

## **THE GOVERNMENT**

### **Decree No. 15/2012/ND-CP of March 9, 2012, detailing a number of articles of the Mineral Law**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to November 17, 2010 Mineral Law No. 60/2010/QH12;*

*At the proposal of the Minister of Natural Resources and Environment;*

*The Government promulgates this Decree to detail a number of articles of the Mineral Law.*

#### **Chapter I**

#### **GENERAL PROVISIONS**

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

1. This Decree details Clauses 5 and 7, Article 3; Clause 4, Article 7; Clause 3, Article 10; Article 24; Clause 2, Article 27; Clause 3, Article 30; Clause 2, Article 36; Clause 2, Article 39; Clause 3, Article 40; Point e, Clause 1, Article 42; Clause 4, Article 43; Article 44; Clause 4, Article 48; Clause 1, Article 49; Clause 3, Article 50; Clause 3, Article 53; Points c and e, Clause 1, Article 55; Clause 3, Article 60; Clause 4, Article 66; Clause 3, Article 71; Clause 2, Article 75; Clause 3, Article 77; Clause 2, Article 78 of Mineral Law No. 60/2010/QH12.

2. Provisions on principles, conditions and procedures for auction of the mineral mining right do not fall within the scope of regulation of this Decree.

##### **Article 2. Conditions and standards for mineral export**

1. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and related ministries and sectors in, drawing up and promulgating a list of minerals for export, except minerals used as construction materials, and their conditions and standards.

2. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and related ministries and sectors in, drawing up and promulgating a list of minerals used as construction materials for export, and their conditions and standards.

##### **Article 3. Reimbursement of expenses for geological baseline surveys of minerals and expenses for mineral exploration**

1. Information of geological baseline surveys of minerals which users are required to pay for is information of mineral potential assessment.

2. Reimbursement of expenses for mineral potential assessment or mineral exploration complies with the following principles:

a/ In case information of mineral potential assessment or mineral exploration belongs to the State, users of such information shall

reimburse invested expenses to the State. Expenses to be reimbursed shall be determined on the basis of the volume and items of performed work and current unit prices.

For organizations or individuals that have reimbursed to the state budget amounts of money already invested in the mineral potential assessment or mineral exploration, the reimbursement of expenses complies with Point c of this Clause.

b/ Organizations and individuals that are permitted to explore minerals with state budget funds may not provide or transfer information on mineral exploration results to others, except competent agencies defined by the Ministry of Natural Resources and Environment.

c/ For information of mineral potential assessment or mineral exploration carried out with investments of organizations or individuals, the reimbursement of invested amounts complies with the principle of agreement between investors and information users.

For information of mineral potential assessment or mineral exploration carried out with investments of organizations or individuals in areas in which mineral activity licenses are revoked or returned or the priority right to apply for a mineral mining license has expired, in case the involved parties fail to reach agreement on to-be-reimbursed expenses, competent licensing state agencies defined in Clauses 1 and 2, Article 82 of the Mineral Law (below referred to as competent licensing state agencies) shall decide on to-be-reimbursed amounts on the principle

stated at Point a of this Clause.

3. The reimbursement of expenses for geological baseline surveys of minerals or mineral exploration must be completed before organizations or individuals receive mineral exploration or mining licenses.

4. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding methods of determining to-be-reimbursed expenses for geological baseline surveys of minerals or mineral exploration, method and procedures for reimbursement; and issue regulations on the collection, management and use of such expenses invested by the State.

**Article 4.** Use of information of mineral potential assessment, mineral exploration and mining

1. Organizations and individuals that are entitled to use information of mineral exploration carried out with their own investments or use state-owned information of mineral potential assessment or mineral exploration and mining for which expenses have been reimbursed under Clause 3 of this Article may transfer or bequeath such information to serve mineral activities in accordance with law.

2. After 6 months from the expiration date of the mineral exploration license, if the licensed organization or individual does not submit the mineral deposit to a competent agency for approval, or, if the mineral deposit has been approved, does not submit a dossier of

application of a mineral mining license, the competent licensing state agency may provide information on minerals in such area to other organizations and individuals. Users of such information shall reimburse exploration expenses under Point c, Clause 2, Article 3 of this Decree.

**Article 5. State investment in mineral exploration and mining**

1. The State shall invest in the exploration and mining of a number of important minerals for defense and security objectives or socio-economic tasks stated in Clause 5, Article 3 of the Mineral Law.

2. On the basis of the approved mineral master plan and the requirements of serving defense and security objectives or socio-economic tasks, the Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment, the Ministry of Finance and other related ministries and sectors in, appraising mineral exploration and mining projects implemented with state budget funds and submitting them to the Prime Minister for approval.

**Article 6. Toxic minerals**

1. Toxic minerals include radioactive minerals, mercury, arsenic, asbestos; and minerals containing radioactive or toxic elements which, when exploited, may disperse into the environment radioactive or toxic substances in excess of the levels prescribed by

Vietnamese technical regulations.

2. The Ministry of Natural Resources and Environment shall investigate, evaluate and determine the level of impact and propose solutions to preventing the impacts of toxic minerals on the environment and people in localities having toxic minerals; and shall notify provincial-level People's Committees of localities having toxic minerals for management and protection according to regulations.

3. Provincial-level People's Committees of localities having toxic minerals shall implement measures to prevent negative impacts of toxic minerals on the environment and people in their localities; and organize the management and protection of toxic minerals in their localities according to regulations.

**Article 7. Mineral activity result reports**

1. Mineral activity result reports include:

- a/ Report on mineral exploration activities or mineral mining activities.
- b/ Report on the state management of minerals and mineral activities within a province or centrally run city.
- c/ Report on the state management of minerals and mineral activities nationwide.

2. The regime of reporting on mineral activities is as follows:

- a/ Annual reporting. The reporting period is from January 1 through December 31 of the reporting year.
- b/ In addition to the reporting regime stated at Point a of this Clause, at the request of a state

management agency in charge of minerals, organizations and individuals licensed to carry out mineral activities shall make unexpected reports on mineral activities.

3. The responsibility to submit mineral activity result reports is as follows:

a/ Within 5 working days from the last day of the reporting period, organizations and individuals licensed to carry out mineral activities shall submit reports stated at Point a, Clause 1 of this Article to provincial-level Departments of Natural Resources and Environment of localities in which they carry out mineral activities.

For organizations and individuals carrying out mineral activities under licenses granted by the Ministry of Natural Resources and Environment, in addition to submitting reports to provincial-level Departments of Natural Resources and Environment of localities in which they carry out mineral activities, they shall also submit reports to the General Department of Geology and Minerals.

b/ Within 15 days from the last day of the reporting period, provincial-level Departments of Natural Resources and Environment shall make reports stated at Point b, Clause 1 of this Article and submit them to provincial-level People's Committees for forwarding to the Ministry of Natural Resources and Environment, and send their copies to provincial-level Departments of Industry and Trade and Departments of Construction for coordinated management.

c/ Within 30 days from the last day of the

reporting period, the General Department of Geology and Minerals shall make reports stated at Point c, Clause 1 of this Article and submit them to the Ministry of Natural Resources and Environment for reporting to the Prime Minister, and send their copies to the Ministry of Industry and Trade and the Ministry of Construction for coordinated management.

4. The Ministry of Natural Resources and Environment shall provide forms of mineral activity result reports referred to in Clause 1 of this Article.

