



Decree No. 05/2025/ND-CP - Strengthening decentralization and empowering localities to proactively control environmental issues

HOÀNG NHẤT THỐNG

Ministry of Agriculture and Environment

Decentralization and delegation of environmental oversight refer to a management mechanism that distributes authority and responsibilities from higher to lower levels, from the central government to local authorities. The implementation of this mechanism enhances the effectiveness of state management, promotes socio-economic development, and reduces the workload at the central level, allowing it to focus on policy planning, institutional development, and legal refinement. At the same time, it empowers local governments to take proactive and innovative approaches in managing environmental issues within their jurisdictions.

Based on the Party's guidelines and policy of "Enhancing decentralization and delegation, clearly defining responsibilities between the Government and ministries; and between the Government, ministries, and local authorities" and "ensuring unified state management while promoting the proactive, initiative, creative role and sense of responsibility of each level and each branch"¹ the Government and the Prime Minister have directed efforts to strengthen decentralization and delegation in state management, including in the environmental sector. In line with these directives, the Ministry of Natural Resources and Environment, in coordination with relevant agencies, has developed and submitted for approval the Decree No.05/2025/ND-CP, dated January 6, 2025, which amends and supplements certain provisions of the Decree No.08/2022/ND-CP, dated January 10, 2022, detailing the implementation of several provisions of the Law on Environmental Protection (hereinafter referred to as the Decree No.05/2025/ND-CP). Accordingly, the Decree No.05/2025/ND-CP provides for the decentralization and delegation of environmental oversight to local authorities in the following key areas:

Decentralization and delegation of responsibility for management and protection of natural heritage environment

The Decree No.05/2025/ND-CP stipulates: For heritages that are national parks, nature reserves, species-habitat conservation areas, landscape protection areas established in accordance with the provisions of the law on biodiversity, forestry and fisheries; scenic spots recognized as cultural heritages established in accordance with the provisions of the law on cultural heritage that have had regulations, plans and management strategies before this Decree takes effect, the People's Committee at the provincial level is responsible for directing the adjustment to integrate and update the contents as prescribed in this Decree into the regulations, plans and management strategies as prescribed by the law on biodiversity, forestry, fisheries and cultural heritage within 06 months from the effective date of this Decree.

1. Communist Party of Vietnam (2021), *Documents of the 13th National Congress of Delegates*, Volume I, National Political Publishing House Truth, Hanoi.

This regulation has delegated authority to the Provincial People's Committee to direct the adjustment to integrate and update the contents as prescribed in this Decree into the regulations, plans, and management strategies for the conservation and environmental protection of natural heritage sites.

Decentralization of the People's Committee at provincial level to appraise environmental impact assessment reports and issue environmental licenses under the authority of the Ministry of Natural Resources and Environment

The Decree No.05/2025/ND-CP introduces provisions that decentralize the authority of provincial-level People's Committees to appraise environmental impact assessment (EIA) reports and issue environmental permits (where applicable) for investment projects that would otherwise fall under the Ministry of Natural Resources and Environment's jurisdiction. However, this does not apply to projects that extend across two or more provincial-level administrative units; are located in marine areas where the administrative responsibility of a People's Committee at provincial-level has not been determined; or discharge wastewater into inter-provincial surface water sources that have been designated by Ministry of Natural Resources and Environment under water resource regulations.

The decentralization applies to the following types of projects: (i) Public investment projects that do not require approval of investment policies by the National Assembly or the Prime Minister, except for projects involving waste recycling and treatment services. (ii) Livestock farming projects. (iii) Projects involving the establishment of livestock and poultry slaughterhouses. (iv) Projects classified solely based on the requirement to convert two or more consecutive rice-growing seasons into other land uses. (v) Projects classified solely based on the requirement to convert land or water surface within nature reserves, natural heritage sites, biosphere reserves, important wetlands, special-use forests, protection forests, or natural forests. This applies only to projects that do not require investment policy approval by the National Assembly or the Prime Minister. (vi) Investment projects in industrial zones, business-service clusters, and



concentrated production areas, excluding Projects that involve hazardous waste treatment services, import scrap materials from abroad for production, engage in large-scale industrial activities with a high risk of environmental pollution, as specified in Column (3) of Appendix II of this Decree, and Expansion projects of existing facilities that are exempt from wastewater connection requirements under environmental regulations, with wastewater discharge levels requiring periodic monitoring. (vii) Hydropower projects that do not require investment policy approval by the National Assembly or the Prime Minister.

