

DECISION No. 21/2002/QĐ-BCN OF JUNE 4, 2002 PROMULGATING THE REGULATION ON CONTENTS OF, ORDER AND PROCEDURES FOR, ELECTRICITY DEVELOPMENT PLANNING

THE MINISTER OF INDUSTRY

Pursuant to the Government's Decree No. 74/CP of November 1, 1995 on the functions, tasks, powers and organizational apparatus of the Ministry of Industry;

Pursuant to the Government's Decree No. 45/2001/ND-CP of August 2, 2001 on electricity activities and use;

Pursuant to the Regulation on construction and investment management issued together with the Government's Decree No. 52/1999/ND-CP of July 8, 1999 and the amendments and supplements thereto in the Government's Decree No. 12/2000/ND-CP of May 5, 2000;

At the proposal of the director of the Department for Planning and Investment,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on contents of, order and procedures for, electricity development planning, applicable to the elaboration, approval and management of the implementation of, national electricity development planning, plans on electricity development in the provinces and centrally-run cities and plans on electricity development in urban and rural districts, provincial towns and cities.

Article 2.- This Decision takes effect 15 days after its signing and replaces the previous regulations on the management of electricity planning.

Article 3.- The director of the Ministry Office, the Ministry's Chief Inspector, the directors of the Departments under to the Ministry, the People's Committees of the provinces and centrally-run cities, the General Director of Vietnam Electricity Corporation and organizations and individuals engaged in electricity activities shall have to implement this Decision.

For the Minister of Industry
Vice Minister
HOANG TRUNG HAI

REGULATION ON CONTENTS OF, ORDER AND PROCEDURES FOR, ELECTRICITY DEVELOPMENT PLANNING

(Issued together with Decision No. 21/2002/QĐ-BCN of June 4, 2002 of the Minister of Industry)

Chapter I

GENERAL PROVISIONS

Article 1.-

1. The electricity development plans include:

- a) The national electricity development planning;
- b) The electricity development plans of provinces and centrally-run cities (hereinafter referred collectively to as provinces);
- c) The electricity development plans of urban and rural districts, provincial towns and cities (hereinafter referred collectively to as districts).

2. The planning periods:

- a) The national electricity development planning shall be elaborated for every 10-year period, taking into account the prospects for the subsequent 10 years.
- b) Other electricity development plans shall be elaborated for every 5-year period, taking into account the prospects for the subsequent 5 years.

3. This regulation shall apply to organizations and individuals engaged in electricity activities.

Article 2.- The electricity development plans constitute the objectives, orientations, solutions as well as mechanisms and policies for the development of electricity industry and the development and upgrading of electricity sources and grids, with a view to ensuring the safe and continuous supply of electricity to economic and public-utility sectors, in service of the people's life as well as national defense and security, on the basis of the economical and efficient use of the national energy resources.

Article 3.- Only consultancy organizations licensed for electricity activities in the field of electricity development planning are allowed to participate in the elaboration of national electricity development planning and provincial electricity development plans.

Chapter II

CONTENTS OF, ORDER AND PROCEDURES FOR, THE ELABORATION, APPRAISAL AND APPROVAL OF ELECTRICITY DEVELOPMENT PLANNING

Article 4.-

1. The national electricity development planning shall cover the following major contents:

- a) The present situation on national electricity and the evaluation of implementation of electricity development planning in the preceding period.
- b) Overviews on social and economic situation and the energy system of Vietnam.
- c) The forecast of electricity demand.
- d) The technical-economic norms of projects on electricity sources and grids
- e) The assessment of primary energy sources, exploitation capability, energy export and import capacity and the forecast of prices of fuels for electricity production.
- f) The program on development of electricity sources.
- g) The program on development of electricity grids.
- h) The connection to regional electricity grids.
- i) The program on rural electricity development.
- j) The regulation of and information on Vietnam's electricity system.
- k) Environment and environmental protection in electricity development.
- l) The summarized figures of construction volume and investment capital for the national electricity development program.
- m) The financial-economic analysis of the national electricity development scheme.
- n) The organizational and managerial structure of the electricity industry.
- o) The conclusions and proposals on mechanisms and policies in order to ensure the implementation of the electricity development program in the planning period.

2. The provincial electricity development plannings shall cover the following major contents:

- a) The assessment of current electricity situation in the localities and the implementation of plannings in the preceding period.
- b) The present situation and objectives of socio-economic development in the localities in the planning period.
- c) The forecast of electricity demand.
- d) The assessment of potentials for development of local electricity sources.
- e) The evaluation of possibility of exchanging electricity with neighboring regions.
- f) The evaluation of the electricity supply in remote and deep-lying areas and areas meeting with particular economic difficulties (if any).
- g) The balance of electricity output and energy in important time-marks in the planning period.
- h) The selection of some rational schemes for developing electricity sources and grids.
- i) The calculation and comparison of technical-economic norms of selected schemes
- j) The selection of the optimal scheme for the electricity development in the provinces.
- k) The summarized figures of the construction volume and investment capital for the planning period.
- l) The financial-economic analysis of the selected scheme.
- m) The conclusion and proposals on policies and mechanisms aiming to ensure the implementation of the provincial electricity development programs in the planning period.