## Chapter II

### MINERAL MASTER PLAN, GEOLOGICAL BASELINE SURVEY OF MINERALS, MINERAL AREAS

**Article 8.** Elaboration and submission for approval of mineral master plans

1. The responsibility to elaborate and submit to the Prime Minister for approval mineral master plans referred to in Clause 3, Article 10 of the Mineral Law is specified as follows:

a/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for elaborating master plans for geological baseline surveys of minerals.

b/ The Ministry of Industry and Trade shall assume the prime responsibility for elaborating master plans for exploration, mining, processing and use of minerals (excluding minerals for use as construction materials).

c/ The Ministry of Construction shall assume the prime responsibility for elaborating master

plans for exploration, mining, processing and use of minerals for use as construction materials.

2. Mineral master plans referred to in Clause 1 of this Article shall be elaborated in line with the approved mineral strategy according to regulations.

3. Consultation and coordination in the process of elaborating a mineral master plan:

a/ In the course of elaborating a mineral master plan according to the competence specified at Points b and c, Clause 1 of this Article, the Ministry of Industry and Trade and the Ministry of Construction shall coordinate with one another in implementing Point d, Clause 1, Article 13 of the Mineral Law.

b/ The agency responsible for elaborating a mineral master plan shall consult related agencies defined in Clause 1, Article 15 of the Mineral Law on the draft master plan before submitting it to the Prime Minister. Within 30 days after receiving the responsible agency's written request for comments, consulted agencies shall issue written replies.

**Article 9.** Provincial-level master plans for mineral exploration, mining and use

1. A provincial-level master plan for mineral exploration, mining and use referred to in Clause 3, Article 10 of the Mineral Law shall be elaborated for the following minerals:

a/ Minerals for use as common construction materials, peat.

b/ Minerals in areas with small-scale and scattered minerals already delimited and

announced by the Ministry of Natural Resources and Environment.

c/ Minerals in tailing sites of closed mines.

2. Elaboration of a provincial-level master plan for mineral exploration, mining and use must assure the following principles:

a/ Compliance with the mineral strategy and master plan referred to at Points b and c, Clause 1, Article 8 of this Decree.

b/ Compliance with the provincial-level socio-economic development master plan; assurance of security and defense in the locality.

c/ Rational, economical and efficient mining and use of minerals to meet present demand while taking into consideration future development of science and technology and mineral demand.

d/ Protection of the environment, natural landscape, historical and cultural relics, scenic places and other natural resources.

3. Grounds for elaborating a provincial-level master plan for mineral exploration, mining and use include:

a/ The provincial-level and regional socio-economic development master plans.

b/ The mineral strategy and mineral master plan referred to at Points b and c, Clause 1, Article 8 of this Decree.

c/ Mineral demand in the planning period.

d/ Scientific and technological advances in mineral exploration and mining.

e/ Results of implementation of the previous period's master plan.

4. A provincial-level master plan for exploration, mining and use of minerals must have the following principal contents:

a/ Survey, study, summarization and assessment of natural and socio-economic conditions and the present status of mineral exploration, mining, processing and use in the locality;

b/ Evaluation of results of implementation of the previous period's master plan.

c/ Identification of orientations and objectives of mineral exploration, mining and use in the planning period.

d/ Areas banned from mineral activities and areas temporarily banned from mineral activities.

e/ Specific boundaries of mine areas with minerals to be explored and mined and exploration and mining schedules. Mineral exploration and mining areas will be delimited with lines connecting corner points drawn on a topographical map using the national coordinate system of an appropriate scale.

f/ Determination of mining scale and capacity and requirements on mining technologies.

g/ Solutions and schedule for the implementation of the master plan.

5. Provincial-level People's Committee shall organize elaboration of their master plans for mineral exploration, mining and use and approve and announce them after they are adopted by the People's Councils of the same level.

**Article 10.** Investment in geological baseline surveys of minerals with funds of organizations and individuals

1. Organizations and individuals are encouraged to invest in geological baseline surveys of minerals, excluding those for coal, uranium and thorium or in areas within the national border belt.

2. Pursuant to the approved master plan for geological baseline surveys of minerals and Clause 1 of this Article, the Ministry of Natural Resources and Environment shall draw up a list of projects on geological baseline surveys of minerals in which organizations and individuals are encouraged to invest their own funds and submit it to the Prime Minister for approval.

3. To invest in geological baseline surveys of minerals, organizations and individuals must meet the following requirements:

a/ Fully satisfying the conditions specified in Clause 1, Article 34 and Clause 1, Article 51 of the Mineral Law.

b/ Having sufficient funds for implementing the whole of a project on geological baseline survey of minerals.

c/ The implementation of the project on geological baseline survey of minerals is subject to supervision by the General Department of Geology and Minerals.

4. The Ministry of Natural Resources and Environment shall:

a/ Post on its website the list of approved projects on geological baseline surveys of

minerals in which investment is encouraged.

b/ Issue regulations on supervision of the implementation of projects on geological baseline surveys of minerals.

c/ Assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment and the Ministry of Finance in guiding procedures for capital contribution and management by organizations and individuals.

**Article 11.** Delimitation of areas with small-scale and scattered minerals

1. A delimited area with minerals (excluding minerals for use as common construction materials, peat, toxic minerals, mineral water and natural thermal water) is an area with small-scale and scattered minerals which meets the criteria specified in Clause 2 of this Article.

2. The delimitation of an area with small-scaled and scattered minerals referred to in Clause 2, Article 27 of the Mineral Law must meet the following criteria:

a/ The area is outside areas banned from mineral activities or temporarily banned from mineral activities; national mineral reserves areas.

b/ Discovered minerals are independently distributed and have a projected deposit or resource of small scale; minerals available in a mineral mining area subject to a mine closure decision referred to in Clause 2, Article 73 of the Mineral Law have projected remaining deposits or resources of small scale as provided in the Appendix to this Circular.

c/ There is no sign of discovered minerals other than the explored or assessed mineral.

3. The Ministry of Natural Resources and Environment shall delimit and announce areas with small scale and scattered minerals identified under Clauses 1 and 2 of this Article.

Based on local reality, provincial level People's Committees may propose the Ministry of Natural Resources and Environment to delimit and announce areas with small-scale and scattered minerals.

**Article 12.** Criteria for delimiting areas not subject to auction of the mining right

Mineral areas not subject to auction of the mining right referred to in Clause 2, Article 78 of the Mineral Law are those falling into any of the following cases:

1. Areas with minerals which assure energy security, including coal, uranium and thorium.

2. Areas with limestone and claystone which can be used as cement material or minerals which can be used as adjustment additives of cement already determined as a source of material for cement plant projects; areas with minerals which have been determined as a source of materials for mineral deep-processing plants already approved by the Prime Minister.

3. Areas with minerals within the national border belt or strategic defense and security zones.

4. Areas with work construction investment projects stated at Point b, Clause 1, Article 65 of the Mineral Law.

5. Areas with minerals which can be used as common construction materials already determined to be mined for the maintenance and repair of technical infrastructure facilities.

6. Mineral activity areas in which mineral exploration and mining are restricted under Point a, Clause 2, Article 26 of the Mineral Law.

7. Mineral activity areas for which mineral exploration or mineral mining licenses were granted by competent state management agencies before July 1, 2011.

8. Other cases decided by the Prime Minister.

### Chapter III

## PROVISIONS ON MINERAL ACTIVITIES

### Section I

## MINERAL EXPLORATION

**Article 13.** Selection of organizations and individuals to be licensed to explore minerals in areas not subject to auction of the mining right

The selection of organizations and individuals to be licensed to explore minerals in areas not subject to auction of the mining right referred to in Clause 1, Article 36 of the Mineral Law is as follows:

1. If, at the end of the time limit of notification specified at Point a, Clause 1, Article 35 of this Decree, there is only one organization or individual filing a dossier of application for mineral exploration and fully meeting the conditions specified in Clause 1,

Article 34 and at Points b and c, Clause 2, Article 40 of the Mineral Law, such organization or individual will be selected for mineral exploration licensing.

