use standards.

4. The Provincial-level People's Committees shall have the responsibility to apply measures concurrently in order to manage and strictly control the compliance with the regulations on economical and efficient water use in their locality.

#### **Article 40. Minimizing water loss in the water supply systems**

1. Organizations and individuals that manage and operate the water supply system must comply with technical and operational norms in order to meet the requirements of stable, safe and continuous water supply, and minimal water loss and wasting.

2. Organizations and individuals that manage and operate irrigation works and irrigation systems must take measures to prevent and protect from infiltration; ensure the optimal operation of the systems to meet the need of reasonable and efficient water supply, and minimizing water loss and wasting.

#### **Article 41. Preference to economical and efficient water use**

1. Organizations and individuals that invest in water reuse and recycle; rain water collection and use; water desalination; invest in water-saving equipment and technologies, shall be given with preference and tax reduction and exemption as provided by laws.

2. The Government shall make concrete provisions on the preference to the economical and efficient water use.

#### **Article 42. Development of science and technology for economical and efficient water use**

1. The State shall encourage and assist organizations and individuals in researching, applying and developing technologies for waste water treatment, rehabilitation and restoration

of polluted, degraded and depleted water sources; water reuse and other technologies for economical and efficient water use.

2. The ministries, ministerial-level agencies, and the Provincial-level People's Committees have the responsibility to allocate funds and develop scientific and technological research programs for economical and efficient water use, and treatment, rehabilitation and restoration of polluted, degraded and depleted water sources.

3. Preference shall be given to the following activities of scientific research, application and development of technologies for economical and efficient water use:

a) Research, application and development of the technologies for water reuse, recycling and improving efficiency of water use in industries, construction and agriculture;

b) Research, application and development of technologies for waste water treatment, rehabilitation and restoration of polluted, degraded and depleted water sources;

c) Research and application of advanced technologies for operation and regulation of reservoirs, and sound exploitation and use of water sources;

d) Application of technological solutions for new fabrication of water-saving equipment and facilities; improvement, renovation and upgrade of water use equipment;

d) Application of water-saving and efficient water use solutions in the design and building of construction works.

## **Section 2**

### **EXPLOITATION AND USE OF WATER RESOURCES**

#### **Article 43. Rights and obligations of organizations and individuals that exploit and use water resources**

1. Organizations and individuals that exploit and use water resources have the following rights:

a) To exploit and use water resources for the purposes of living, production, business and other purposes as prescribed by this Law and other relevant provisions of law;

b) To enjoy the benefits from exploitation and use of water resources;

c) To be protected by the State in terms of their legitimate rights and interests in the exploitation and use of water resources;

d) To use data and information on water resources as prescribed by this Law and other regulations of relevant laws;

d) To conduct water flows through adjacent lands, which are managed and used by other organizations and individuals as prescribed by laws;

e) To lodge a complaint and file a legal action against acts violating the right to exploit and use water resources and other legitimate interests as prescribed by relevant laws;

2. Organizations and individuals that exploit and use water resources have the following obligations:

a) To protect water resources, to prevent, combat against and overcome the harms caused by water as prescribed by this Law and other legislations;

b) To use water for the right purposes, economically, safely and efficiently;

c) Not to cause obstruction or damage to the legitimate exploitation and use of water resources by other organizations and individuals;

d) To protect the water resources under their direct exploitation and use;

e) To fulfill the financial obligations, to compensate for the damage caused by themselves in the exploitation and use of water resources as prescribed by law;

f) To provide data and information relevant to the exploitation and use of water resources as requested by the State responsible authorities; to facilitate the scientific research activities authorized by the State;

g) To apply for permission to the State responsible authorities when supplementing or changing the purposes and scale of water exploitation and use, except for the cases when application for permission or registration is not required as provided for in Article 44 of this Law;

h) To fulfill other obligations as stipulated by laws.

3. Organizations and individuals that are granted with permit for water resources exploitation and use, have the responsibility to comply with the contents of the permit in addition to the fulfillment of the rights and obligations prescribed at this Article.

4. Organizations and individuals that exploit water resources and have to pay for the granting permit for water resources exploitation as stipulated at item 1 Article 65 of this Law, have the right to transfer the rights for water resources exploitation as prescribed by the Government.

#### **Article 44. Applying and granting permits for exploitation and use of water resources**

1. The cases of exploitation and use of water resources in which registration and permit are not required:

a) Exploitation and use of water resources for domestic use at household-scale;

b) Small-scale exploitation and use of water resources for production, commercial and services;

c) Exploitation and use of sea water for salt production;

d) Exploitation and use of water resources for cultural, religious and research activities;

đ) Water exploitation and use for fire extinguishment, controlling of pollution incidents and epidemics, and other emergency cases as prescribed on emergencies.