Along with the above content decentralization, the Decree No.05/2025/ND-CP also stipulates that the Provincial People's Committee is responsible for:

First, review, prepare, and complete the necessary financial, human resources, and other essential conditions to ensure the successful implementation of delegated duties and powers. The administrative procedures for delegated cases must be conducted in a transparent, public, and convenient manner for the relevant organizations and individuals during implementation.

Second, take responsibility before the Ministry of Natural Resources and Environment for the results of the environmental impact assessment report appraisal and the issuance of environmental permits for investment projects and facilities that have been delegated authority.

Third, organize inspections and audits to ensure compliance with environmental protection laws for projects that have been delegated the authority to approve environmental impact assessment reports and issue environmental permits, as directed by the Ministry of Natural Resources and Environment, except in cases of surprise inspections as per environmental protection law.

Fourth, submit periodic reports every six months (by January 15th and July 15th annually) or reports on the progress of delegated tasks to the Ministry of Natural Resources and Environment for monitoring.

Fifth, direct the development, operation, updating, and integration of environmental impact assessment and environmental permit databases for delegated entities into the provincial-level environmental database, ensuring interoperability with the national environmental database.

Decentralization and delegation of authority for the management and monitoring of the management and use of escrow funds and environmental restoration:

While the Decree No.08/2022/ND-CP did not specify the management and monitoring of

the use of escrow funds and environmental restoration, the Decree No.05/2025/ND-CP clearly defines the authority of provincial-level People's Committees to manage and monitor the management and use of escrow funds and environmental restoration in mineral extraction activities and waste disposal at provincial-level environmental protection funds.

Decentralization and delegation of authority for solid waste management:

The Decree No.08/2022/ND-CP specifies that provincial-level People's Committees set specific prices for the collection, transportation, and disposal of solid waste at paragraph 3 of this article; the cost of treatment and collection methods for the cases in paragraphs 4 and 5 of this article must ensure that the cost of solid waste disposal is accurately calculated per unit of solid waste for treatment.

In the Decree No.05/2025/ND-CP, it is specified that Provincial People's Committees determine the price of solid waste collection, transportation, and disposal services at paragraph 3 of this article according to price laws, with treatment costs and collection methods for the cases in paragraphs 4 and 5 being calculated correctly and fully for each unit of solid waste.

Thus, the Decree No.08/2022/ND-CP specifies that Provincial People's Committees set specific prices for services, while the Decree No.05/2025/ND-CP provides that Provincial People's Committees determine the service price.

In addition to decentralizing the authority of Provincial People's Committees to control environmental issues, the Decree No.05/2025/ND-CP also grants district-level People's Committees authority to select facilities for the collection and transportation of solid waste through bidding, ordering, or task assignment according to legal regulations. At the commune level, People's Committees are responsible for coordinating and facilitating community consultation activities for environmental impact assessment reports.

With the provisions of the Decree No.05/2025/ND-CP, decentralization to local authorities for proactive environmental management will allow for more tailored and timely solutions. Local governments will be able to adjust measures more flexibly, taking on greater responsibility for environmental protection and accountability to local populations. This promotes creativity and innovation in line with local conditions, thus enhancing the effectiveness of environmental governance both locally and nationally. ■

REFERENCES

1. *Communist Party of Vietnam (2021), Documents of the 13th National Congress of Delegates, Volume I, National Political Publishing House Truth, Hanoi.*
2. *Law on Environmental Protection 2020.*
3. *Decree No.08/2022/ND-CP dated January 10, 2022 of the Government detailing a number of articles of the Law on Environmental Protection.*
4. *Decree No.05/2025/ND-CP dated January 6, 2025 of the Government amending and supplementing a number of articles of Decree No.08/2022/ND-CP dated January 10, 2022 of the Government detailing a number of articles of the Law on Environmental Protection.*
5. *Resolution No.04/NQ-CP dated January 10, 2022 of the Government on promoting decentralization and delegation of power in state management.*