2. If, at the end of the time limit of notification specified at Point a, Clause 1, Article 35 of this Decree, there are two or more organizations and individuals filing dossiers of application for mineral exploration and fully meeting the conditions specified in Clause 1, Article 34 and at Points b and c, Clause 2, Article 40 of the Mineral Law, one of these organizations and individuals will be selected for mineral exploration licensing when meeting most of the following conditions:

a/ At the time of dossier consideration, having equity capital accounting for the highest proportion in the total investment capital for implementing the exploration scheme.

b/ Having contributed funds for the geological baseline survey of minerals in the area for which a mineral exploration license is expected to be granted.

c/ Making commitments to mining and using minerals for domestic production in line with the approved mineral master plan if the exploration succeeds.

3. In case all organizations and individuals applying for a mineral exploration license meet the conditions specified in Clause 2 of this Article, the one that files the dossier first according to the time recorded in the dossier receipt will be granted such license.

**Article 14.** Conditions on business



households to be licensed to explore minerals for use as common construction materials

A business household referred to in Clause 2, Article 34 of the Mineral Law may be licensed to explore minerals for use as common construction materials when fully meeting the following conditions:

1. Being selected by the provincial-level People's Committee under Article 13 of this Decree or winning through auction the right to mine minerals in an unexplored area; having a contract signed with a qualified mineral exploration practice organization as defined in Clause 1, Article 35 of the Mineral Law for implementing an exploration scheme.

2. Having an exploration scheme which conforms to the provincial-level master plan on mineral exploration, mining and use of the locality in which minerals exist.

3. Having an equity capital equal to at least 50% of the total investment capital for implementing the exploration scheme.

4. The to-be-explored area does not exceed 1 ha.

**Article 15.** Transfer of the mineral exploration right

1. Conditions for transfer of the mineral exploration right:

a/ The transferee must satisfy all the conditions specified in Clause 1, Article 34 of the Mineral Law; or, if failing to meet the conditions for practicing mineral exploration, have a contract signed with a qualified mineral

exploration practice organization defined in Clause 1, Article 35 of the Mineral Law for implementing an exploration scheme.

b/ By the time of transfer, the transferor has fulfilled the obligations specified at Points b, c, d and e, Clause 2, Article 42 and Clause 3, Article 43 of the Mineral Law and in the mineral exploration license.

c/ At the time of transfer, there is no dispute over rights and obligations related to exploration activities.

d/ The transferor has submitted a complete dossier for transfer of the mineral exploration right to the dossier-receiving agency at the time the mineral exploration license remains valid for at least 90 days.

2. The transfer of the mineral exploration right must be expressed in a contract between the transferor and transferee. Such contract must clearly state the number and volume of jobs, exploration expenses already paid by the time of transfer and responsibilities of the parties for performing the jobs and obligations after the transfer.

3. The time limit for settling a dossier for transfer of the mineral exploration right is 45 days from the date the dossier-receiving agency issues a receipt.

If the application for transfer is not approved by the competent licensing agency, the applicant may continue implementing the mineral exploration license or return it.

4. The transferor and transferee of the mineral exploration right shall pay related taxes,

charges and fees in accordance with law.

**Article 16.** Exploration to upgrade mineral deposits in mineral mining areas

1. When exploring a mineral deposit for upgrading from a lower level of geological study to a higher one or when exploring a mineral for upgrading its level from resource to deposit in an area they are licensed to mine minerals, organizations or individuals are not required to apply for a mineral exploration license.

2. When exploring mineral deposits for upgrading, an organization or individual licensed to mine minerals shall:

a/ Notify the exploration and upgrading program, plan and volume to the competent licensing state management agency specified in Article 82 of the Mineral Law before implementation.

b/ If lacking conditions for practicing mineral exploration, sign a contract with an organization or individual fully meeting the conditions specified in Clause 1, Article 35 of the Mineral Law to perform exploration and upgrading work.

c/ Upon completion of deposit exploration and upgrading, submit the exploration results to the competent state agency specified in Clause 1, Article 49 of the Mineral Law.

**Article 17.** Extension of mineral exploration license

1. A mineral exploration license may be considered for extension when the holder fully meets the following conditions:

a/ Having submitted a complete dossier of application for extension of the mineral exploration license to the dossier receiving agency at the time when the license is still valid for at least 45 days, clearly stating the reason for extension application.

b/ By the time of application for extension, not having completed the volume of jobs under the granted mineral exploration license or there is a change in the geological structure or the exploration method compared to the approved exploration scheme

c/ At the time of application for extension, the license holder has fulfilled all obligations specified at Points b, c, d, e and f, Clause 2, Article 42 of the Mineral Law.

2. In case the mineral exploration license expires while the dossier of application for extension is being appraised by a competent state agency, the mineral explorer may continue exploration work until the time the extension is approved or rejected in writing.

**Article 18.** Change in exploration method or exploration volume

1. If there is a change in the exploration method or exploration volume resulting in an expense exceeding 10% of the cost estimate indicated in the approved exploration scheme, the organization or individual licensed to explore minerals shall send a report explaining the change to:

a/ The provincial-level Natural Resources and Environment Department of the locality in which mineral exploration activities are carried

out, in case the mineral exploration license is granted by the provincial-level People's Committee.

b/ The General Department of Geology and Minerals, in case the mineral exploration license is granted by the Ministry of Natural Resources and Environment.

2. Within 10 working days from the date of receipt of the explanation report referred to in Clause 1 of this Article, the provincial-level Natural Resources and Environment Department or the General Department of Geology and Minerals shall, according to its competence, examine the dossier and related documents, even conduct physical examination when necessary, before reporting the change in the exploration method or volume to the competent licensing state agency for consideration and approval. In case of disapproval, a written reply clearly stating the reason shall be issued.

**Article 19.** Field survey, taking of samples on the ground surface to select areas for formulation of mineral exploration schemes

1. An organization or individual wishing to conduct field surveys to collect samples on the ground surface for selecting an area for formulation of a mineral exploration scheme shall send a document enclosed with the survey and sample taking program or plan to the provincial-level People's Committee of the locality where mineral exploration is expected to be carried out.

2. Within 10 days after receiving an

application of the organization or individual stated in Clause 1 of this Article, the provincial-level People's Committee shall issue a written notice of approval or disapproval. In case of disapproval, it shall issue a written reply clearly stating the reason.

## Section 2

### APPRAISAL AND APPROVAL OF MINERAL DEPOSIT

**Article 20.** Organization and operation of the National Council for Assessment of Mineral Deposits

1. The National Council for Assessment of Mineral Deposits referred to at Point a, Clause 1, Article 49 of the Mineral Law is composed of the Minister of Natural Resources and Environment as chairman, a Deputy Minister of Natural Resources and Environment as vice chairman and members decided by the Prime Minister at the proposal of the Minister of Natural Resources and Environment and related ministries and sectors.

Members of the National Council for Assessment of Mineral Deposits shall work on a part-time basis and according to the council's operation regulation issued by the council chairman.

2. The National Council for Assessment of Mineral Deposits has its assisting office based at the Ministry of Natural Resources and Environment. The organization and operation of the council's office shall be stipulated by the council chairman.

3. The National Council for Assessment of Mineral Deposits has the tasks of appraising and approving deposits stated in mineral exploration result reports under the licensing competence of the Ministry of Natural Resources and Environment.

The contents of appraisal of mineral exploration result reports and approval of mineral deposits stated therein comply with Article 22 of this Decree.