2. The cases of ground water exploitation as stipulated at Points a, b and d Item 1 of this Article in the places where water table is excessively regressed must register.

3. Organizations and individuals that exploit and use water resources but not belong to the cases stipulated in Items 1 and 2 of this Article must get permission from the authorized State agencies mentioned in Article 73 of this Law before the decision of investment.

4. The Government shall make concrete provisions on the registration and permit granting for water resources exploitation and use.

#### **Article 45. Exploitation and use of water resources for living**

1. The State shall give priority to the exploitation and use of water resources for living purposes through the following measures:

a) To invest in and support the projects of supply of domestic water and clean water, to give priority to the areas where live ethnic minorities groups, in borders and islands, with scarcity of water, with serious water pollution and degradation, the areas with difficult socio-economic conditions, and the areas with exceptionally difficult socio-economic conditions;

b) To provide preference policy and encourage national and international organizations and individuals in investing in the search, exploration and exploitation of water sources for living.

2. The People's Committees at all levels and the authorized State agencies shall have the responsibility to develop and implement the planning, plans and projects for supply of domestic water and clean water, and take urgent measures to ensure domestic water in case of drought, water shortage or serious water pollution incidents causing water shortage.

3. Organizations and individuals that are supplied with domestic water and clean water shall have the responsibility to contribute work force and finance to the protection of water sources, to the exploitation and treatment of domestic water as regulated by laws.

#### **Article 46. Exploitation and use of water resources for agricultural production**

1. The State shall invest in and support the exploitation and use of water resources for agricultural production.

2. Organizations and individuals that exploit and use water resources for agricultural production must take measures to save water, prevent and combat against acidity and salinity,, erosion of lands, and ensure not causing water pollution.

3. Organizations and individuals are only entitled to exploit and use water, which satisfactorily meet the technical standards and norms, for agricultural production.

4. Organizations and individuals that manage and operate works which exploit and use water sources for agricultural production, must comply with the operational regulations.

#### **Article 47. Exploitation and use of water sources for hydro-power**

1. The exploitation and use of water resources for hydro-power must be integrated and multipurpose, except for the small-scale exploitation and use.

2. The building of hydropower plants must comply with the water resources plans, with the provisions of Article 53 of this Law and other relevant legislations.

3. Organizations and individuals that exploit and use water sources for hydro-power must comply with the operational regulations of the reservoirs and multi-reservoir systems approved by the authorized State agencies; ensure the integrated and multipurpose use of water resources; and provide assistance to the locality and local people where the reservoirs are as stipulated by laws.

#### **Article 48. Exploitation and use of water resources for salt production and aquaculture**

1. The State encourages the investment in exploitation and use of sea water for salt production. Organizations and individual that use sea water for salt production must not cause salinity intrusion, which may result in adverse impacts on agricultural production and environment.

2. Organizations and individuals are only entitled to use the water, which meet the technical standards and norms of water quality, for aquaculture. The exploitation and use of water resources for aquaculture must comply with the water resources plans; must not cause the degradation, pollution and depletion of water sources, not obstruct the flows or damage the hydraulic works; and not impede navigation or cause salinization of the water sources.

#### **Article 49. Exploitation and use of water resources for industrial production, mineral exploitation and processing**

1. Organizations and individuals that exploit and use water resources for industrial production must save water and not cause water pollution.

2. Organizations and individuals that exploit and use water resources for mineral exploitation and processing must take measures to collect and treat used water to meet the technical standards and norms for waste water quality before discharging into water sources.

#### **Article 50. Exploitation and use of water sources for navigation**

1. The State encourages the exploitation and use of water sources for the development of navigation.

2. Navigation activities must not cause pollution to the water sources, or hamper the water flows or damage the bed, sides, and banks of rivers, streams, canals, ditches and structures on the rivers; in case of damage, compensation must be applied according to prescriptions of law.

3. The building of structures and the planning of navigation routes must comply with the water resources plans and the development plan of the coastal areas.

4. The building and management of other structures related to the water sources must ensure safety and normal operation of the water transport means or must not cause water pollution.

#### **Article 51. Exploitation and use of water resources for other purposes**

Organizations and individuals that exploit and use water resources for scientific research, health care, sports, recreation, tourism, and other purposes must ensure rational, economic and efficient use of water, must not cause pollution, degradation or depletion of the water sources, or impediment to the water flows or other adverse effects on the water sources.

#### **Article 52. Exploration and exploitation of ground water**

1. Organizations and individuals that explore ground water must get permission from the State responsible authorities.

2. Organizations and individuals that exploit ground water must get permission from the State responsible authorities, exceptionally for the cases stipulated in Item 2 Article 44 of this Law.

3. The granting of permit for the exploitation of ground water must be based on the water resources plans, results of baseline survey on water resources, availability and reserves of ground water, and the provisions of Item 4 of this Article.

