



DECREE NO. 65/2025/ND-CP: Some new points in provisions on assignment of sea areas to organizations, individuals for exploitation and use of marine resources

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On 12th March 2025, the Government issued Decree No. 65/2025/ND-CP amending and supplementing a number of articles of Decree No. 40/2016/ND-CP dated 15th May 2016 of the Government detailing the implementation of a number of articles of the Law on Marine and Island Resources and Environment and Decree No. 11/2021/ND-CP dated 10th February 2021 of the Government stipulating assignment of certain sea areas to organizations, individuals for exploitation and use of marine resources. In this Decree, many new points in provisions on assignment of sea areas to organizations, individuals for exploitation and use of marine resources have resolved difficulties and obstacles in management of activities of exploitation and use of marine resources; resolved some bottlenecks in administrative procedures through cutting down intermediate steps in the process of implementing administrative procedures on assignment of sea areas. This article focuses on some prominent amendments and supplements in Decree No. 65/2025/ND-CP on assignment of sea areas to organizations, individuals for exploitation and use of marine resources.

Firstly, the scope of regulation of Decree No. 11/2021/ND-CP has undergone major changes. In addition to the scope of assigning sea areas to organizations, individuals for exploitation and use of marine resources for non-military purposes, Decree No. 65/2025/ND-CP has stipulated that the scope of regulation includes assigning sea areas for military purposes. This provision covers all activities of exploitation and use of marine resources. Also, Decree No. 65/2025/ND-CP has not regulated the assignment of sea areas for sea encroachment to comply with



The variety of marine resources

legislations on land. Activities of sea encroachment have been stipulated under the Land Law 2024 and its guiding documents.

Secondly, Decree No. 65/2025/ND-CP has specifically stipulated activities that do not require assignment of sea areas. This is a new point compared to Decree No. 11/2021/ND-CP and is consistent with reality. According to provisions of Decree No. 11/2021/ND-CP, all activities of exploitation and use of marine resources (except for activities of use of sea areas for defence and security purposes that are not subject to scope of regulation) must carry out assignment of sea areas, however, many activities are difficult to carry out this. Therefore, it is appropriate to stipulate some activities that do not require assignment of sea areas. Specifically, Decree No. 65/2025/ND-CP stipulates activities that do not require assignment of sea areas, and these activities do not require payment of fees for the use of sea areas, including: (i) Activities of exploitation of aquatic resources at sea; activities of protection and regeneration of aquatic resources; activities of preservation of the sea in accordance with provisions of legislations on fisheries, environmental protection, and biodiversity; (ii) Activities of remedy of direct consequences caused by natural disasters and environmental incidents at sea; activities of construction of works for natural disaster prevention and control invested by the State or invested by organizations, individuals using non-state budget capital for non-profit purposes in accordance with provisions of legislations on natural disaster prevention and control; (iii) Activities of scientific research conducted

by foreign organizations, individuals in Vietnam's sea areas which have been licensed by competent state agencies in accordance with provisions of Article 19 of the Law on Marine and Island Resources and Environment.

In addition, (iv) Activities of exploration of oil and gas; activities of dredging in seaport waters, fishing ports, storm shelters for fishing vessels and shipping lanes (except for activities of dredging combined with product recovery) in accordance with provisions of legislations; (v) Activities of scientific research, measurement, monitoring, exploration and survey at sea conducted by state agencies; (vi) Activities of scientific research, measurement, monitoring, exploration and survey at sea carried out by organizations, individuals according to tasks approved, ordered or assigned by competent state agencies using the state budget (except for the case of performing scientific and technological tasks serving aquaculture); (vii) Activities of the maritime sector serving national and public interests and maritime infrastructure invested by the state budget serving national and public interests for non-profit purposes; Activities of construction and installation of works serving national and public interests invested by the state or invested by organizations, individuals using non-state budget capital for non-profit purposes; activities of survey, installation, maintenance, repair and recover of telecommunication cables at sea; (viii) Activities of use sea areas for national defence and security purposes, including cases of using sea areas for dumping at sea.

Thirdly, the authority to assign sea areas has been strongly decentralized, especially to the provincial level. Decree No. 65/2025/ND-CP abolished the authority of the Prime Minister and decentralized this authority to the Ministry of Agriculture and Environment and People's Committees of coastal provinces; in addition, some authorities of the Ministry of Agriculture and Environment were also decentralized to Provincial People's Committees. Accordingly, compared to provisions of Decree No. 11/2021/ND-CP, the scope of authority decentralized and delegated to Provincial People's Committees is very strong, including: (i) Sea areas assigned to organizations, individuals for implementation of investment projects to exploit and use marine resources under the approval or investment policy decision authority of the National Assembly, the Government, and the Prime Minister within the 6-nautical mile sea area; (ii) Sea areas proposed by foreign investors and foreign-invested economic

organizations to be assigned for implementation of investment projects to exploit and use marine resources within the 6-nautical mile sea area (except for sea areas for aquaculture, the authority of which has been stipulated in the Law on Fisheries, not yet decentralized, still under the authority of the Ministry of Agriculture and Environment); (iii) Sea areas outside the 6-nautical mile sea area and within the administrative management scope of the sea of the provincial People's Committee for projects using sea areas for which the People's Committee of coastal province decides to approve the investment policy, approves the investment policy, and grants mineral exploitation licenses.

