

**THE MINISTRY OF
INDUSTRY AND TRADE****THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness****No. 10/2015/TT-BCT***Hanoi, May 29, 2015***CIRCULAR****Prescribing the order and procedures for grant and revocation, and the validity duration, of electricity activity licenses^(*)**

Pursuant to the Government's Decree No. 95/2012/ND-CP of November 12, 2012, defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

Pursuant to the Electricity Law of December 3, 2004; and the November 20, 2012 Law Amending and Supplementing a Number of Articles of the Electricity Law;

Pursuant to the Government's Decree No. 137/2013/ND-CP of October 21, 2013, detailing a number of articles of the Electricity Law and the Law Amending and Supplementing a Number of Articles of the Electricity Law;

At the proposal of the Director of the Electricity Regulatory Authority of Vietnam,

The Minister of Industry and Trade promulgates the Circular prescribing the order and procedures for grant and revocation, and the validity duration, of electricity activity licenses.

Chapter I**GENERAL PROVISIONS****Article 1.** Scope of regulation

This Circular prescribes the order and procedures for grant and revocation, and the validity duration, of electricity activity licenses.

Article 2. Subjects of application

This Circular applies to organizations and individuals engaged in the following fields of electricity activity:

1. Specialized electricity consultancy, covering:

a/ National electricity development planning consultancy; provincial-level electricity development planning consultancy and hydro-electricity planning consultancy;

b/ Consultancy on investment in construction of power plants; consultancy on investment in construction of transmission lines and transformer stations;

c/ Consultancy on supervision of construction of power plants; consultancy on supervision of construction of transmission lines and transformer stations.

2. Electricity generation.

3. Electricity transmission.

^(*) *Công Báo Nos 599-600 (17/6/2015)*

4. Electricity distribution.
5. Electricity wholesale.
6. Electricity retail.
7. Electricity export and import.

Article 3. Cases of exemption from electricity activity license

1. Electricity generation for self-consumption, not for sale to other organizations and/or individuals.
2. Electricity generation with the installation capacity of under 50 kW for sale to other organizations and/or individuals.
3. Electricity trading in rural, mountainous or island areas through buying electricity with the capacity of under 50 kVA from the distribution grids for direct sale to electricity users in rural, mountainous and island areas.
4. Regulation of national electricity system and administration of electricity market transactions.

Article 4. Principles for grant of electricity activity licenses

1. Electricity activity licenses shall only be granted to organizations and individuals that fully satisfy the conditions prescribed for every field in the Government's Decree No. 137/2013/ND-CP of October 21, 2013, detailing a number of articles of the Electricity Law and the Law Amending and Supplementing a Number of Articles of the Electricity Law, and comply with this Circular.
2. Electricity activity licenses shall be granted to organizations and individuals for implementation of one or more than one of the following fields of electricity activity: specialized electricity consultancy, electricity transmission, electricity distribution, electricity wholesale, electricity retail and electricity export and import.
3. Prior to the stage of market competitive electricity retail, the electricity activity licenses in the field of electricity retail are granted simultaneously with the field of electricity distribution.
4. Electricity activity licenses shall be granted to organizations for generating electricity for each power plant.

Article 5. Principles for revocation of electricity activity licenses

1. Electricity activity licenses shall be revoked in the following cases:
 - a/ Electricity units violate Article 37 of the Electricity Law;
 - b/ Electricity units wish to stop their operation or to transfer the licensed activities to other units;
 - c/ Upon request of competent state bodies as the electricity units violate relevant provisions of law.
2. Electricity activity licenses shall be revoked according to each field and scope of activity.
3. Competent electricity activity-licensing agencies shall revoke the electricity activity licenses they have granted.