4. Exploitation of ground water is restricted in the following areas:

- a) The areas where surface water availability can stably meet water demands;
- b) The areas where ground water table is constantly lowered and at risk of critically lowering;
- c) The areas where occurs the risk of land subsidence, salinity intrusion, and increasing pollution due to exploitation of ground water;
- d) The areas where ground water is polluted or has signs of pollution but technological solutions for treatment to meet the standard quality are not available;
- đ) The urban areas, rural centralized residential areas, centralized industrial zones and clusters, and handicraft villages where centralized water supply systems and water supply services are existent and meet the requirements of quality and quantity.

5. The restriction of ground water exploitation includes:

- a) Restriction of the subjects and objectives of exploitation;
- b) Restriction of discharge and time of exploitation;



c) Restriction of number of structures, depth, and exploitable aquifers.

6. The Government shall make concrete provisions on the exploration and exploitation of ground water.

### **Article 53. Reservoir and exploitation and use of reservoir water**

1. The development planning of sectors and localities, which proposes reservoir construction on rivers, streams, must comply with the water resources plans and consist of the following contents:

a) The necessity of the reservoir against other structural measures in realizing the tasks of the Plans;

b) Identification of the flows to be maintained temporally in the rivers and streams downstream of the reservoirs suggested in the Plans;

c) Identification and prioritization of the tasks of each reservoir suggested in the Plan and the water supply reliability for each of the tasks identified;

d) The storage capacity of the reservoir reserved for each of its tasks in normal climatic conditions and in extreme climatic conditions taking into account climate change;

d) The role of the existing reservoirs in the river basins in realizing each of the tasks of the suggested reservoirs;

e) During the formulation of the Plans, it is required to consult the beneficiaries and the population potentially at risk in the exploitation and use of water resources due to the construction of the reservoirs suggested in the Plans. All comments must be explained and incorporated in the report to be submitted to the authorized state agencies for the appraisal of the plans.

2. The projects on building reservoirs on rivers and streams must meet the following requirements:

a) To be conformable to the water resources plans approved by the responsible authorities;

b) To include structures to ensure the maintain of minimum flow, the integrated and multipurpose water use, the use of dead storage capacity of the reservoirs in case of drought and severe water shortage; the migration of fish species; and the movement of navigation means in the reaches of rivers and streams with navigation activities;

c) To collect comments of the relevant population communities, organizations and individuals as stipulated in Article 6 of this Law;

d) To collect the appraisal of the state water resources management agencies on the contents mentioned at Points a and b of this Article before submission to the responsible authorities for approval.

3. Organizations and individual that manage and operate reservoirs have the responsibility:

a) To comply with the approved operational regulations of the reservoirs and inter-reservoir systems; ensure the maintenance of minimum flow, safety of the structures and downstream of the reservoirs, and compensation as stipulated by laws if damage occurs;

b) To obey the commands of reservoir operation given by the authorized state agencies in cases of flood, inundation, drought, water shortage and other emergencies;

- c) To develop and implement annual water regulation plan for the reservoirs; realize the plan and the alternatives of water regulation and allocation in the river basins developed by the responsible authorities;
- d) To observe hydrometeorology, make calculations and forecast of inflows to the reservoirs for the sake of reservoir operation;
- e) To get written agreement by the state water resources management agencies if using reservoir surface for aquaculture, tourism and recreation business;
- f) To follow the reporting system and other provisions of this Law and relevant legislations.

### **Section 3**

## **REGULATION AND ALLOCATION OF WATER RESOURCES**

### **Article 54. Regulation and allocation of water resources**

1. The regulation and allocation of water resources for different water uses must base on the water resources plans, water availability and the Plan for the regulation and allocation of water resources, and comply with the following principles:

- a) To ensure the equality and rationality between organization and individual water users in a river basin, between upstream and downstream and between right bank and left bank;
- b) Priority shall be given in terms of water quantity and quality for living, for agricultural production that contributes to ensure food security and other essential needs of the People;
- c) To ensure the minimum flow in the rivers and exploitable threshold of ground water;
- d) To combine the exploitation and use of surface water with the exploitation and use of ground water and rain water; intensify water storage in rainy season for uses in dry season.

2. In case of water shortage, the regulation and allocation shall give priority to domestic water use; other water uses must be regulated and allocated according to the provisions described in the water resources planning for river basins and comply with the principle of equality and rationality.

3. The Ministry of Natural Resources and Environment shall organize the regulation and allocation of water resources in the interprovincial river basins. The Provincial-level People's Committees shall organize the regulation and allocation of water resources in their locality.