**Article 21.** Appraisal and approval of mineral deposits falling within the licensing competence of provincial-level People's Committees

1. Provincial-level People's Committees shall appraise mineral exploration result reports and approve mineral deposits stated therein falling under their licensing competence defined in Clause 2, Article 82 of the Mineral Law. The contents of appraisal of mineral exploration result reports and approval of mineral deposits stated therein comply with Article 22 of this Decree.

2. Provincial-level Natural Resources and Environment Departments shall assume the prime responsibility for, and coordinate with related state management agencies in, appraising exploration result reports, and submit to provincial-level People's Committees for approval mineral deposits stated in mineral exploration result reports referred to in Clause 1 of this Article.

3. In case of necessity, provincial-level People's Committees may decide to establish a

technical advisory council composed of representatives of related state management agencies and mineral exploration specialists to appraise mineral exploration result reports before submission for approval of mineral deposits falling within their licensing competence.

**Article 22.** Contents of appraisal of mineral exploration result reports and approval of mineral deposits stated therein

1. Contents of appraisal of a mineral exploration result report include:

a/ Legal bases and grounds for report making.

b/ The result of performance of exploration jobs; explanations about data used to calculate the mineral deposit; method of linking and calculating the mineral deposit, with comparisons to the appraised mineral exploration scheme and contents of the mineral exploration license.

c/ Reliability of the deposit, concentration and quality of the primary mineral and accompanying useful minerals.

d/ Reliability of geological and hydrological conditions and the work's geological conditions related to the mineral exploration feasibility study.

2. Contents of approval of the deposit stated in the mineral exploration result report:

a/ Name of the mineral and administrative location of the mineral exploration area.

b/ The geological deposit of the primary

mineral; geological deposits of all accompanying minerals (if any).

c/ Scope of use of the exploration result report.

### Section 3

#### MINERAL MINING, CLOSURE OF MINERAL MINES

**Article 23.** Conditions on business households licensed to mine minerals for use as common construction materials or to salvage-mine minerals

A business household referred to in Clause 2, Article 51 of the Mineral Law may be licensed to mine minerals for use as common construction materials or to salvage-mine minerals when fully meeting the following conditions:

1. Having a mineral mining investment project to be carried out in an explored area with an approved deposit, which conforms to the provincial-level master plan on mineral exploration, mining and use of the locality having minerals. The mineral mining investment project must have a plan on employment of specialized personnel and use of appropriate mining equipment, technology and method.

2. Having an environmental protection commitment document certified under the law on environmental protection.

3. Having an equity capital equal to at least 30% of the total investment capital for implementing the mineral mining project.

4. The mining capacity does not exceed 3,000 cubic meter of products being primary mineral/year.

**Article 24.** Transfer of the mineral mining right

1. Conditions for transfer of the mineral mining right:

a/ The transferee satisfies all the conditions specified in Clause 1, Article 51 and Clause 2, Article 53 of the Mineral Law.

b/ By the time of transfer, the organization or individual licensed to mine minerals has completed the jobs specified in Clause 1, Article 66 and fulfilled the obligations specified at Points a, b, c, d, e and g, Clause 2, Article 55 of the Mineral Law.

c/ There is no dispute over rights and obligations related to mineral activities in the licensed mineral mining area.

d/ The transferor has submitted a complete dossier to the dossier-receiving agency at the time when the mineral mining license remains valid for at least 90 days.

2. The transfer of the mineral mining right must be expressed in a contract between the transferor and transferee, with the following principal contents:

a/ The current number, volume and value of invested or constructed mining works and technical infrastructure; the performance of financial obligations of the transferor by the time of signing the transfer contract.

b/ Responsibilities of the transferee for

continued performance of jobs and unfulfilled obligations of the transferor by the time of transfer.

c/ Other related rights and obligations of the transferor and transferee according to regulations.

3. The time limit for settling a dossier for transfer of the mineral mining right is 45 days from the date the dossier-receiving agency issues a receipt.

If the application for transfer is not approved by the competent licensing agency, the applicant may continue implementing the mineral mining license or return it.

4. The transferor and transferee of the mineral mining right shall pay related taxes, charges and fees in accordance with law.

**Article 25.** Extension of the mineral mining license and mineral salvage mining license

1. An organization or individual may have its/his/her mineral mining license or mineral salvage mining license extended when fully meeting the following conditions:

a/ Having submitted a complete dossier of application for extension of the mineral mining license or mineral salvage mining license to the dossier-receiving agency at the time when such license is still valid for at least 45 days or 15 days, respectively, clearly stating the reason for the application.

b/ Having a mineral mining result report proving that by the time of application for extension, the mineral deposit in the mining area

stated in the mineral mining license has not yet been fully exploited.

c/ By the time of application for extension, the organization or individual has fulfilled all the obligations specified at Points a, b, c, d, e, f and g, Clause 2, Article 55 of the Mineral Law.

d/ Having fulfilled all obligations in environmental protection and land, water and technical infrastructure use in mineral activities in accordance with the mineral law and relevant laws.

e/ By the time of application for extension, the plan for further mineral mining conforms to the approved mineral master plan as stipulated at Point c or d, Clause 1, Article 10 of the Mineral Law.

2. Extension of a mineral mining license or mineral salvage mining license means the prolongation of the time for an organization or individual to continue exercising the mineral mining right on the basis of the remainder of the mineral deposit licensed for mining, which is calculated by the time of extension, without changing the licensed mining capacity. If wishing to increase mining capacity, the mineral-exploiting organization or individual shall make an investment project on renovation or expansion; and formulate and submit for approval an environmental impact assessment report or environmental protection commitment document according to regulations. Upon extension of a mineral mining license, the mining area may be adjusted to suit the remaining mineral deposit but not beyond the licensed mining area.

3. In case the mineral exploration license or mineral salvage mining license expires while the dossier of application for extension is being appraised by a competent state agency, the mineral-exploiting organization or individual may continue mining activities until the time the extension is approved or rejected in writing.

**Article 26.** Appraisal of a mineral mine closure scheme

1. The Ministry of Natural Resources and Environment or a provincial-level People's Committee shall, according to its competence defined in Clause 1 or Clause 2, Article 82 of the Mineral Law, organize appraisal of a mineral mine closure scheme before deciding to close it.

2. Contents of appraisal of a mine closure scheme include:

- a/ The reason for the closure;
- b/ The status, quantity, volume and level of safety of the mine's works, including its tailing sites at the time of closure.
- c/ The actually exploited mineral volume, the remaining mineral deposit in the licensed mineral mining area at the time of closure.
- d/ The volume of work and method of closing the mine, measures to protect unexploited minerals; measures to assure safety for the mining field after the closure, including its tailing sites; measures to rehabilitate land and the environment.
- e/ The volume and schedule of performance of jobs of the scheme and the time of completion of the closure.

## Chapter IV

### PROCEDURES FOR LICENSING MINERAL ACTIVITIES, APPROVING MINERAL DEPOSIT AND CLOSING MINERAL MINES

#### Section 1

#### DOSSIER-RECEIVING AGENCIES, FORMS OF RECEIPT AND REPLY

**Article 27.** Agencies receiving dossiers for grant of mineral activity license, dossiers for approval of mineral deposit and dossiers for mineral mine closure

Agencies receiving dossiers for grant of mineral activity license, dossiers for approval of mineral deposit and dossiers for mineral mine closure are specified as follows:

- 1. The General Department of Geology and Minerals shall receive dossiers for grant of mineral activity license, and dossiers for mineral mine closure falling within the licensing competence of the Minister of Natural Resources and Environment.
- 2. The Office of the National Council for Assessment of Mineral Deposits shall receive dossiers for approval of mineral deposits in mineral exploration result reports according to mineral exploration licenses falling within the licensing competence of the Ministry of Natural Resources and Environment.
- 3. Provincial-level Departments of Natural Resources and Environment shall receive dossiers for grant of mineral activity license; dossiers for approval of mineral deposits in

mineral exploration result reports; and dossiers for mineral mine closure falling within the licensing competence of provincial-level People's Committees.