Article 6. Validity duration of electricity activity licenses

Electricity activity licenses have different validity durations for various electricity activity fields, depending on the scope of activity, type of electricity works, registration duration, and capacity and professional qualifications of electricity units, which, however, must not exceed the durations prescribed in the following Table:

No.	Fields of electricity activity	Maximum duration of license
1	Specialized electricity consultancy	5 years
2	Electricity generation	
a	Big power plants of particular socio-economic, national defense and security importance on the Prime Minister-approved list	20 years
b	Power plants outside the Prime Minister-approved list of big power plants of particular socio-economic, national defense and security importance	10 years
3	Electricity transmission	20 years
4	Electricity distribution	10 years
5	Electricity wholesale and retail	10 years
6	Electricity export and import	10 years

Article 7. Operation scope of electricity activity licenses

1. Specialized electricity consultancy licenses have the scope of operation nationwide.
2. Electricity generation licenses have the scope of operation for each power plant.
3. Electricity transmission or distribution licenses have the scope of operation according to the scope of management and operation of specific electricity grids.
4. Electricity wholesale or retail licenses have the scope of operation according to specific administrative boundaries.
5. Electricity export and import licenses have the scope of operation according to specific scope of electricity delivery points.

Article 8. Appraisal charges and fees for grant of electricity activity licenses

1. Organizations and individuals that are granted electricity activity licenses shall pay appraisal charges and fees for grant of electricity activity licenses according to law.
2. Electricity activity-licensing agencies may use appraisal charges for grant of electricity activity licenses for appraisal and licensing activities, and for examination and management of the use of electricity activity licenses. The collection, payment and use of appraisal charges and fees for grant of electricity activity licenses must comply with law.

Chapter II

DOSSIERS OF APPLICATION FOR ELECTRICITY ACTIVITY LICENSES

Article 9. Dossier of application for a specialized electricity consultancy license

1. Application for an electricity activity license, made according to Form No. 01 provided in the Appendix to this Circular.
2. Copy of the enterprise registration certificate, establishment decision or establishment certificate of the applying organization.

3. Extracted list of major managers and consultants, made according to Form No. 7a provided in the Appendix to this Circular; and certified copies of graduation diplomas, practice certificates, and labor contracts of the listed persons, signed with the consultancy organization.

4. List of projects of similar scale, already implemented by the consultancy organization or major consultants.

5. List of equipment, technical means and applied software serving consultancy activities of the organization, which must satisfy the consultancy requirements.

6. In case of changes in the names or head-office addresses of the licensed units, the dossier must comprise only the papers specified in Clauses 1 and 2 of this Article.

Article 10. Dossier of application for an electricity generation license

1. Application for an electricity activity license, made according to Form No. 01 provided in the Appendix to this Circular.

2. Copy of the enterprise registration certificate of the applying organization.

3. Extracted list of the person directly in charge of technical matters and working shift heads of the power plant, made according to Form No. 7b provided in the Appendix to this Circular; and copies of the diplomas and operation certificates granted by a competent regulation authority to the listed persons under the National Load Dispatch Process promulgated by the Ministry of Industry and Trade.

4. Copy of the competent authority's decision approving the power plant investment project.

5. Copy of the competent authority's decision approving the environmental impact assessment report or written certification of the environmental protection plan of the power plant investment project.

6. Copy of the electricity trading contract.

7. List of equipment subject to strict labor safety requirements and the project owner's commitment to fully observing legal provisions in the use of such equipment.

8. Certified copies of documents on satisfaction of the prescribed fire prevention and fighting conditions.

9. Copy of the competent authority's decision approving the water reservoir-operating process (for hydro-power plants).

10. Copies of the minutes on acceptance of information technology and telecommunications infrastructure systems, and of the minutes on acceptance of completed signal connections with SCADA/EMS and SCADA/DMS systems, of the regulation authority competent to operate in service of the electricity system operation and electricity market according to regulations.

11. Copies of the minutes on acceptance of hydropower dams and energy lines; dam safety registration paper addressed to a competent authority; plan to ensure dam safety and dam basin safety as prescribed; and report on dam inspection results (for hydropower dams due for inspection).

12. Copy of the minutes on final acceptance or written certification of the satisfaction of conditions for commercial operation of every turbine.

13. Copy of the Process of power plant operating coordination with the electricity system regulation unit.

14. In case of changes in the names and head-office addresses of the licensed units, the dossier must comprise only the papers specified in Clauses 1 and 2 of this Article.

Article 11. Dossier of application for an electricity transmission or electricity distribution license

1. Application for an electricity activity license, made according to Form No. 01 provided in the Appendix to this Circular.

