

CIRCULAR No. 01/2006/TT-BTNMT OF JANUARY 23, 2006, GUIDING THE IMPLEMENTATION OF A NUMBER OF CONTENTS OF THE GOVERNMENT'S DECREE No. 160/2005/ND-CP OF DECEMBER 27, 2005, DETAILING AND GUIDING THE IMPLEMENTATION OF THE LAW ON MINERALS AND THE LAW AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE LAW ON MINERALS

Pursuant to the Government's Decree No. 91/2002/ND-CP of November 11, 2002, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

Pursuant to the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals;

The Ministry of Natural Resources and Environment hereby guides a number of contents of the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals,

I. ELABORATION AND APPRAISAL OF MINERAL PROSPECTING OR EXPLORATION SCHEMES

1. Elaboration of mineral prospecting or exploration schemes

The elaboration of mineral prospecting or exploration schemes stipulated in Article 38 of the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding the

implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals shall be conducted according to the following contents:

1.1. A mineral prospecting or exploration scheme shall consist of a written explanation, appendices and illustrative drawings.

The written explanation shall cover the following:

- a/ The geographical position, coordinates, area and objectives of the scheme;
- b/ The geological and mineral characteristics; bases for identification of mineral types;
- c/ The objectives, tasks and expected results;
- d/ The technical method; workload; number of assorted samples to be taken and analyzed; implementation order;
- e/ The estimated mineral deposit (for an exploration scheme);
- f/ The organization of implementation;
- g/ Measures for the protection of ecological environment and labor safety;
- h/ The estimated funding of the scheme.

1.2. The specific contents of chapters and items of a prospecting or exploration scheme shall comply with the guidance in Form 1 (not printed herein).

2. Appraisal of mineral prospecting or exploration schemes

The appraisal of mineral prospecting or exploration schemes stipulated in Article 38 of the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding the implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals shall cover the following contents:

2.1. Inspecting thoroughly the position, boundaries and area indicated in the scheme;

2.2. Assessing geological bases, objectives, mineral types and expected results;

2.3. Appraising the suitability of the combination of technical methods, volumes of works of all kinds and expected number of assorted samples to be taken and analyzed;

2.4. Examining the suitability of the exploration method and feasibility of the estimated deposit targets, with regard to an exploration scheme;

2.5. Assessing impacts on ecological environment, labor safety, and handling measures;

2.6. Considering the rationality and feasibility of implementation organization, implementation time and schedule.

II. FORMS OF APPLICATIONS, MINERAL ACTIVITY PERMITS, MAPS OF REGIONS APPLIED FOR MINERAL ACTIVITY PERMITS AND REPORTS ON MINERAL ACTIVITIES

1. Forms of applications and maps of regions applied for mineral activity permits

Applications and maps of regions applied for mineral activity permits stipulated in Articles 59 thru 62 of the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding the implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals shall be made according to the following forms (not printed herein):

1.1. Forms of applications for mineral activity permits

a/ Applications for grant, extension, re-grant or return of mineral prospecting or exploration permits, or for return of part of mineral exploration area shall

be made according to Forms 02 thru 04; applications for transfer or further exercise of the right to explore minerals shall be made according to Forms 05 and 06.

b/ Applications for grant, extension or return of mineral exploitation permits, or for return of part of mineral exploitation area shall be made according to Forms 07 thru 09; applications for transfer or further exercise of the right to exploit minerals shall be made according to Forms 10 and 11.

c/ Applications for grant, extension or return of mineral processing permits shall be made according to Forms 12 and 13; applications for transfer or further exercise of the right to process minerals shall be made according to Forms 14 and 15.

1.2. Forms of maps of regions applied for mineral activity permits

Regions applied for mineral prospecting, exploration or exploitation permits shall be marked off on topographical maps of orthogonal coordinate system VN2000 of a scale not smaller than 1: 100,000 for a prospecting region; 1: 10,000 for an exploration region and 1: 5,000 for an exploitation region. Maps of regions applied for mineral prospecting, exploration or exploitation permits shall be made according to Form 16.

2. Forms of mineral activity permits

2.1. Mineral prospecting, exploration, exploitation or processing permits shall be made according to Forms 17, 19 and 21.

2.2. The re-grant or extension of mineral prospecting, exploration, exploitation or processing permits; the permission for transfer of the right to explore, exploit or process minerals; the permission for further exercise of the right to explore, exploit or process minerals in case of bequeathal of such right shall be effected with new permits whose

contents shall be compatible with the previously granted permits and relevant provisions of law on minerals (based on the forms of permits provided for in Clause 2.1 of this Section).

2.3. The permission of the return of mineral prospecting, exploration, exploitation or processing permits; or the return of part of mineral exploration or exploitation area shall be effected under a decision made according Form 18, 20 or 22.

3. Forms of reports on mineral activities

Reports on mineral activities stipulated in Article 42 of the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals shall be made according to the following forms:

3.1. Reports on mineral prospecting or exploration activities shall be made according to Form 23;

3.2. Reports on mineral exploitation activities shall be made according to Form 24;

3.3. Reports on mineral processing activities shall be made according to Form 25;

3.4. Reports on mineral activities within provinces or centrally-run cities shall be made according to Form 26.

III. ORGANIZATION OF IMPLEMENTATION

This Circular takes effect 15 days after its publication in "CONG BAO."

The provisions on procedures for submission for appraisal and approval of schemes and reports on mineral activities and elaboration of mineral prospecting or exploitation schemes in the Industry Ministry's Circular No. 10/TT-DCKS of September

13, 1997; provisions on order and procedures for the grant of mineral activity permits in Decision No. 06/2003/QĐ-BTNMT of September 19, 2003, and those on mineral activity reports in Decision No. 23/2004/QĐ-BTNMT of October 28, 2004, of the Minister of Natural Resources and Environment, shall cease to be effective as from the effective date of this Circular.

If any problem on the provisions of law arises in the course of implementation, it should be promptly reported to the Ministry of Natural Resources and Environment for further settlement.

***For the Minister of
Natural Resources and Environment
Vice Minister
DO HAI DUNG***