**Article 28.** Forms of receipt and return of results on dossiers for grant of mineral activity license, dossiers for approval of mineral deposit and dossiers for mineral mine closure

1. Dossiers for grant of mineral activity license and dossiers for mineral mine closure may be submitted directly or by post to the dossier-receiving agency specified in Clause 1 or 3, Article 27 of this Decree.

Dossiers of application for approval of mineral deposit may be submitted directly to the dossier-receiving agency specified in Clause 2 or 3, Article 27 of this Decree.

2. The time limits for dossier processing specified in Clause 2, Article 48; Clause 2, Article 50; Clause 2, Article 60, and Clause 2, Article 71 of the Mineral Law are counted from the time dossier-receiving agencies issue a receipt thereof.

3. Results shall be notified at the offices of dossier-receiving agencies.

## Section 2

### FORM OF DOCUMENTS IN DOSSIERS

**Article 29.** Dossiers for grant, extension or return of mineral exploration licenses, return of part of the mineral mining area, or transfer of the mineral exploration right

1. Documents in a dossier of application for

a mineral exploration license specified in Clause 1, Article 47 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for a mineral exploration license; the map of the mineral exploration area; the mineral exploration scheme.

b/ Original or certified true copy: the environmental protection commitment document, for the case of exploring toxic minerals; the written certification of auction winning in case of auction of the mineral mining right in an unexplored area; the business registration certificate; the decision on the establishment of the Vietnam-based representative office or branch in case of foreign enterprises; the document of the bank with which the organization or individual registers a transaction account, certifying its/his/her equity capital as required at Point c, Clause 2, Article 40 of the Mineral Law.

2. Documents in a dossier for extension of a mineral exploration license specified in Clause 2, Article 47 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for extension of a mineral exploration license; the report on mineral exploration results by the time of application and the plan for further mineral exploration; the map of the mineral exploration area.

b/ Original or certified true copy: documents on the fulfillment of obligations related to exploration activities by the time of application for extension.



3. Documents in a dossier for return of a mineral exploration license or return of part of the mineral exploration area specified in Clause 3, Article 47 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for return of a mineral exploration license or return of part of the mineral exploration area; the mineral exploration license; the report on mineral exploration results by the time of application; the map of the mineral exploration area, the plan for further mineral exploration in case of return of part of the exploration area.

b/ Original or certified true copy: documents on the fulfillment of obligations related to exploration activities by the time of application.

4. Documents in a dossier for transfer of the mineral exploration right specified in Clause 4, Article 47 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for transfer of the mineral exploration right; the contract on transfer of the mineral exploration right; the report on mineral exploration results by the time of application;

b/ Original or certified true copy: documents evidencing the transferor's fulfillment of the obligations specified at Points b, c, d and f, Clause 2, Article 42 and Clause 3, Article 43 of the Mineral Law; the transferee's business registration certificate; the decision on establishment of the representative office or branch in Vietnam in case the transferee is a foreign enterprise.

**Article 30.** Dossier of application for approval of mineral deposit

Documents in a dossier of application for approval of mineral deposit specified in Clause 1, Article 50 of the Mineral Law shall be made in one set in the following forms:

1. Original: the application for approval of mineral deposit; the report on mineral exploration results, related annexes, drawings and primary materials; the annex explaining temporary data used for calculating the mineral deposit; the minutes of the checking of the volume and quality of constructed mineral exploration works of the licensed organization or individual.

2. Original or certified true copy: the mineral exploration scheme already appraised and the mineral exploration license.

3. Data of documents referred to in Clause 1 of this Article recorded in compact disc (one set).

**Article 31.** Dossiers for grant, extension and return of mineral mining license, return of part of the mineral mining area, transfer of the mineral mining right

1. Documents in a dossier of application for a mineral mining license specified in Clause 1, Article 59 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for a mineral mining license; the map of the mineral mining area; the mineral mining investment project and its approval decision.

b/ Original or certified true copy: the

decision on approval of the mineral deposit, issued by a competent state agency; the written certification of winning of the auction in case of auction of the mineral mining right in an explored area; the investment certificate; the environmental impact assessment report and its approval decision or the environmental protection commitment document and the written certification of a competent state management agency; the business registration certificate; the written certification of the equity capital as required at Point c, Clause 2, Article 53 of the Mineral Law.

2. Documents in a dossier for extension of a mineral mining license specified in Clause 2, Article 59 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for extension of a mineral mining license; the map of the status of mineral mining at the time of application; the report on mineral mining results by the time of application.

b/ Original or certified true copy: documents on the fulfillment of the obligations specified at Points a, b, c, e, f and g, Clause 2, Article 55 of the Mineral Law by the time of application.

3. Documents in a dossier for return of a mineral mining license or return of part of the mineral mining area specified in Clause 3, Article 59 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for return of a mineral mining license or return of part of the mineral mining area; the map of the status of mineral mining at the time of application; the

mineral mining license; the report on mineral exploration results by the time of application; the mine closure scheme in case of return of a mineral mining license.

b/ Original or certified true copy: documents evidencing the fulfillment of the obligations specified at Points a, b, c, e, f and g, Clause 2, Article 55 of the Mineral Law by the time of application.

4. Documents in a dossier for transfer of the mineral mining right specified in Clause 4, Article 59 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for transfer of a mineral mining license; the contract on transfer of the mineral mining right and the statement of the value of transferred assets; the map of the status of mineral mining at the time of application; the report on mineral mining results by the time of application.

b/ Original or certified true copy: documents on the transferor's fulfillment of the obligations specified at Points a, b, c, e and g, Clause 2, Article 55 of the Mineral Law by the time of transfer; the transferee's business registration certificate or investment certificate.

**Article 32.** Dossiers for grant, extension and return of mineral salvage mining license

1. Documents in a dossier of application for a mineral salvage mining license specified in Clause 1, Article 70 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for a mineral salvage mining license; the map of the mineral

salvage mining area; the mineral mining investment project and its approval decision.

b/ Original or certified true copy: the investment certificate; the environmental impact assessment report and its approval decision or the environmental protection commitment document and the written certification of a competent state management agency; the business registration certificate.

2. Documents in a dossier for extension of a mineral salvage mining license specified in Clause 2, Article 70 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for extension of a mineral salvage mining license; the report on mineral salvage mining results by the time of application.

b/ Original or certified true copy: documents evidencing the fulfillment of the obligations specified at Points a, b, c, e, f and g, Clause 2, Article 55 of the Mineral Law by the time of application.

3. Documents in a dossier for return of a mineral salvage mining license specified in Clause 3, Article 70 of the Mineral Law shall be made in one set in the following forms:

a/ Original: the application for return of a mineral salvage mining license; the mineral salvage mining license; the report on mineral salvage mining results by the time of application; the mine closure scheme.

b/ Original or certified true copy: documents on the fulfillment of the obligations specified at Points a, b, c, e, f and g, Clause 2, Article 55

of the Mineral Law by the time of application.

**Article 33.** Dossier for mineral mine closure

1. A dossier for mineral mine closure referred to in Article 73 of the Mineral Law comprises:

a/ An application for mineral mine closure.

b/ The mineral mine closure scheme.

c/ The map of the status of the area of the closed mineral mine.

d/ Documents evidencing the fulfillment of obligations related to mineral mining by the time of closure.