2. Copy of the enterprise registration certificate, establishment decision or establishment certificate of the applying organization.

3. Extracted list of the person directly in charge of technical matters and working shift heads, made according to Form No. 7b provided in the Appendix to this Circular; copies of diplomas, operation certificates granted by a competent regulation authority to the listed persons under the National Load Dispatch Process promulgated by the Ministry of Industry and Trade.

4. List of major power-grid work items currently operated by managing units or about to be received under decisions of competent authorities.

5. Certified copies of documents on satisfaction of the prescribed fire prevention and fighting conditions.

6. Copy of the connection agreement or connection contract.

7. Map of power-grid boundaries and operation scope.

8. In case of changes in the names or head-office addresses of the licensed units, the dossier must comprise only the papers specified in Clauses 1 and 2 of this Article.

Article 12. Dossier of application for an electricity wholesale or electricity retail license

1. Application for an electricity activity license, made according to Form No. 01 provided in the Appendix to this Circular.

2. Copy of the enterprise registration certificate, establishment decision or establishment certificate of the applying organization.

3. Extracted list of managerial cadres, made according to Form No. 7b provided in the Appendix to this Circular; copies of diplomas or certificates of the listed persons.

4. In case of changes in the names or head-office addresses of the licensed units, the dossier must comprise only the papers specified in Clauses 1 and 2 of this Article.

Article 13. Dossier of application for an electricity export and import license

1. Application for an electricity activity license, made according to No. Form 01 provided in the Appendix to this Circular.

2. Copy of the enterprise registration certificate of the applying organization.

3. Copies of the decision approving the policy on electricity trading with foreign countries, and of approved plan on power-grid connection for electricity trading with foreign countries.

4. Copy of the electricity export and import contract or the written request for electricity purchase or foreign parties' written approval of electricity sale.

5. Diagrams of power grids related to electricity purchase and sale points and process of coordination in operation and handling of power grid incidents between the electricity buyer and seller (if any)

6. Certified copies of documents on implementation of regulations on fire prevention and fighting at transformer stations as prescribed.

7. In case of changes in the names or head-office addresses of the licensed units, the dossier must comprise only the papers specified in Clauses 1 and 2 of this Article.

Chapter III

ORDER AND PROCEDURES FOR GRANT AND REVOCATION OF ELECTRICITY ACTIVITY LICENSES

Article 14. Order and procedures for grant of electricity activity licenses

1. Organizations and individuals applying for electricity activity licenses shall each file to the electricity activity-licensing agency a dossier prescribed at Chapter II of this Circular and take responsibility for the accuracy and truthfulness of the dossier. Dossiers may be filed directly, by post or online via websites (if any) of the electricity activity-licensing agencies.

2. Within 3 working days after receiving a dossier of application for an electricity activity license, the electricity activity-licensing agency shall send a written notice to the applying organization or individual if the dossier is incomplete or invalid. The notice must clearly state the reason and request for supplementation or modification of data, documents and relevant information for completion of the dossier.

3. Within 5 working days after receiving a request for supplementation or modification of data, documents and relevant information from the licensing agency, the applicant for the license shall modify them and give a written reply.

Within 60 days after the electricity activity-licensing agency sends a written request for modification or supplementation, if the applying organization or individual fails to supplement the dossier and give a written reply, the licensing agency may return the dossier.

4. Within 15 working days after receiving a complete and valid dossier, the electricity activity-licensing agency shall appraise the dossier, conduct inspection at the establishment (if necessary) and grant an electricity activity license.

5. In the course of dossier appraisal and practical inspection, if deeming that the applying organization or individual fails to fully satisfy the prescribed conditions, the licensing agency may request the applying organization or individual to supplement the conditions or give a written refusal to grant the license, clearly stating the reason.

6. An electricity activity license shall be granted with 3 originals: one is handed over to the licensed unit and two others are kept at the electricity activity-licensing agency.

7. Order and procedures for grant of an electricity license are as follows:

a/ For dossiers filed directly or by post: To comply with the provisions of Clauses 2, 3, 4, 5 and 6 of this Article;

b/ For dossiers filed online via the website of the Electricity Regulatory Authority of Vietnam: To comply with the guidance of the Electricity Regulatory Authority of Vietnam;

c/ Provincial-level People's Committees shall guide the online (if any) grant of licenses under their jurisdiction in accordance with this Circular.