### **Article 55. Trans-basin water diversion**

1. Development of trans-basin water diversion projects must be based on the following:

- a) Water resources strategy, environment protection strategy;
- b) Water resources plans of the relevant river basins; socio-economic development planning and plans of the localities and sectors relevant to water exploitation and use in the river basins;

c) Assessment of water availability and water demands of both the donor and the receiver basins;

d) Assessment of the potential impacts of water diversion on water exploitation and use, flow maintenance, flood control and impacts on environment and ecology, in particular in dry season; and economic benefits of the water diversion;

e) International conventions of which Vietnam is a member for the cases of water diversion relating to the international water sources.

2. The trans-basin water diversion projects must be appraised by the Ministry of Natural Resources and Environment, before submitting to the State responsible authorities for consideration and making decision.

#### **Article 56. Artificial recharge of ground water**

1. The artificial recharge of ground water must be based on detailed assessment of the responsive capacity in terms of quantity and quality, the capacity to keep and store water of the recharged aquifers; the requirements for exploitation, use and protection of ground water; and comprehensive assessment of economic, social and environmental impacts.

2. The Ministry of Natural Resources and Environment shall be responsible to identify the aquifers, make zoning for the areas that need artificial recharge of ground water; guide the implementation of the suitable recharging measures for each area; and approve the alternatives for artificial recharge of ground water.

#### **Article 57. Making artificial rain**

The making of artificial rain must be based on the water demands of the water shortage areas and the available conditions in order to decide on the rational measures and scale, and must be permitted by the state responsible authorities.

### **CHAPTER V PREVENTION, COMBAT AGAINST AND OVERCOMING OF THE HARMS CAUSED BY WATER**

#### **Article 58. Responsibility and duty to prevent, combat against and overcome the harms caused by water**

1. State agencies, organizations and individuals have the duty to take part in the prevention, combat against and overcoming of the harms caused by water as provided for by this Law and other relevant legislations.

2. The Government shall decide and instruct the Ministries, ministerial-level agencies and the People's Committees at all levels to take measures to prevent, combat against and overcome the harms caused by water.

3. The Ministries, ministerial-level agencies and the People's Committees at all levels shall, within their powers and mandates, decide and organize the implementation of measures to prevent, combat against and overcome the harms caused by water.

**Article 59. Prevention, combat against and overcoming of the water harms caused natural disasters**

The prevention, combat against and overcoming of the consequences of flood, inundation, sea level rise, hail, acid rain and other water harms caused by natural disasters shall be implemented pursuant to the prevailing legislations on dikes, flood and storm prevention and control and other relevant legislations.

**Article 60. Prevention and combat against drought, flood and artificial water-logging**

1. Reservoirs must have operation rules approved by the responsible authorities before being filled-up.

2. Large and important reservoirs in the river basins must be operated according to the operation rules for multi-reservoirs approved by the authorized state organizations.

3. The operation rules of reservoirs and multi-reservoirs must ensure the maintenance of minimum flow, the prevention and control of flood, inundation, drought, water shortage for the downstream, allocate storage volume to realize the tasks of the reservoirs, including the flood storage volume, ensure water supply safety in normal and extreme climatic conditions, water quality variation taking into account climate change.

4. The operation rules of reservoirs and multi-reservoirs in river basins must be consulted with ministries, sectors, localities, river basin organizations and other relevant organizations before being submitted to the responsible authorities for approval.

5. The responsibility to develop the operation rules of reservoirs and multi-reservoirs is provided as follow:

a) The Ministry of Natural Resources and Environment shall make a list of reservoirs that must be operated according to the operation rules of multi-reservoirs, develop the operation rules for multi-reservoirs in the river basins, and submit to the Prime Minister for approval;

b) The Ministry of Agriculture and Rural Development, Ministry of Industry and Trade, Provincial-level People's Committees, organizations and individuals that manage and operate the reservoirs within their powers and mandates have the responsibility, shall develop and submit to the responsible authorities for promulgation or promulgate themselves as decentralized for the operation rules of reservoirs.

6. Organization and individuals that manage and operate reservoirs, must develop different alternatives to respond to the cases of dam break and the circumstance that menace the safety of structure, life and asset of the people.

7. It is not allowed to fill-up lakes, ponds, swamps and lagoons in order to prevent, combat against water logging, and protect water sources.

The Provincial-level People's Committee shall publish the list of lakes, ponds, swamps and lagoons that are not allowed to be filled-up in their locality.

The Ministry of Natural Resources and Environment shall publish the list of not-to-filled-up lakes, ponds, swamps and lagoons, which cover two or more provinces, centrally-run cities.

**Article 61. Prevention and combat against salinity intrusion**

1. The management and operation of anti-salinity dams, reservoirs, and regulators must comply with the procedures, technical standards and norms for the prevention and combat against salinity intrusion.