2. Documents in a dossier for mineral mine closure specified in Clause 1 of this Article shall be made in one set in the following forms:

a/ Original: the application for mineral mine closure; the mineral mining licensing; the mineral mine closure scheme; the map of the status of the area of the closed mineral mine.

b/ Original or certified true copy: documents evidencing the fulfillment of the obligations specified at Points a, b, c, e, f and g, Clause 2, Article 55 of the Mineral Law by the time of application.

**Article 34.** Forms of documents in a dossier for grant of mineral activity license, dossier for approval of mineral deposit and dossier for mineral mine closure

1. Documents in a dossier for grant of mineral activity license, dossier for approval of mineral deposit and dossier for mineral mine closure; forms of mineral exploration license, mineral mining license, decision on approval of mineral deposit, decision on approval of

mineral mine closure scheme and decision on mineral mine closure apply nationwide.

2. The Ministry of Natural Resources and Environment shall issue forms of documents specified in Clause 1 of this Article

### Section 3

#### ORDER OF IMPLEMENTATION OF PROCEDURES

**Article 35.** Order of implementation of procedures for granting mineral exploration license

1. The receipt of a dossier of application for a license to explore minerals in an area not subject to auction of the mineral mining right is as follows:

a/ Upon receiving a dossier of the first organization or individual wishing to explore a mineral, the dossier-receiving agency shall publicly notify the name of such organization or individual, the name of mineral and the location of the area where the mineral is expected to be explored at its office and on the website of the competent licensing agency.

The time limit for receipt and notification of dossiers of application for mineral exploration licenses of other organizations and individuals is 30 days from the date of receipt of the dossier of application for a mineral exploration license of the first organization or individual.

b/ At the end of the time limit specified at Point a of this Clause, the dossier-receiving agency may not receive any more dossiers and

shall select organizations and individuals for mineral exploration licensing under Clause 2, Article 13 of this Decree.

The time limit for selection of organizations and individuals for mineral exploration licensing is 5 working days from the end of the notification time limit specified at Point a of this Clause.

c/ At the end of the time limit specified at Point b of this Clause, if having selected an organization or individuals for mineral exploration licensing, the dossier-receiving agency shall issue a receipt of the dossier and publicly notify the name of the selected organization or individual at its head office and on the website of the competent licensing agency.

For organizations and individuals not selected for mineral exploration licensing, the dossier-receiving agency shall notify in writing the reason for non-selection to them.

2. The receipt of a dossier of application for a mineral exploration license of the organization or individual winning the auction of the mineral mining right in an unexplored area is as follows:

a/ The organization or individual winning the auction of the mineral mining right shall submit a dossier of application for a mineral exploration license to the dossier-receiving agency.

b/ Within 2 working days, the dossier-receiving agency shall check documents in the dossier. If these documents comply with the provisions of Clause 1, Article 47 of the Mineral Law and Clause 1, Article 29 of this Decree,

the dossier-receiving agency shall issue a receipt of the dossier.

3. If the dossier of application for a mineral exploration license comprises insufficient documents according to regulations or comprises sufficient documents but the contents of these documents are improper according to law, the dossier-receiving agency shall guide in writing the applicant to complete and finalize the dossier. The dossier-receiving agency shall provide such guidance only once.

4. Appraisal of a dossier of application for a mineral exploration license

Within 55 days after issuing a receipt of a dossier, the dossier-receiving agency shall complete the following activities:

a/ Examining the coordinates and size of the area expected to be explored, including field examination.

b/ Sending documents to related agencies on the area expected to be explored in the case specified in Clause 3, Article 48 of the Mineral Law.

Within 20 days from the date of receiving a document of request for opinions from the dossier-receiving agency, the consulted agencies shall issue written replies on relevant matters. Past this time limit, if having no opinion, the consulted agencies shall be considered having agreed.

c/ Appraising the mineral exploration scheme before proposing the mineral exploration licensing according to the procedures specified in Article 36 of this Decree.

5. The submission of a dossier for grant of a mineral exploration license is as follows:

a/ Within 21 days from the date of completion of the activities specified in Clause 4 of this Article, the dossier-receiving agency shall compete and submit a dossier for grant of an exploration license to the competent licensing state agency.

b/ Within 7 working days from the date of receiving a dossier from the dossier-receiving agency, the competent licensing state agency shall decide whether to grant a mineral exploration license. In case of refusal to grant a license, it shall issue a written reply clearly stating the reason.

6. Reply on results of grant of mineral exploration licenses

Within 7 working days from the date of receiving a dossier for grant of a mineral exploration license from the competent licensing state agency, the dossier-receiving agency shall notify the applicant to come to receive the result and perform related obligations according to regulations.

**Article 36.** Order of appraisal of mineral exploration scheme

1. The order of appraisal of a mineral exploration scheme falling within the licensing competence of the Ministry of Natural Resources and Environment is as follows:

a/ Within 20 days from the date of issuing a receipt of a dossier, the dossier-receiving agency shall send the exploration scheme to some relevant specialists for comment. The time limit

for specialists to reply is 10 working days from the date of receiving the request of the dossier-receiving agency.

b/ Within 5 working days from the date of receiving specialists' comments, the dossier-receiving agency shall summarize these comments and send them together with the dossier of application for a mineral exploration license to the chairman of the council for appraisal of mineral exploration schemes according to Clause 3 of this Article (below referred to as the appraisal council).

c/ Within 15 days from the date of receiving a dossier of application for a mineral exploration license and specialists' comments, the chairman of the appraisal council shall decide to organize a meeting of the appraisal council.

d/ Within 5 working days from the end of the appraisal meeting, the dossier-receiving agency shall finalize the minutes of the appraisal council's meeting. In case of necessity to supplement and modify the scheme or re-formulate the scheme, the dossier-receiving agency shall send a written notice clearly stating the reason for rejection or the scheme's contents to be supplemented and completed, together with the minutes of the appraisal council's meeting.

The time for the applicant to supplement, complete or re-formulate the mineral exploration scheme is not included in the scheme appraisal time limit.

2. The order of appraisal of a mineral exploration scheme falling within the licensing competence of a provincial-level People's Committees is as follows:

a/ Within 20 days from the date of issuing a receipt of a dossier, the dossier-receiving agency shall send the exploration scheme to some relevant specialists for comment. The time limit for specialists to reply is 10 working days from the date of receiving the request of the dossier-receiving agency.

b/ Within 5 working days from the date of receiving specialists' comments, the dossier-receiving agency shall summarize these comments and send them together with the dossier of application for a mineral exploration license to the provincial-level People's Committee.

c/ Within 20 days from the date of receiving a dossier of application for a mineral exploration license and specialists' comments, the provincial-level People's Committee shall decide to adopt the mineral exploration scheme's contents for licensing or set up an appraisal council when necessary.

In case of necessity to supplement and modify the scheme according to opinions of the provincial-level People's Committee or of the appraisal council, the dossier-receiving agency shall send a written notice clearly stating the reason for rejection or the scheme's contents to be supplemented and completed.

The time for the applicant to supplement, complete or re-formulate the mineral exploration scheme is not included in the scheme appraisal time limit.

3. The Ministry of Natural Resources and Environment shall provide the organization and operation of a council for appraisal of mineral

exploration schemes

**Article 37.** Order of implementation of procedures for granting mineral mining licenses

1. The receipt of a dossier of application for a mineral mining license is as follows:

a/ The applicant for a mineral mining license shall submit a dossier of application for a mineral mining license to the dossier-receiving agency.

b/ Within 2 working days, the dossier-receiving agency shall check documents in the dossier. If these documents comply with the provisions of Clause 1, Article 59 of the Mineral Law and Clause 1, Article 31 of this Decree, the dossier-receiving agency shall issue a receipt of the dossier. If the dossier comprises insufficient documents according to regulations or comprises sufficient documents but the contents of these documents are improper according to law, the dossier-receiving agency shall guide in writing the applicant to complete and finalize the dossier. The dossier-receiving agency shall provide such guidance only once.