8. Sixty days before an electricity activity license expires, the licensed electricity unit that wishes to continue their operation shall compile a dossier of application for an electricity activity license as provided in Clause 1 of this Article and comply with the prescribed order and procedures for grant of electricity activity licenses.

Article 15. Order of revocation of an electricity activity license

1. Order of issuing a decision to revoke an electricity activity license

a/ If the electricity unit violates Article 37 of the Electricity Law and the sanctioning decision-issuing agency is the electricity activity-licensing agency, the licensing agency shall

issue a decision to revoke the electricity activity license simultaneously with the violation-sanctioning decision;

b/ If the electricity unit violates Article 37 of the Electricity Law and the sanctioning decision-issuing agency is not the electricity activity-licensing agency, the licensing agency shall issue a decision to revoke the electricity activity license within the time limit stated in the violation-sanctioning decision. If not revoking the license, the electricity activity-licensing agency shall issue a written reply (clearly stating the reason) to the person that has issued the violation-sanctioning decision;

c/ If the electricity unit wishes to stop operation or transfer its licensed activities to another organization or individual, within 30 working days after receiving a written request from the electricity unit or competent agency and relevant documents, the electricity activity-licensing agency shall issue a decision to revoke the electricity activity license.

2. Within 2 working days after issuing a decision to revoke an electricity activity license, the electricity activity-licensing agency shall send this decision to the electricity unit having its license revoked and related agencies and units, and publicize the information on license revocation on its website.

3. If the electricity activity license is revoked according to each field or scope of operation, the electricity activity-licensing agency shall request the electricity unit to carry out the order and procedures for grant of an electricity activity license suitable to the license revocation decision according to each field or scope of operation.

4. If the electricity unit violates Clause 7, Article 18 of this Circular, the electricity activity-licensing agency may issue a decision to revoke the electricity activity license and publicize the information on license revocation on its website.

Chapter IV

COMPETENCE TO GRANT, AND MANAGE THE USE OF, ELECTRICITY ACTIVITY LICENSES

Article 16. Competence to grant electricity activity licenses

1. The Ministry of Industry and Trade shall grant electricity activity licenses for the following fields:

a/ Electricity generation activities, for big power plants of particular socio-economic, national defense and security importance on the Prime Minister-approved list;

b/ Electricity transmission activities;

c/ Electricity export and import activities.

2. The Electricity Regulatory Authority of Vietnam shall grant electricity activity licenses for the following fields:

a/ Electricity generation activities, for power plants of a capacity of 3 MW or higher, which do not fall in the case defined at Point a, Clause 1 of this Article;

b/ Electricity distribution activities;

c/ Electricity wholesale activities;

d/ Electricity retail activities;

e/ Specialized electricity consultancy.

3. Provincial-level People's Committees shall grant, or authorize provincial-level Departments of Industry and Trade to grant, electricity activity licenses for the following fields:

a/ Electricity generation activities, for power plants of the capacity of under 3 MW, based in localities;

b/ Activities of distribution of electricity of a voltage of up to 35 kV in localities;

c/ Activities of retailing electricity of a voltage of up to 0.4 kV in localities;

d/ Specialized electricity consultancy, covering:

- Consultancy on investment in construction of transmission lines and transformer stations of a voltage of up to 35 kV, with enterprise registration in localities;

- Consultancy on supervision of construction of transmission lines and transformer stations of a voltage of up to 35 kV, with enterprise registration in localities.

4. Where an organization or individual applies for a license for various activities in the field of specialized electricity consultancy, including at least one activity falling under the jurisdiction of the Electricity Regulatory Authority of Vietnam, the electricity activity license for such activities shall be granted by the Regulatory Authority of Vietnam.

Article 17. Responsibilities of electricity activity-licensing agencies

1. To receive, appraise, examine and manage dossiers of application for electricity activity licenses. To guide applying organizations and individuals to strictly follow the order and procedures for grant of electricity licenses prescribed in this Circular.