2. The exploration and exploitation of ground water in the plains and coastal areas must ensure the prevention and combat against salinity intrusion for the aquifers.
3. The exploitation of brackish and saline water for production must not cause salinity intrusion into water sources and adversely impacts on agricultural production.
4. Organizations and individuals that exploit and use water resources for agricultural production must take measures to prevent and combat against acidification, salinization, land erosion and not cause water pollution.

#### **Article 62. Prevention and combat against land subsidence**

1. Organizations and individuals that practise ground water drilling, geological exploration drilling, mining and gas exploration must comply with the technical standards and norms on safety; and prevent and combat against land subsidence.
2. Organizations and individuals that explore and exploit ground water must take the measures prescribed in their permit, comply with the technical standards and norms on safety, and prevent from land subsidence.

In cases of land collapse and subsidence, it is compulsory to stop the exploration and exploitation and take measures at the same time to overcome and inform the nearest local government.

3. Organizations and individuals that exploit minerals, build underground works, carry out other drilling and digging activities must comply with the technical standards and norms on safety, and prevent land subsidence and collapse.
4. Wherever land collapse and subsidence occurs or potentially occur due to ground water exploration and exploitation, the state management organizations on water resources must localize for applying measures of minimizing land subsidence.

#### **Article 63. Prevention and combat against erosion of riverbeds, riversides and riverbanks**

1. The activities to improve the riverbeds, riversides and riverbanks, build hydraulic works, exploit sand, gravel and other minerals in rivers and lakes must not cause erosion, collapse or negative impacts on the stability of the riverbeds, riversides and riverbanks, and must have written agreement by the responsible state management organizations on water resources.
2. For the rivers and river reaches, which are eroded, collapsed or river sides and banks at risk of erosion, collapse, the responsible state management organizations for water resources at provincial level shall have the responsibility to identify the causes, propose measures to prevent and overcome, and report to the Provincial-level People's Committee for consideration, zoning for prohibited or temporarily prohibited exploitation of sand, gravel and other minerals.

In case the areas with eroded, collapsed or potentially eroded, collapsed riversides and riverbanks are situated in between two provinces, centrally-run cities, the relevant Provincial-level People's Committees shall recommend the authorized state organizations to approve the locations of prohibited or temporarily prohibited exploitation of sand, gravel and other minerals.

3. The Ministry of Transport shall take the lead and coordinate with the Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development in making concrete provisions on the operation of boats and ships in the navigation routes in order not to cause erosion to the riverbeds, riversides and riverbanks.
4. The Ministry of Natural Resources and Environment shall take the lead and coordinate with the relevant ministries, ministerial-level agencies and Provincial-level

People's Committee in making concrete provisions on the protection of the riverbeds, riversides and riverbanks; lead the implementation of measures to protect the riverbeds, riversides and riverbanks of the boundary rivers in the provinces and centrally-run cities.

5. People's Committees at all levels shall be responsible to take measures to protect the riverbeds, riversides and riverbanks in the locality.

## **CHAPTER VI FINANCE FOR WATER RESOURCES**

### **Article 64. Revenues of the State budget from water resources activities**

1. Water resources tax and other taxes as prescribed by laws on tax.
2. Charges and fees as stipulated by laws on charges and fees.
3. Fees of granting rights on the exploitation of water resources.
4. Compensation paid to the State, fines for administrative violations in water resources sector as stipulated by laws.

### **Article 65. Fees for granting rights on the exploitation of water resources**

1. Organizations and individuals that exploit water resources must pay fees for granting rights on the exploitation of water resources in the following cases:

- a) Exploitation of water for commercial power generation;
- b) Exploitation of water for business, services, and non-agricultural production;
- c) Exploitation of groundwater for centralized industrial crop cultivation, cattle husbandry and aquaculture on large-scale;
- d) Exploitation of water surface of rivers, lakes and seas for centralized business and services on large-scale;

2. The fees for granting rights on the exploitation of water resources shall be evaluated based on the quality of water resources, the types of water resources, the conditions for exploitation, scale and time of the exploitation, and the purposes of water use.

3. The Government shall make concrete provisions on the case in which payment is required for the granting rights on the exploitation of water resources, the calculation method and the rates of fees for granting rights on the exploitation of water resources.

## **CHAPTER VII INTERNATIONAL RELATIONS ON WATER RESOURCES**

### **Article 66. Principles in international relations on water resources**

The Government of Vietnam shall apply the following principles in the baseline survey, protection, exploitation and use of the inter-country water sources, in the prevention, combat against and overcoming the harms caused by water, and in international cooperation and settlement of disputes on the inter-country water sources:

1. To respect for the independence, sovereignty, territorial integrity and interests of the countries sharing the same source of water;
2. To ensure fairness, rationality, and sustainable development in the exploitation and use of the inter-country water sources;

3. Not to harm the rights and interests of the countries sharing the same sources of water in conformity with the international conventions of which the Socialist Republic of Vietnam is a member;

4. To obey the Vietnamese legislation, the international laws and relevant international conventions.

**Article 67. Responsibility of protecting the rights and interests of Vietnam with regard to inter-country water sources**

1. Organizations and individuals have the responsibility to protect the rights and interests of Vietnam relevant to the inter-country water sources as prescribed by this Law and other provisions of Vietnamese legislations.