Fourthly, regarding the order for processing administrative procedures for assignment of sea areas, there has been a major step forward in cutting out a number of procedures and intermediate steps. Decree No. 65/2025/ND-CP has abolished the procedure for handing over sea areas in the implementation. In addition, regarding the procedure for appraising application dossiers for assignment of sea areas, the provision on establishing an appraisal council has been abolished and the consultation with relevant agencies has been simplified. Specifically, the Decree stipulates that it is not necessary to carry out the consultation procedure for cases where Vietnamese organizations, individuals have been granted an aquaculture license by a competent state agency in accordance with provisions of legislations on fisheries. In other cases, in the process of considering and issuing documents permitting the exploitation and use of marine resources to organizations, individuals, competent state agencies have consulted with a number of agencies as prescribed (Ministry of National Defence, Ministry of Public Security, Ministry of Agriculture and Environment) on the location, boundaries, and coordinates of the sea area where the sea area is proposed to be assigned, and the written opinions of these agencies are sent with the dossier applying for the assignment of the sea area, it is not necessary to carry out the procedure of consulting with these agencies. The Decree also have specific provisions on processing dossiers in cases where the dossier does not contain enough information to decide on the assignment of sea areas, the dossier appraisal agency shall send a written request to the organization or individual to provide additional information and explain contents that need to be clarified. In addition, the Decree also clearly stipulates the time limit and responsibilities of relevant agencies in the appraisal of dossiers applying for the assignment of sea areas.



Fifthly, Decree No. 65/2025/ND-CP specifically stipulates the assignment of sea areas for conducting activities of scientific research, measurement, monitoring, exploration, and survey at sea to resolve the biggest difficulties and obstacles in Decree No. 11/2021/ND-CP. The Decree specifically stipulates cases where sea areas must be assigned, dossiers, order and procedures, rights and obligations of organizations, individuals assigned sea areas, including a number of notable differences compared to the assignment of sea areas to organizations, individuals for exploitation and use of marine resources. Specifically, the Decree stipulates that the maximum period for assigning sea areas for conducting activities of scientific research, measurement, monitoring, exploration, and survey at sea shall not exceed 3 years; the decision on assignment of sea areas for conducting activities of scientific research, measurement, monitoring, exploration, and survey at sea shall not be amended, supplemented, or extended; in case 2 or more organizations or individuals submit an application to conduct a type of activity of scientific research, measurement, monitoring, exploration, and survey in the same sea area, in addition to appraisal contents specified in this clause, the appraisal agency must evaluate and propose the selection of organizations or individuals to assign the sea area based on the prescribed factors.

Regarding the rights and obligations of organizations, individuals assigned sea areas to conduct activities of research, measurement, monitoring, exploration and survey at sea, in addition to the rights and obligations prescribed in general for organizations, individuals assigned sea areas for exploitation and use of marine resources, the Decree has stipulated a number of specific obligations: organizations, individuals are allowed to publish and transfer information and results directly related to activities of scientific research, measurement, monitoring, exploration and survey at sea to third parties after obtaining written consent from the competent state agency that assigned the sea area; No later than 60 days from the date of completion of activities of scientific research, measurement, monitoring, exploration, and survey at sea, organizations, individuals must submit a summary report of the results to the competent state agency that assigned the sea area; no later than 10 days from the date of approval by the competent state agency of the investment policy for the project using the sea area that has used the results of activities of scientific research, measurement, monitoring, exploration, and survey at sea, organizations, individuals must submit

detailed results of activities of scientific research, measurement, monitoring, exploration, and survey at sea, including: Original documents and detailed reports of the project using the sea area must be submitted to the Vietnam Agency of Seas and Islands, Ministry of Agriculture and Environment; within no more than 30 days from the date of completion of activities of scientific research, measurement, monitoring, exploration, and survey at sea, except in cases of force majeure as prescribed by civil legislations, the dismantling of means and equipment used and installed in the sea area must be completed.

Sixthly, Decree No. 65/2025/ND-CP has amended and supplemented provisions on fees for using sea areas and determining fees for using sea areas to meet practical requirements. The Decree has supplemented specific provisions on determining fees for using sea areas for special cases such as extending the deadline for assigning sea areas; using sea areas before organizations, individuals are assigned sea areas, etc. In addition, the Decree has stipulated the collection of fees for using sea areas for cases where organizations, individuals use them for multiple purposes.

Seventhly, Decree No. 65/2025/ND-CP has stipulated a number of transitional provisions to resolve difficulties and obstacles in the process of implementing the assignment of sea areas. Specifically, the Decree has stipulated methods for determining the authority to assign sea areas in cases where the administrative management boundary at sea has not been approved or issued by a competent state agency; in cases where the boundary between coastal provinces and centrally-run cities has not been agreed upon; in cases where the investment project is located outside the 6-nautical mile sea area and the responsibility for administrative management at sea has not been determined. In addition, the Decree also stipulates that in cases where the average lowest sea level edge over many years of islands has not been determined and announced by competent authorities as prescribed, the lowest sea level edge at the time of land inventory approved by competent authorities as prescribed shall be used to determine the scope of sea areas and sea zones.

Thus, Decree No. 65/2025/ND-CP has made major, quite complete and comprehensive amendments and supplements from the scope of regulation, authority, order and procedures for assigning sea areas, to provisions on determining fees for using sea areas; transitional provisions. These provisions are consistent with reality, resolving difficulties and obstacles in the assignment and management of exploitation and use of sea areas ■