MINISTRY OF INDUSTRY AND TRADE	SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom - Happiness
No.: 06 /2013/TT-BCT	*Hanoi, March 08, 2013*

CIRCULAR
Regulation on the Content, Process and Procedures for Preparation, Validation and Approval of Wind Power Development Planning

Pursuant to the Electricity Law dated December 03, 2004;

Pursuant to the government Decree No. 95/2012/ND-CP dated November 12, 2012 defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

Pursuant to the Decision No. 37/2011/QD-TTg dated June 29, 2011 by the Prime Minister with regards to the supporting mechanism to develop wind power projects in Vietnam;

At the proposal of the Director General of General Directorate of Energy, Minister of Industry and Trade hereby issues the Circular on the content, process, procedures for preparation, appraisal and approval of wind power development planning:

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Chapter I
GENERAL PROVISIONS

Article 1. Governing scope and applicable subjects

1. This Circular stipulates the content, order and procedures for preparation, validation and approval of wind power development planning on national and provincial levels.

2. This Circular subjects toapply to organizations and/or individuals involving in the preparation, appraisal and approval of wind power development planning in Vietnam.

Article 2. Definition and interpretation

In this Circular, the below terminologies are construed as follows:

1. Theoretical wind power potential means wind power potential determined at the wind speed of at least 6.0 m/s at a height of 80 m.

2. Technical wind power potential means wind power potential, with which a wind power project can be implemented and operated using currently available engineering practices and technologies.

3. Financial wind power potential means wind power potential, with which wind power project can be implemented efficiently and bring profits to the project owner.

Chapter II

CONTENT, PROCESS AND PROCEDURES FOR PREPARATION, APPRAISAL AND APPROVAL OF NATIONAL WIND POWER DEVELOPMENT PLANNING

Article 3. National wind power development planning

National wind power development planning is the planning project designed to identify the overall theoretical and technical wind power potential across the country, distribution of wind potential by regions or provinces at specific phases by 2020, and with vision to 2030.

Article 4. Content of national wind power development planning

1. National wind power development planning (hereinafter referred to as Planning Project) includes below main contents:

a) An overview of wind power development in the world and in Viet Nam: Current state of wind power exploitation, supply and application; Development trend; Methods and support mechanism for wind power; State of wind power development in Viet Nam and studies on wind power potential in Viet Nam.

b) Natural and socio-economic chracteristics of Viet Nam: Current state and development plan by 2020, and with vision to 2030.

c) Current status and Viet Nam national power grid development planning by 2020, and with vision to 2030.

d) Identification of theoretical and technical wind power potential, possibility of making use of wind power in Viet Nam.

đ) List of regions with theoretical and technical wind power potential.

e) Technical, economic and financial criteria for wind power development.

g) Environmental impacts assessment for wind power projects.

h) Solutions and policies.

i) Conclusion and recommendation.

2. Detailed content of national wind power development planning is provided in Appendix 1 of this Circular.

Article 5. Process, procedure for preparation and validation of national wind power development planning

1. Development of detailed outline and selection of consultants

a) Based on the planned budget available for national wind power development planning, the General Directorate of Energy shall prepare detailed outline, cost estimation, and schedule for developing the Planning Project and submit to the Minister of Industry and Trade for approval;

b) The General Directorate of Energy selects a properly qualified consultant in accordance with current regulations, to develop the Planning Project based on the approved outline and cost estimation then submits to the Minister of Industry and Trade for approval.

2. Preparation and submission for appraisal of national wind power development planning

a) The selected consultant shall develop the national wind power development planning in strict accordance with the approved outline and deadline;

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b) During the preparation of the Planning Project, the consultant shall submit interim reports to relevant authorities for comments and adjusts the Planning Project accordingly;

c) After the Planning Project preparation is completed, the consultant shall submit Planning Project Document to the General Directorate of Energy for appraisal.

d) The appraisal document of the national wind power development planning shall comprise:

- Fifteen (15) copies of Planning Project documentation and one (01) CD/DVD/USB containing report files about the Planning Project and other supporting documents (complete wind measurement data used for developing the Planning Project and other related documents).

