

*The Prime Minister promulgates the Decision on competence to decide on the list of seriously polluting establishments and handling measures.*

**Article 1.** Scope of regulation and subjects of application

1. This Decision provides competence to decide on the list of seriously polluting establishments and measures to handle these establishments.

2. Seriously polluting establishments are identified according to the criteria stipulated by the Ministry of Natural Resources and Environment.

3. This Decision does not apply to the following establishments:

a/ Establishments subject to operation suspension or operation ban prescribed in Clauses 1 and 3, Article 48 of the Government's Decree No. 117/2009/ND-CP of December 31, 2009, on handling of violations of the law on environmental protection;

b/ Persistent organic pollutant pesticide stockpile sites under the Prime Minister's Decision 1946/QĐ-TTg of October 21, 2010, approving the plan on prevention and treatment of persistent organic pollutant pesticide stockpiles nationwide;

c/ Craft villages under the national target program on environmental pollution treatment and environmental improvement for the 2012-2015 period approved under the Prime Minister's Decision No. 1206/QĐ-TTg of September 2, 2012.

**Decision No. 04/2013/QĐ-TTg of January 14, 2013, on competence to decide on the list of seriously polluting establishments and handling measures**

THE PRIME MINISTER

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

*Pursuant to Article 49 of the November 29, 2005 Law on Environmental Protection;*

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

**Article 2.** Competence to decide on the list of seriously polluting establishments and handling measures

1. The Prime Minister may decide on the list of the following seriously polluting establishments and handling measures:

a/ Production, business or service establishments, hospitals, solid waste landfills, export processing zones, industrial parks and industrial complexes whose environmental impact assessment reports have been approved by the Ministry of Natural Resources and Environment, ministries, ministerial-level agencies or government-attached agencies;

b/ Production, business or service establishments, hospitals, solid waste landfills, export processing zones, industrial parks and industrial complexes which must make detailed environmental protection plans for approval by the Ministry of Natural Resources and Environment, ministries, ministerial-level agencies or government-attached agencies under Point a, Clause 3, Article 39 of the Government's Decree No. 29/2011/ND-CP of April 18, 2011, providing strategic environmental assessment, environmental impact assessment and environmental protection commitment;

c/ Detention facilities (prisons and detention camps); reform schools and centers; professional training centers of the people's police forces; military training units; establishments producing or repairing weapons and military equipment;

d/ Social protection establishments and treatment, education and social labor centers under the management of the Ministry of Labor,

War Invalids and Social Affairs.

2. Chairpersons of provincial-level People's Committees may decide on the list of seriously polluting establishments and handling measures, for establishments located in their localities, except the subjects defined in Clause 1 of this Article.

**Article 3.** Responsibilities for summarization of lists of seriously polluting establishments and handling measures

1. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with ministries, sectors and localities in, reviewing and summarizing lists of seriously polluting establishments and handling measures, and submit them to the Prime Minister for decision, for the cases specified in Clause 1, Article 2 of this Decision.

2. Provincial-level Natural Resources and Environment Departments shall assume the prime responsibility for, and coordinate with related departments and sectors in, reviewing and summarizing lists of seriously polluting establishments and handling measures, and submit them to chairpersons of provincial-level People's Committees for decision, for the cases specified in Clause 2, Article 2 of this Decision; and send them to the Ministry of Natural Resources and Environment for examination and monitoring.

3. The Ministry of Natural Resources and Environment shall periodically inspect and examine the listing and handling of seriously polluting establishments; and provide the

certification of thorough pollution treatment by seriously polluting establishments.

**Article 4.** Effect and implementation responsibilities

1. This Decision takes effect on March 1, 2013.

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

*For the Prime Minister*

Deputy Prime Minister

HOANG TRUNG HAI

*Pursuant to the Government's Decree No. 75/2006/ND-CP of August 2, 2006, detailing*