2. The Ministry of Natural Resources and Environment shall have the responsibility to oversee, monitor and synthesize the situation of the inter-country water sources, timely report to and recommend to the Government and Prime Minister the handling of arising issues in order to protect the rights and interests of Vietnam.

3. People's Committees at all levels at the national borders where the inter-country water sources run through, must report to the direct higher level of People's Committee if detecting unusual situation of discharge, level and quality of the water sources in the locality. The Provincial-level People's Committees shall then make synthesis and report to the Ministry of Natural Resources and Environment.

**Article 68. International cooperation in the management and development of water resources**

1. The Government of Vietnam shall broaden cooperation with countries, foreign organizations and international organizations in the baseline survey, protection, exploitation, use and development of water resources in the training of personnel, in scientific research on water resources, in the prevention, combat against and overcoming of the harms caused by water.

2. The Government of Vietnam shall encourage the exchange of information related to the international water sources, the coordination in research and planning for the protection, exploitation and use of the international water sources, the coordination in planning for the prevention, combat against and overcoming of the harms caused by water; and create favorable conditions for the management and implementation of the projects relevant to the inter-country water sources.

3. The Government of Vietnam shall be proactive in participating in the international organizations on water resources and the international river basin organizations relevant to Vietnam in order to promote the cooperation, exploitation, use and sustainable development of the inter-country water sources.

**Article 69. Settling disputes and divergences on the inter-country water sources**

In settling disputes on the international water sources related to the countries in the river basins and seas of Vietnam's territory, besides the application of the principles stipulated in Article 66 of this Law, the following provisions shall also have to be complied with the following provisions:

1. All disputes and divergences on the sovereignty in the baseline survey, protection, exploitation and use of the inter-country water sources, in the prevention, combat against and overcoming of the harms caused by water among the countries sharing the same water sources including Vietnam, shall be settled on the basis of negotiations in conformity with the international conventions of which the Socialist Republic of Vietnam is a member, and with the international practice;

2. All disputes and divergences on the inter-country water sources arising in the river basins where is available an international river basin organization of which the Socialist Republic of Vietnam is a member, shall be settled in the framework of that international river basin organization as prescribed by the international conventions of which the Socialist Republic of Vietnam is a member.

## CHAPTER VIII

### RESPONSIBILITY OF WATER RESOURCES MANAGEMENT

#### **Article 70. Responsibility of the Government, ministries and ministerial-level agencies towards the State management on water resources**

1. The Government shall exercise a system of unified State management of the water resources.

2. The Ministry of Natural Resources and Environment responsible to the Government for the nationwide carrying out of the State management on water resources and river basins shall have the following responsibilities:

a) To issue as authorized or submit to the authorized state organizations for issuance and arrange the implementation of the legal documents on water resources, issue the technical standards, norm and unit price of planning, baseline survey, exploration, exploitation, use and protection of water resources;

b) To prepare and submit to the Prime Minister for approval or approve if authorized, and arrange the implementation of water resources strategies, master plan for baseline survey on water resources, water resources plans; operation rules of multi-reservoirs, the list of river basins, list of water sources; plans for baseline survey, regulation and allocation of water resources, and restoration of the polluted and depleted water sources;

c) To delimitate and publish the prohibited and restricted areas for groundwater exploitation; the areas required artificial groundwater recharge; publish the minimum flow, thresholds for groundwater exploitation; and announce the situation of drought and water shortage;

d) To arrange the appraisal of the trans-basin water diversion projects, give comments on the specialized plans relating to the exploitation and use of water resources and other activities relevant to the exploitation, use and protection of water resources as authorized;

e) To propagate, disseminate and educate legislations on water resources; train the workforce on water resources;

f) To issue, renew, adjust, suspend and revoke licenses on water resources and allow the transfer of the rights to exploit water sources as authorized;

g) To arrange the implementation of baseline surveys, water resources monitoring; synthesize the results of baseline survey on water resources, the situation of exploitation, use and protection of water resources, the prevention, combat against and overcoming of the harms caused by water; organize the monitoring, warning, forecast and communication on rain, flood, inundation, drought, water shortage, pollution, salinity intrusion and unusual events of water resources;

h) To develop database and information system on water resources; manage and store data and information on water resources; publish documents and information on water resources;



i) To submit to the Government and Prime Minister the alternatives to deal with issues on the inter-country water sources; the participation in international organizations; sign or accede to international conventions on water resources; and lead international cooperation activities on water resources;

j) To be the standing of the National Water Resources Council, the Vietnam National Mekong Committee and the river basin organizations;

k) To inspect, check, settle disputes, deal with violations to legislations on water resources as authorized.

