

DECISION

Promulgating the Regulation on contents of, and the order and procedures for formulating, appraising and approving the Planning on locations for construction of electricity Centers

THE MINISTER OF INDUSTRY AND TRADE

Pursuant to Resolution No. 01/2007/QH12 of July 31, 2007, of the first session of the XIth National Assembly of the Socialist Republic of Vietnam on the organizational structure of the Government and the number of deputy prime ministers of the Government of the XIth tenure;

Pursuant to the Government's Decree No. 86/2002/ND-CP of November 5, 2002, defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies;

Pursuant to the December 3, 2004 Electricity Law and the Government's Decree No. 105/2005/ND-CP of August 17, 2005, detailing and guiding the implementation of a number of articles of the Electricity Law;

Pursuant to the Prime Minister's Decision No. 110/2007/QD-TTg of July 18, 2007, approving the national planning on development of electricity in the 2006-2015 period, with the vision toward 2025 taken into consideration;

At the proposal of the Director of the Energy and Petroleum Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on contents of, and the order and procedures for formulating, appraising and approving the Planning on locations for construction of electricity centers.

Article 2.- This Decision takes effect 15 days after its publication in "CONG BAO."

Article 3.- The director of the Ministry's Office, the inspector general of the Ministry, directors of Departments under the Ministry, heads of relevant agencies or units, and organizations and individuals involved in electricity activities shall implement this Decision.

For the Minister of Industry and Trade
Vice Minister
DO HUU HAO

REGULATION ON CONTENTS OF, AND THE ORDER AND PROCEDURES FOR FORMULATING, APPRAISING AND APPROVING THE PLANNING ON LOCATIONS FOR CONSTRUCTION OF ELECTRICITY CENTERS

(Promulgated together with the Industry and Trade Minister's Decision No. 06/2007/QD-BCT of October 17, 2007)

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

This Regulation provides the contents of, and the order and procedures for formulating, appraising and approving the Planning on locations for construction of electricity centers (below referred to as the EC Planning for short), each with 2 or more projects on thermo-electric power plants fired by coal, oil or natural gas.

Article 2.- Subjects of application

This Regulation applies to organizations and individuals involved in electricity activities.

The formulation of the planning on locations for nuclear power plants, hydro-power plants and power plants fired by new or renewable energy is not governed by this Regulation.

Article 3.- Principles for formulation of the EC Planning

1. Ensuring its compatibility with local socio-economic development plannings, and branch development plannings.
2. Ensuring the selection of optimum locations for the development of thermo-electric power plants with a view to meeting the sustainable development requirements in terms of environment, air, wastewater, noise,... on the basis of efficiently using domestic energy sources.
3. The formulation of the EC Planning must be assigned or consented by the Ministry of Industry and Trade.
4. Only specialized consultancy units licensed for electricity activities can formulate the EC Planning.
5. Locations for construction of ECs, which are not included in the general planning on socio-economic development or the EC Planning which is not conformable with relevant approved plannings must be agreed upon by state bodies competent to approve the plannings on these domains.

Article 4.- Fund for formulation of the EC Planning

1. The fund for formulation of the EC Planning is allocated from the state budget according to the provisions of law. The allocation and settlement of this fund shall be managed in accordance with this law.
2. If the Vietnam Electricity Group or consultancy units which are tasked to formulate the EC Planning, advance some fund for the formulation of the EC Planning under the cost-estimate scheme approved by the Ministry of Industry and Trade, this funding source shall be repaid by investors

to the Vietnam Electricity Group or consultancy units at the request of the Ministry of Industry and Trade, after they are permitted by competent authorities for investment in projects under the approved planning.

3. The use of financial supports of domestic and foreign organizations for the formulation of the EC Planning complies with the provisions of law.

Chapter II

CONTENTS OF, AND THE ORDER AND PROCEDURES FOR FORMULATING, APPRAISING AND APPROVING THE EC PLANNING

Article 5.- Grounds for formulation of the EC Planning

The formulation of the EC Planning is based on the following grounds:

1. General plannings on socio-economic development of provinces or regions; specialized plannings related to the program on electricity source development in 10 years to come.
2. The relevant architectural construction planning and land use planning already approved by competent authorities.
3. Statistical data systems, results of basic investigations and surveys and systems of relevant data and documents. Forecasts on markets and scientific and technological advances at home and abroad.