2. Appraisal of a dossier of application for a mineral mining license

a/ Within 25 days after issuing a receipt of a dossier, the dossier-receiving agency shall complete the examination of the coordinates and size of the area expected to be exploited and the field examination.

b/ Within 5 working days from the date of completion of the work specified at Point a of this Clause, the dossier-receiving agency shall send documents to related agencies for

comment on the grant of a mineral mining license under Point c, Clause 2, Article 60 of the Mineral Law.

Within 20 days from the date of receiving a document of request for opinions from the dossier-receiving agency, the consulted agencies shall issue written replies on relevant matters. Past this time limit, if having no opinion, the consulted agencies shall be considered having agreed.

c/ Within 35 days, the dossier-receiving agency shall complete the appraisal of documents and other contents related to mineral mining and determine the charge amount for the grant of the mineral mining right.

3. The submission of a dossier for grant of a mineral mining license is as follows:

a/ Within 5 working days from the date of completion of the activities specified in Clause 2 of this Article, the dossier-receiving agency shall complete a dossier for grant of a license and submit it to the competent licensing state agency.

b/ Within 7 working days from the date of receiving a dossier from the dossier-receiving agency, the competent licensing state agency shall decide whether to grant a mineral mining license. In case of refusal, it shall issue a written reply clearly stating the reason.

4. Reply on results of grant of mineral mining licenses

Within 15 days from the date of receiving a dossier from the competent licensing agency, the dossier-receiving agency shall notify the applicant to come to receive the result and

perform related obligations according to regulations.

**Article 38.** Order of implementation of procedures for granting mineral salvage mining licenses

1. The receipt of a dossier of application for a mineral salvage mining license is as follows:

a/ The applicant for a mineral salvage mining license shall submit a dossier of application for a mineral salvage mining license to the dossier-receiving agency.

b/ Within 2 working days, the dossier-receiving agency shall check documents in the dossier. If these documents comply with Clause 1, Article 70 of the Mineral Law and Clause 1, Article 32 of this Decree, the dossier-receiving agency shall issue a receipt of the dossier.

If the dossier comprises insufficient documents according to regulations or comprises sufficient documents but the contents of these documents are improper according to law, the dossier-receiving agency shall guide in writing the applicant to complete and finalize the dossier. The dossier-receiving agency shall provide such guidance only once.

2. Appraisal of a dossier of application for a mineral salvage mining license

a/ Within 5 working days after issuing a receipt of a dossier, the dossier-receiving agency shall complete the examination of the coordinates and size of the area expected to be salvage-mined and the field examination.

b/ Within 15 days the dossier-receiving agency shall complete the appraisal of

documents and other contents related to the area expected to be salvage-mined.

3. The submission of a dossier for grant of a mineral salvage mining license is as follows:

a/ Within 2 working days from the date of completion of the activities specified in Clause 2 of this Article, the dossier-receiving agency shall complete and submit a dossier for grant of a license to the competent licensing state agency.

b/ Within 5 working days from the date of receiving a dossier from the dossier-receiving agency, the competent licensing state agency shall decide whether to grant a mineral salvage mining license. In case of refusal to grant a license, it shall issue a written reply clearly stating the reason.

4. Reply on results of grant of mineral salvage mining licenses

Within 3 working days from the date of receiving a dossier from the competent licensing agency, the dossier-receiving agency shall notify the applicant to come to receive the result and perform related obligations according to regulations.

**Article 39.** Order of implementation of procedures for extending, transferring or returning mineral exploration licenses, mineral mining licenses; extending or returning mineral salvage mining licenses, and returning part of area

1. The receipt of a dossier is as follows:

a/ An applicant for extension, transfer or return of a mineral exploration license or



mineral mining license or extension or return of a mineral salvage mining license or return of part of area shall submit a dossier to the dossier-receiving agency.

b/ Within 2 working days, the dossier-receiving agency shall check documents in the dossier. If these documents comply with regulations, the dossier-receiving agency shall issue a receipt of the dossier.

If the dossier comprises insufficient documents according to regulations or comprises sufficient documents but the contents of these documents are improper according to law, the dossier-receiving agency shall guide in writing the applicant to complete and finalize the dossier. The dossier-receiving agency shall provide such guidance only once.

#### 2. Appraisal of a dossier is as follows:

a/ Within 5 working days after issuing a receipt of a dossier, the dossier-receiving agency shall complete the examination of the coordinates and size of the area for which a mineral exploration license or mineral mining license is requested to be extended, transferred or returned or part of which is requested to be returned, or within 3 days in case of extension or return of a mineral salvage mining license, including the time of field examination.

b/ Within 30 days the dossier-receiving agency shall complete the appraisal of documents and other contents related to the extension, transfer or return of a mineral exploration license or mineral mining license or return of part of area; or within 5 working days in case of extension or return of a mineral

salvage mining license.

#### 3. Submission of a dossier to the competent licensing agency:

a/ Within 2 working days from the date of completion of the activities specified in Clause 2 of this Article, the dossier-receiving agency shall complete and submit a dossier to the competent licensing state agency.

b/ Within 5 working days from the date of receiving a dossier from the dossier-receiving agency, the competent licensing state agency shall decide whether to permit the extension, transfer or return of a mineral exploration license or mineral mining license or return of part of area; or within 3 days in case of extension or return of a mineral salvage mining license. In case of refusal, it shall issue a written reply clearly stating the reason.

#### 4. Reply on results of dossier processing:

Within 3 working days from the date of receiving a dossier from the competent licensing state agency, the dossier-receiving agency shall notify the applicant to come to receive the result, in case of application for extension, transfer or return of a mineral exploration license or mineral mining license or return of part of area; or within 2 working days in case of extension or return of a mineral salvage mining license.

### **Article 40. Order of implementation of procedures for approving mineral deposit**

#### 1. Receipt of a dossier for approval of mineral deposit:

a/ An organization or individual shall submit a dossier for approval of mineral deposit to the

dossier-receiving agency directly at its office according to Clause 2 or 3, Article 27 of this Decree.

b/ Within 2 working days, the dossier-receiving agency shall check documents in the dossier. If these documents comply with Clause 1, Article 50 of the Mineral Law and Article 30 of this Decree, it shall notify the organization or individual applying for approval of mineral deposit to pay a charge for mineral deposit appraisal according to regulations. The dossier-receiving agency shall issue a receipt of the dossier immediately after the organization or individual pays such charge.

If the dossier comprises insufficient documents according to regulations or comprises sufficient documents but the contents of these documents are improper according to law, the dossier-receiving agency shall guide in writing the applicant to complete and finalize the dossier. The dossier-receiving agency shall provide such guidance only once.

2. The examination of a mineral deposit report is as follows:

a/ Within 30 days after issuing a receipt, the dossier-receiving agency shall examine all documents in the dossier of the report; conduct field examination of the expected mineral exploration area, specimens from drilled holes, tunnels and pits, when necessary.

b/ Within 60 days from the date of completing the work stated at Point a of this Clause, the dossier-receiving agency shall send the exploration result report to specialists for opinions on relevant matters. The time limit for

specialists to reply is 20 working days from the date of receiving the request of the dossier-receiving agency.

c/ Within 30 days from the date of completing the work stated at Point b of this Clause, the dossier-receiving agency shall summarize the specialists' comments and prepare a dossier and documents for submission to the National Council for Assessment of Mineral Deposits or to the provincial-level People's Committee for consideration and decision.