3. The district electricity development plannings shall cover the following major contents:

- a) The evaluation of the current local electricity situation and the implementation of the plannings in the preceding period.
- b) The present situation and objectives of socio-economic development of the localities in the planning period.
- c) The forecast of load demand.
- d) The evaluation of the potential of developing local electricity sources.
- e) The evaluation of the possibility of exchanging electricity with neighboring regions.
- f) The evaluation of electricity supply in remote and deep-lying areas and areas meeting with particular economic difficulties (if any).
- g) The balance of capacity and electric energy for important time-marks during the planning period.
- h) The selection of some rational schemes for the development of electricity sources and grids.
- i) The calculation and comparison of economic and technical norms of selected schemes.
- j) The selection of the optimal scheme for district electricity development.
- k) The summarized figures of construction volume and capital investment for the planning period.
- l) The financial analysis of the selected scheme.

m) The conclusions and proposals on mechanisms and policies to ensure the implementation of the electricity development program in the planning period.

Article 5.- The order and procedures for compilation of blueprint and registration of capital for the elaboration of electricity development plannings shall be as follows:

1. For the national electricity development planning:

For each 5-year cycle, the Ministry of Industry shall approve the cost estimate blueprints and register the State budget capital plans according to current regulations

2. For the plannings on electricity development in the provinces and centrally-run cities:

For each 5-year-cycle, the provincial/municipal Industry Services shall work out and submit the cost estimate blueprints to the provincial/municipal People's Committees for approval, and register the State budget capital plans for the elaboration of the provincial electricity development plannings according to current regulations.

3. For the district electricity development plannings:

For each 5-year cycle, the provincial/municipal Industry Services shall, based on the demand for electricity development in each region, work out the blueprints and cost estimates for the planning activities and submit them to the provincial/municipal People's Committees for the latter to approve and apportion the local budget capital therefor according to the current regulations.

4. The unit price for the elaboration and funding for the appraisal of the electricity development plannings shall comply with the current regulations.

Article 6.- Order for the elaboration of electricity development plannings shall be as follows:

1. For national electricity development plannings:

a) On the basis of the plans on apportioning budget capital for national electricity development plannings, the Ministry of Industry shall select consultancy organizations fully capable of elaborating the plannings.

b) The selected consultancy organizations shall elaborate the national electricity development planning in strict accordance with the approved blueprints and within the set time limits.

c) In the course of elaborating the plannings, the consultancy organizations shall have to make intermediate reports as prescribed and gather comments from concerned agencies for finalizing the plannings.

d) After completing the plannings, the consultancy units shall submit them to the Ministry of Industry for the latter to expertise and report them to the Prime Minister for approval. The dossiers to be submitted for approval shall include:

- 5 sets of the planning schemes.

- 15 summaries of the planning schemes.

2. For the provincial electricity development plannings:

a) On the basis of the plans on apportioning budget capital for the planning activities, the provincial/municipal Industry Services shall select consultancy organizations fully capable of elaborating the plannings.

b) The selected consultancy organizations shall elaborate the provincial electricity development plannings in strict accordance with the approved blueprints and within the set time limits.

c) In the course of elaborating the plannings, the consultancy organizations shall have to make intermediate reports and gather comments from the provincial/municipal People's Committees and Vietnam Electricity Corporation so as to finalize the schemes.

d) After being completed, the planning schemes shall be expertised and reported by the provincial/municipal Industry Services to the provincial/municipal People's Committees for adoption and submission to the Ministry of Industry for approval. The dossiers to be submitted for approval shall include:

- 5 completed sets of the planning schemes.

- 15 sets of summaries of the planning schemes.

3. For the district electricity development plannings:

a) On the basis of the plans on apportioning local budget capital for the planning activities, the provincial/municipal People's Committees shall assign the provincial/municipal Industry Services to select the consultancy organizations fully capable of elaborating the plannings.

b) The selected consultancy organizations shall elaborate the district electricity development plannings in strict accordance with the blueprints already approved by the provincial/municipal Industry Services and within the set time limits.

c) In the course of elaborating the plannings, the consultancy organizations shall have to make intermediate reports and gather comments from the concerned agencies and branches of the provinces and the provincial/municipal electricity services so as to finalize the plannings.

d) After being completed, the plannings shall be sent to the provincial/municipal Industry Services for appraisal. The dossiers to be submitted for approval shall include:

- 5 sets of complete planning schemes;

- 10 summaries of the planning schemes.

e) On the basis of the results of the appraisal conducted by the provincial/municipal Industry Services with the participation of the concerned Services, Departments and branches, the provincial/municipal People's Committees shall issue decisions approving the plannings and

assigning the provincial/municipal Industry Services to direct the implementation thereof.