2. To settle complaints about electricity activity licenses according to competence.

3. To inspect and supervise the maintenance of conditions in electricity activity licenses.

4. To revoke electricity activity licenses according to competence in the order prescribed in Article 15 of this Circular.

5. To propose competent agencies to handle electricity units which commit law violations.

Article 18. Responsibilities of electricity units granted electricity activity licenses

1. To conduct electricity activities strictly according to the contents stated in the licenses.

2. To apply for the grant of licenses in case of changes in their names, head-office addresses, form of operation, scope of operation or validity duration of the licenses.

3. To maintain electricity activity conditions already registered and licensed throughout their operation.

4. To abide by relevant laws.

5. To fully pay charges and fees related to electricity activity licenses as provided by law.

6. To report to the electricity activity-licensing agencies 60 days before stopping or transferring their electricity activities.

7. To report to the electricity activity-licensing agencies within 30 days after the change of head-office addresses in the electricity activity licenses.

8. To refrain from leasing, lending, or amending by themselves the contents of, the electricity activity licenses.

9. To submit to the examination and inspection and abide by the handling decisions of competent state agencies with regard to the use of licenses and maintenance of the registered activity conditions.

10. Before March 1 every year, to report to the electricity activity-licensing agencies on the maintenance of conditions for activities in the licensed fields in the preceding year according to Form No. 8a, 8b, 8c or 8d provided in the Appendix to this Circular.

Chapter V
IMPLEMENTATION ORGANIZATION

Article 19. Inspection

1. The Electricity Regulatory Authority of Vietnam shall inspect the implementation of this Circular nationwide; settle problems and propose contents to be reported to the Ministry of Industry and Trade for amendment or supplementation of this Circular.

2. Provincial-level People's Committees shall inspect the implementation of this Circular within the scope of their management; settle problems and propose the Ministry of Industry and Trade to amend or supplement this Circular.

Article 20. Implementation responsibility

1. The Electricity Regulatory Authority of Vietnam shall receive dossiers and settle procedures for appraisal of dossiers of application for electricity activity licenses and effect the order of revoking electricity activity licenses which are granted by the Electricity Regulatory Authority of Vietnam or the Ministry of Industry and Trade.

2. Provincial-level Departments of Industry and Trade shall receive dossiers and settle procedures for appraisal of dossiers of application for electricity activity licenses and effect the order of revoking electricity activity licenses which are granted by provincial-level People's Committees.

3. Units granted electricity activity licenses shall send copies of these licenses to state management agencies in the field of electricity activities in localities for reporting within 30 days after they are granted the licenses.

4. Before January 15 every year, provincial-level Departments of Industry and Trade shall report to the Ministry of Industry and Trade as well as provincial-level People's Committees on the grant and revocation of electricity activity licenses in the preceding year in their localities.

Article 21. Effect

1. This Circular takes effect on July 12, 2015. Circular No. 25/2013/TT-BCT of October 29, 2013, of the Minister of Industry and Trade, prescribing the order and procedures for granting, modifying, supplementing and revoking, and the validity duration of, electricity activity licenses, ceases to be effective on the effective date of this Circular.

2. Electricity activity licenses granted under the Minister of Industry of Trade's Circular No. 25/2013/TT-BCT of October 29, 2013, prescribing the order and procedures for granting, modifying, supplementing and revoking, and the validity duration of, electricity activity licenses; the Minister of Industry's Decision No. 32/2006/QD-BCN of September 6, 2006, promulgating the Regulation on the conditions, order and procedures for grant, modification, supplementation, revocation and use management of electricity activity licenses; and the Minister of Industry of Trade's Decision No. 15/2008/QD-BCT of July 1, 2008, amending and supplementing a number of articles of the Regulation on the conditions, order and procedures for grant, modification, supplementation, revocation and use management of electricity activity licenses promulgated together with the Minister of Industry's Decision No. 32/2006/QD-BCT of September 6, 2006, remain effective according to the contents and duration prescribed in the licenses.

3. Any problems arising in the course of implementing this Circular should be reported to the Electricity Regulatory Authority of Vietnam for consideration, proposal and reporting to the Ministry of Industry and Trade for proper amendment and supplementation of this Circular.

For the Minister of Industry and Trade
Deputy Minister
HOANG QUOC VUONG