If the report is unsatisfactory and cannot be submitted to the National Council for Assessment of Mineral Deposits or to the provincial-level People's Committee, the dossier-receiving agency shall issue a written notice clearly stating the reason to the applicant for supplementation and completion of the report, which is enclosed with specialists' written comments.

The time for the applicant to supplement and finalize the mineral deposit report is not included in the report appraisal time limit.

3. The appraisal of a mineral exploration result report and approval of mineral deposit in the exploration report is as follows:

a/ Within 30 days from the date of completion of the work stated at Point c, Clause 2 of this Article, the chairman of the National Council for Assessment of Mineral Deposits shall hold a meeting of the council or the provincial-level People's Committee shall decide whether to set up a technical advisory council under Clause 2, Article 21 of this Decree.

b/ Within 5 working days from the date of conclusion of the meeting of the National Council for Assessment of Mineral Deposits or the technical advisory council, the dossier-receiving agency shall finalize the minutes of the council's meeting. If it is necessary to supplement, modify and complete the mineral deposit exploration report according to opinions of the National Council for Assessment of Mineral Deposits, the technical advisory council or the provincial-level People's Committee, the dossier-receiving agency shall send a written notice clearly stating contents to be supplemented and completed, enclosed with the council's meeting minutes.

The time for the applicant to supplement and finalize the mineral exploration report is not included in the report appraisal time limit.

c/ Within 15 days from the date of receipt of the supplemented and completed exploration result report from the applicant for approval of mineral deposit, the dossier-receiving agency shall submit it to the agency competent to approve mineral deposits specified in Clause 1, Article 49 of the Mineral Law.

d/ Within 5 working days from the date of receipt of the dossier for approval of mineral deposit from the dossier receiving agency, the agency competent to approve mineral deposits shall issue a decision to approve the mineral deposit stated in the mineral exploration result report.

4. Reply on results of approval of mineral deposit

Within 5 working days from the date of

receipt of the dossier of the agency competent to approve mineral deposits, the dossier-receiving agency shall notify the applicant for approval of mineral deposit to come to receive the result and perform related obligations.

**Article 41.** Responsibilities of provincial-level People's Committees in coordinating in appraisal for mineral activity licensing

1. For areas banned or temporarily banned from mineral activities which are not yet approved according to regulations, before licensing mineral activities according to its competence, the Ministry of Natural Resources and Environment shall only consult in writing provincial-level People's Committees of the localities having minerals on the areas expected to be permitted for mineral activities which are related or unrelated to areas banned or temporarily banned from mineral activities.

2. Within 20 days from the date of receipt of a written request for opinion stated in Clause 1 of this Article, provincial-level People's Committees shall issue written replies to the Ministry of Natural Resources and Environment.

## Chapter V

### FINANCE ON MINERAL

**Article 42.** Money for the grant of the mineral mining right

The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the

Ministry of Finance in, stipulating the method of calculation, method of collection and the regime of management and use of money for the grant of the mineral mining right.

**Article 43.** Funds for geological baseline surveys of minerals

1. Funds for geological baseline surveys of minerals comply with the provisions of Clause 1, Article 21 of the Mineral Law and may be supplemented with money amounts reimbursed for expenses for geological baseline surveys, expenses for mineral exploration and money for the grant of the mineral mining right.

2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, providing the supplementation of funds for geological baseline surveys under Clause 1 of this Article.

## **Chapter VI**

### **IMPLEMENTATION PROVISIONS**

**Article 44.** Transitional provisions

1. Dossiers of application for mineral activity licenses, which are legally valid and received by competent agencies before July 1, 2011, according to regulations, shall be processed on the principle that licensed organizations and individuals shall fulfill the obligations provided by the Mineral Law. The Prime Minister shall issue specific regulations on transitional conditions and time.

2. Master plans on geological baseline surveys of minerals and master plans for mineral

exploration, mining, processing and use which are approved before the effective date of the Mineral Law may be implemented until the mineral master plans referred to in Clause 1, Article 8 and Article 9 of this Decree are approved and announced according to regulations.

**Article 45.** Effect

This Decree takes effect on April 25, 2012.

The Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding the implementation of the 1996 Mineral Law and the 2005 Law Amending and Supplementing a Number of Articles of the Mineral Law, and Decree No. 07/2009/ND-CP of January 23, 2009, amending and supplementing a number of articles of Decree No. 160/2005/ND-CP, cease to be effective on July 1, 2011.

**Article 46.** Implementation responsibility

1. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with related ministries and sectors in, guiding the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and related organizations and individuals shall implement this Decree.-

*On behalf of the Government*

Prime Minister

**NGUYEN TAN DUNG**

### Appendix

#### RESOURCE SCALE AND DEPOSITS OF SMALL-SCALE AND SCATTERED MINERALS BY MINERAL GROUP/TYPE

(To the Government's Decree No. 15/2012/ND-CP of March 9, 2012)

No.	Mineral group	Mineral type	Unit of calculation	Total deposit and projected resource
1	Fuel	Lignite	1,000 tons	$\leq 500$
2		Coal, anthracite	1,000 tons	$< 500$
3	Iron and iron alloy	Iron ore	1,000 tons of ore	$\leq 200$
4		Manganese ore	1,000 tons of ore	$\leq 200$
5		Chromium ore	1,000 tons of $\text{Cr}_2\text{O}_3$	$\leq 40$
6		Molybdenum	Ton of metal	$\leq 100$
7		Wolfram	Ton of metal	$\leq 50$
8		Nickel	Ton of metal	$\leq 500$
9	Common metals	Bismuth	Ton of metal	$\leq 10$
10		Antimony	1,000 tons of metal	$\leq 0.2$
11		Copper	1,000 tons of metal	$\leq 5$
12		Lead+zinc	1,000 tons of metal	$\leq 5$
13		Tin	1,000 tons of metal	$\leq 0.1$
14	Light metals	Lateritic bauxite	1,000 tons of refined ore	$\leq 10,000$
15		Sedimentary bauxite	1,000 tons of ore	$\leq 500$
16		Titanium in primary ore	1,000 tons of $\text{TiO}_2$	$\leq 50$
17		Titanium in sand ore	1,000 tons	$\leq 20$
18	Precious and rare metals	Primary gold	Tons	$\leq 0.5$
19		Sand gold	Tons	$\leq 0.01$

20	Industrial minerals	Apatite	1,000 tons	$\leq 1,000$
21		Barite	1,000 tons	$\leq 5$
22		Fluorite	1,000 tons	$\leq 3$
23		Phosphorite	1,000 tons	$\leq 50$
24		Serpentine	1,000 tons	$\leq 1$
25		Ceramic, refractory clay	1,000 tons	$\leq 50$
26		Dolomite	1,000 tons	$\leq 100$
27		Feldspar material	1,000 tons	$\leq 50$
28		Quartzite	1,000 tons	$\leq 100$
29		Magnesite	1,000 tons	$\leq 100$
30		Kaolin clay	1,000 tons	$\leq 50$
31		Glass sand	1,000 tons	$\leq 100$
32		Diatomite	1,000 tons	$\leq 50$
33		Graphite	1,000 tons	$\leq 10$
34		Talc	1,000 tons	$\leq 5$
35		White marble	1,000 tons	$\leq 500$
36		Muscovite	1,000 tons	$\leq 1$
37		Crystal quartz	1,000 tons	$\leq 2$
38		Bentonite	1,000 tons	$\leq 10$
39		Cement clay	1,000 tons	$\leq 5,000$
40		Puzolan	1,000,000 tons	$\leq 1$
41		Cement limestone	1,000,000 tons	$\leq 20$
42		Construction marble	1,000 m <sup>3</sup>	$\leq 1,500$
43		Walling and flooring tiles, marble	1,000 m <sup>3</sup>	$\leq 500$