Article 7.- Order and procedures for the appraisal and approval of electricity development plans shall be as follows:

1. For the national electricity development planning and electricity development plans of Hanoi and Ho Chi Minh City:

a) Within 45 days after receiving complete and valid dossiers, the Ministry of Industry shall assume the prime responsibility and coordinate with the concerned ministries, branches, localities and Vietnam Electricity Corporation in appraising the planning schemes. In case of necessity, the Ministry of Industry may hire consultants to conduct the appraisal and/or judgment in service of the appraisal activities;

b) After fully receiving official written comments of the concerned ministries, branches and localities on the planning schemes, the Ministry of Industry shall finalize and submit the appraisal reports to the Prime Minister for consideration and approval;

c) In cases where the planning schemes need to be supplemented and/or adjusted, the Ministry of Industry shall request the consultancy organizations to make amendments and/or supplements thereto. Within 15 days after the plans are finalized, the Ministry of Industry shall complete and submit the appraisal reports to the Prime Minister for consideration and approval.

2. For the provincial electricity development plans;

a) Within 45 days after receiving complete and valid dossiers, the Ministry of Industry shall assume the prime responsibility and coordinate with the concerned ministries, branches, localities and Vietnam Electricity Corporation in appraising the plans. In case of necessity, the Ministry of Industry may hire consultants to conduct the appraisal and/or judgment in service of the appraisal activities.

b) After fully obtaining official written comments of the concerned localities and Vietnam Electricity Corporation on the planning schemes, the Planning and Investment Department of the Ministry of Industry shall finalize and submit the appraisal reports to the Minister of Industry for consideration and approval;

c) In cases where the planning schemes need to be adjusted, the Ministry of Industry shall request the consultancy organizations to make amendments and/or supplements thereto. Within 15 days after the plans are finalized, the Planning and Investment Department shall complete and submit the appraisal reports to the Minister of Industry for consideration and approval.

3. For district electricity development plans:

a) Within 15 days after receiving reports on the district electricity development plans and complete and valid dossiers, the provincial/municipal Industry Services shall assume the prime responsibility and coordinate with the concerned agencies and the provincial/municipal Electricity Services in conducting the appraisal, then compiling and submitting the reports thereon to the presidents of the provincial/municipal People's Committees for consideration and approval;

b) In cases where the plans need to be adjusted, the provincial/municipal Industry Services shall request the consultancy organizations to make amendments and supplements thereto. The provincial/municipal Industry Services shall, within 15 days after the plans are completed, finalize and submit the appraisal reports to the presidents of the provincial/municipal People's Committees for consideration and approval.

Chapter III

MANAGEMENT OF THE IMPLEMENTATION OF ELECTRICITY DEVELOPMENT PLANS

Article 8.- Decentralization of the management of the implementation of electricity development plans:

1. The Ministry of Industry shall have to manage the implementation of the national electricity development planning and the provincial electricity development plans; and direct the implementation of independent electricity projects strictly according to the approved plans;

2. The provincial/municipal People's Committees shall have to direct and urge the implementation of the plans on electricity development in their respective localities;

3. Vietnam Electricity Corporation and concerned organizations and individuals engaged in electricity activities shall have to implement the national electricity development plans, as well as the provincial and district electricity development plans in strict accordance with the plans already approved.

Article 9.- The amendment and/or supplementation of electricity development plans shall be effected as follows:

1. The Prime Minister shall ratify the amendments and supplements to the national electricity development planning and the electricity development plans of Hanoi and Ho Chi Minh City at the proposal of the Ministry of Industry;

2. The Minister of Industry shall ratify the amendments and supplements to the provincial electricity development plans at the proposals of the provincial/municipal People's Committees or Vietnam Electricity Corporation;

3. The presidents of the provincial/municipal People's Committees shall ratify the amendments and supplements to the district electricity development plans at the proposals of the provincial/municipal Industry Services;

4. The investors shall not be allowed to implement the projects incompatible with the electricity development plans already approved by competent authorities;

5. For Groups A and B investment projects (according to the project classification prescribed in the current Regulation on construction and investment management), which are not included in the approved plans, the steps of investment preparation (compilation of pre-feasibility study report and investment study report) shall be allowed to be carried out only after obtaining the Prime Minister's permission on the basis of the Industry Ministry's reports. Within 30 days after receiving the request for adding the projects into the plans, the Ministry of Industry shall have to consider and report such to the Prime Minister and, at the same time, reply the agencies requesting the supplementation of the plans.

Article 10.- The regime of reporting on the planning implementation shall be as follows:

1. The provincial/municipal Industry Services and Vietnam Electricity Corporation shall have to synthesize and report to the Ministry of Industry on the situation of the implementation of the electricity development plans already approved before December 20 every year.

2. The provincial/municipal Industry Services shall have to report to the provincial/municipal People's Committees on the situation of the

implementation of the provincial electricity development plannings before December 10 every year.

3. The electricity development plannings, after being approved, shall be made public. The Ministry of Industry shall have to publicize the national electricity development planning. The provincial/municipal People's Committees shall have to publicize the provincial electricity development plannings and the district electricity development plannings.

For the Minister of Industry
Vice Minister
HOANG TRUNG HAI

THE MINISTRY OF INDUSTRY

Hoang Trung Hai