3. The relevant ministries and ministerial-level agencies shall, within their powers and mandates shall have the responsibility to coordinate with the Ministry of Natural Resources in state management on water resources.

#### **Article 71. Responsibility of the People's Committees at all level towards the State management on water resources**

1. The Provincial-level People's Committees shall, within their powers and mandates, take the following responsibilities to:

a) To issue as authorized and arrange the implementation of the legal documents on water resources;

b) To prepare, approve, publish and arrange the implementation of the water resources plans; plans for baseline survey, regulation and allocation of water resources, and restoration of the polluted and depleted water sources;

c) To delimitate and publish the prohibited and restricted areas for groundwater exploitation; the areas required artificial groundwater recharge; publish the minimum flow, thresholds for groundwater exploitation as authorized; the areas for prohibited or temporarily prohibited exploitation of sand, soil and minerals in rivers; and publish the list of lakes, ponds, swamps that their filling-up is not allowed;

d) To arrange the response to and overcoming of water pollution incidents; oversee, detect and take part in the handling of water pollution incidents of the international water sources as authorized; set up and manage the corridors for the protection of water resources and the sanitary protection areas of domestic water sources; ensure domestic water supply in case of drought, water shortage or water pollution incidents;

e) To propagate, disseminate and educate legislations on water resources;

f) To issue, renew, adjust, suspend and revoke licenses on water resources and allow the transfer of the rights to exploit water sources as authorized; guide the registration of water resources exploitation and use;

g) To arrange the implementation of baseline survey and water resources monitoring as decentralized; report to the Ministry of Natural Resources and Environment the results of baseline survey on water resources, the situation of management, exploitation, use and protection of water resources, the prevention, combat against and overcoming of the harms caused by water in the locality;

h) To develop database; manage and store data and information on water resources;

i) To inspect, check, settle disputes, deal with violations to legislations on water resources.

2. District-level and Commune-level People's Committees within their powers and mandates shall have the following responsibilities:

a) To take measures for water resources protection as stipulated by laws; coordinate with organizations to manage the monitoring stations, and monitor water resources and the

exploration and exploitation works, and waste water discharge into water resources for the sake of protection of those structures;

b) To arrange the response to and overcoming of water pollution incidents; monitor, detect and take part in the handling of water pollution incidents of the international water sources as authorized;

c) To propagate, disseminate and educate legislations on water resources; handle violations of water resources legislations; reconcile and settle disputes on water resources as authorized;

d) To make regular synthesis and report to the direct higher People's Committees the situation of management, protection, exploitation and use of water resources, prevention, combat against and overcoming of the harms caused by water;

e) To organize the registration of water resources exploitation and use, and waste water discharge into water sources as authorized;

f) To realize the state management tasks on water resources as decentralized or delegated by the Provincial -level People's Committees.

**Article 72. Coordination and monitoring of the activities for exploitation, use and protection of water resources, prevention, combat against and overcoming of the harms caused by water in river basins**

1. The following activities in river basins must be coordinated and monitored:

a) Coordination of different measures for water resources protection; response to and overcoming of water pollution incidents; restoration of the polluted and depleted water sources, and prevention, combat against and overcoming of the harms caused by water in the river basins;

b) Regulation and allocation of water resources, maintenance of the minimum flow in rivers and the exploitable thresholds of groundwater; and regulation and allocation of water in case of drought and water shortage in the river basins;

c) Construction and operation of reservoirs, weirs and regulators on rivers; water diversion projects, and large-scale and important structures for water exploitation and use in the river basins;

d) Wastewater discharge that may potentially result in pollution and serious degradation of water quality in the river basins; overcoming of water pollution incidents and restoration of the polluted water sources in the river basins;

e) Activities on land use, mining, and forest protection and development in the river basins;

f) Other activities in the river basins prescribed by the Government.

2. The responsibility to coordinate and monitor the activities for exploitation, use and protection of water resources, prevention, combat against and overcoming of the harms caused by water in river basins are provided as follows:

a) The river basin organizations shall make recommendations on the regulation and allocation of water sources; monitoring of the activities on water resources exploitation, use and protection, the prevention, combat against and overcoming of the harms caused by water in one or more interprovincial river basins;

b) The Provincial-level People's Committees shall lead the regulation and allocation of water sources; monitoring of the activities on water resources exploitation, use and

protection, and the prevention, combat against and overcoming of the harms caused by water in the provincial river basins;

c) The Ministry of Natural Resources and Environment shall unify the instruction of the coordination of activities of river basin organizations, the Provincial-level People's Committees, agencies and organizations relevant to the regulation and allocation of water sources, monitoring of the activities on water resources exploitation, use and protection, and the prevention, combat against and overcoming of the harms caused by water in the river basins.