Article 6.- Contents of the EC Planning

The EC Planning has the following major contents:

1. The overview, objectives and grounds for formulation of the EC Planning.
2. The current socio-economic situation and orientations for development of industries and infrastructure in the project areas, including but not limited to matters in relation to transport (air transport, sea ports, inland ports, railways, motor ways), water supply, electricity supply, land use, environmental protection and other infrastructures.
3. The overview on the supply of coal, oil and natural gas and the planning on sources of energy to be supplied to power plants.
4. The investment necessity and the role of the EC Planning.
5. The selection of locations, covering but not limited to the contents on natural conditions, comparison with the selection of potential locations, description of results of topographical, geological, meteorological and hydrological surveys of to-be-selected locations.
6. The selection of fuel sources, covering the following major contents: overview of fuel sources, forecasts on their prices, long-term supply possibility of coal, oil or gas used for the projects, identification of to-be-used fuel sources and orientations for transportation of fuel to locations.
7. Identification of the capacity and major technical solutions in terms of technology and construction architecture.
8. The planning on outside technical systems, including schemes on supply and discharge of cooling water and fresh water; planning on ash or residue dump sites and scheme on reuse of ash or coal residues; schemes on connection to national power grids and communication and information systems; schemes on connection to outside traffic systems.
9. The designed planning on land use and the general planning on grounds of electricity centers. The designing of this general planning must ensure the fullest use of common infrastructures for entire electricity centers, including the following principal systems:
 - a/ Electricity system: Distribution yards, connections to SCADA, lighting, construction electricity systems and other related electricity systems;
 - b/ Fuel and limestone system: Ports and wharves, reserve storehouses and yards, gas distribution stations (when natural gas is used as fuel);
 - c/ Water system: Water take-in gates, circulation pump stations, discharge of circulation water, supply of fresh water;
 - d/ Environmental treatment systems: Ash and residue treatment sites, wastewater treatment, solid waste treatment, plaster, environment observation and supervision systems and other environmental treatment systems;
 - e/ Construction architecture: Main axes, rain water drainage, operation and repair management zone, administrative offices and operation houses of project management units, greenery systems, ground leveling and fill-up, ground elevation and other architectures;
 - f/ Other support systems: Technical corridors, laboratories, hydrogen, nitrogen, fire prevention and fighting, security, garage, health stations, other services and support systems.
10. Evaluation of environmental impacts and solutions to sustainable environmental protection under the provisions of law on environment.
11. Management of operation and maintenance of equipment, planning on housing quarters for operation and maintenance personnel.
12. Organization of construction, transportation of extra-long and extra-heavy equipment, expected time of operation of power plants.
13. Forms of investment and ownership.
14. Total investment.

Article 7.- Process of formulating, appraising and approving the EC Planning

1. Based on demands for development of electricity sources in the coming period, the Ministry of Industry and Trade shall consider the assignment of the formulation of the EC Planning to the Vietnam Electricity Group or consultancy organizations licensed for electricity activities under the Industry Minister's Decision No. 32/2006/QĐ-BCN of September 6, 2006, promulgating the Regulation on conditions, order and procedures for grant, amendment, supplementation, withdrawal and use management of licenses for electricity activities.
2. Organizations assigned to formulate the EC Planning shall strictly comply with the schedule and contents of the approved programs or comply with this guidance.

3. A dossier submitted to the Ministry of Industry and Trade for appraisal and approval comprises:

a/ The report on the planning submitted for approval, comprising the summarized principal contents of the planning, comments of concerned localities, ministries and branches, proposals;'

b/ 05 (five) sets of the planning scheme and attached summary reports;

c/ Opinions of provincial People's Committees on the agreed locations and the conformity with provincial construction plans;

d/ Comments of the Construction Ministry on the construction planning; the Natural Resources and Environment Ministry on environmental protection, plans on the use of natural resources; the Transport Ministry on the planning on construction of ports and wharves, roads; the Defense Ministry and the Vietnam Administration of Aviation on security and defense; the Ministry of Agriculture and Rural Development on land use zoning.

4. The Energy and Petroleum Department of the Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with concerned agencies and units in, appraising the Planning. When necessary, they may hire appraisal consultants or independent consultants to conduct the appraisal.

5. Within 30 (thirty) days after the receipt of complete and valid dossiers specified in Clause 3 of this Article, the Energy and Petroleum Department shall complete the appraisal and report thereon to the Industry and Trade Minister for consideration and approval.

6. If the EC Planning needs to be adjusted, the Ministry of Industry and Trade shall request in writing the organization assigned to formulate the EC Planning to amend and supplement it. Within 15 days after the EC Planning is finalized, the Energy and Petroleum Department shall complete the report on appraisal and submit it to the Industry and Trade Minister for consideration and approval.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 8.- Responsibility to implement the EC Planning

The Energy and Petroleum Department shall assume the prime responsibility for, and coordinate with the Planning and Investment Department in, monitoring and inspecting the implementation of the approved EC Planning.

Article 9.- Adjustment of the EC Planning

1. When new elements appear, prompting modification of the contents of the approved EC Planning, project investors shall report thereon in writing to the Ministry of Industry and Trade for consideration and decision.

2. Problems arising in the course of implementation should be reported to the Ministry of Industry and Trade for appropriate amendment and supplementation.

THE MINISTRY OF INDUSTRY AND TRADE

VICE MINISTER

(Đã ký)

Do Huu Hao