3. The government shall make concrete provisions on the management, coordination and monitoring of the activities on water resources exploitation, use and protection, and the prevention, combat against and overcoming of the harms caused by water; and provide for the organization and operation of the river basin organizations.

#### **Article 73. Powers in granting, renewing, adjusting, suspending and revoking licenses on water resources**

1. The Ministry of Natural Resources and Environment and the Provincial-level People's Committees shall carry out the granting, renewing, adjusting, suspending and revoking of the licenses on water resources.

2. The Government shall provide for the procedures, formalities and make concrete provisions on the powers in granting, renewing, adjusting, suspending and revoking of licenses on water resources.

#### **Article 74. National Water Resource Council**

1. The National Water Resources Council is set up by the Government to provide advice to the Government and the Prime Minister on the important decisions on water resources that come under the tasks and powers of the Government and the Prime Minister.

2. The Prime Minister shall provide for the mandates and powers of the National Water Resources Council

### **CHAPTER IX SPECIALIZED INSPECTION ON WATER RESOURCES AND SETTLING OF DISPUTES ON WATER RESOURCES**

#### **Article 75. Specialized Inspection on water resources**

1. Inspectorate of the Ministry of Natural Resources and Environment, Inspectorate of the provincial Department of Natural Resources and Environment and the state management organizations on water resources shall perform the functions of specialized inspection on water resources.

2. Organization and operation of the Specialized Inspector on water resources shall comply with provisions of this Law and prevailing legislation on inspection.

#### **Article 76. Settling of disputes on water resources**

1. Reconciliation of disputes on water resources shall be implemented as provided below:

a) The Government encourages the reconciliation by the parties in disputes on water resources;

b) The Government encourages the settling of disputes on water resources between individuals or households through reconciliation at the local level pursuant to provisions of laws on reconciliation at local level;

c) The Commune-level People's Committees shall arrange the reconciliation for the disputes on water resources in the locality if requested by the parties of disputes.

2. The District-level People's Committees shall be responsible to settle the disputes on the exploitation and use of water resources, and waste water discharge into water sources that do not require a permit. In cases the settlement is not accepted by the parties, the parties have right to lodge a complaint to the Provincial-level People's Committee or take legal proceedings at the Courts as provided by laws.

3. The Provincial-level People's Committee shall have the following responsibilities:

a) To settle the disputes arisen in the exploitation and use of water resources, wastewater discharge into water sources that come under their powers of granting permit. In cases the settlement is not accepted by the parties, the parties have the right to take legal proceedings at the Courts as provided by laws;

b) To settle the disputes on water resources between District-level People's Committees;

c) To settle the disputes that had been already handled by the District-level People's Committees but not accepted by the parties.

4. The Ministry of Natural Resources and Environment shall have the following responsibilities:

a) To settle the disputes arisen in the exploitation and use of water resources, waste water discharge into water sources that come under their powers of granting permit. In cases the settlement by the Ministry of Natural Resources is not accepted by the parties, the parties have the right to take legal proceedings at the Courts as provided by laws;

b) To settle other disputes on water resources between provinces and centrally-run cities;

5. The request for compensation for damages relevant to settling disputes on water resources shall be applied according to provisions of civil laws and state legislations on responsibility on compensation.

## **CHAPTER X IMPLEMENTATION PROVISIONS**

### **Article 77. Transitional provision**

Upon the effectiveness of this Law, groundwater drilling practice, exploration, exploitation and use of water resources, and wastewater discharge into water sources shall be done as follow:

1. Organizations and individual that had been granted a license pursuant to the Law on Water Resources No. 08/1998/QH10 on May 20, 1998, shall continue to apply the provisions of the permit until the end terms of the permit.

2. Organizations and individual that are exploiting water resources shall have to pay fees for the granting of the rights for water resources exploitation for the duration left of the valid terms of the permit as prescribed by this Law.

### **Article 78. Effectiveness**

This Law takes effects on January 1, 2013.

The Law on Water Resources No. 08/1998/QH10 is no longer valid upon the effectiveness of this Law.

**Article 79. Detailed provisions and guidance for the implementation**

The Government shall provide for in details and guide the implementation of the articles and provisions assigned in the Law.

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This Law has been passed by the 13<sup>th</sup> National Assembly, 3<sup>rd</sup> Session of the Socialist Republic of Vietnam, on June 21, 2012.

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

**Nguyen Sinh Hung**  
**(Signed and sealed)**