- Fifteen (15) copies of summary report of the Planning Project.

Article 6. Appraisal, approval and publication of national wind power development planning

1. Appraisal and submission for approval of national wind power development planning

a) The General Directorate of Energy shall appraise the Planning Project within thirty (30) working days after receiving the complete valid application. If necessary, the General Directorate of Energy may hire a consultant or an opponent consultant to support the appraisal process;

b) Within five (05) working days as of the receipt of valid application, the General Directorate of Energy shall send out writing correspondence to collect comments on the Planning Project to related agencies and localities;

c) The relevant agencies and localities shall study the Planning Project application and provide feedbacks in writing to the General Directorate of Energy within fifteen (15) working days as of the receipt date of the comment collecting correspondence;

d) Within ten (10) working days as of the receipt date of feedbacks from relevant agencies and localities, the General Directorate of Energy shall complete and submit a final appraisal report to the Minister of Industry and Trade;

đ) In case the Planning Project needs modification and revision, the General Directorate of Energy shall request in written form to the consultant team to revise the Planning Project documentation accordingly. Within fifteen (15) working days as of the receipt date of revision request, the consultant team shall complete then submit the Planning Project documentation to the General Directorate of Energy;

e) Within fifteen (15) working days as of the receipt of the completed Planning Project documentation, the General Directorate of Energy shall report to the Minister of Industry and Trade for appraisal and submit to the Prime Minister for approval;

g) The application submitted to the Prime Minister shall comprise:

- Application for Planning Project approval.

- Drafted approval decision on Planning Project.

- Final Planning Project Document.

- Summary report on Planning Project.

- Written feedbacks from related agencies and localities.

- Clarifications and on receipt of feedbacks of relevant agencies and localities have been taken into account.

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2. The General Directorate of Energy is responsible for publishing the final national wind power development planning on its official gazette and website.

3. Expenses for the appraisal and publication of the national wind power development planning shall be in compliance with current legal regulations.

4. Based on socio-economic characteristics at specific period of time, Minister of Industry and Trade shall request the Prime Minister to revise, adjust the national wind power development planning.

Chapter III

CONTENT, PROCESS AND PROCEDURES FOR PREPARATION, APPRAISAL AND APPROVAL OF PROVINCIAL WIND POWER DEVELOPMENT PLANNING

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Article 7. Provincial wind power development planning

Wind power development planning of provinces and cities of first category (hereinafter referred to as provincial wind power development plan) is a Planning Project designed to identify the overall theoretical and technical wind power potential and distribution of wind potential across an individual province.

Article 8. Content of provincial wind power development planning

1. Provincial wind power development planning (hereinafter referred to as Planning Project) includes following main chapters:

a) Overview of wind power development in Viet Nam and in the province.

b) Natural and socio-economic characteristics of province.

c) Current state of and development plan for power source and power grid in the province.

d) Identification of theoretical and technical wind power potential, possibility of making use of wind power in province.

đ) Regional planning for wind power development and List of wind power projects: Areas and boundaries of land areas for wind power generation; capacities of wind power projects.

e) Solution for power integration into national power grid.

g) Investment capital demand and financial efficiency of the project.

h) Environmental impacts assessment of wind power projects.

i) Solutions and support mechanism.

k) Conclusion and recommendations.

2. Detailed content of provincial wind power development planning is provided in Appendix 2 of this Circular.

Article 9. Process, procedure for preparation and appraisal of provincial wind power development planning

1. Development of project outline and selection of consultant

a) Based on the planned budget for planning, the provincial Department of Industry and Trade shall develop a Planning Project including project outline, cost estimation and submit to

the provincial People's Committee (hereinafter referred to as provincial committee) for approval;

b) The provincial Department of Industry and Trade shall select a properly qualified consultant to develop the Planning Project based on the approved project outline and cost estimation then submit to the provincial People's Committee for approval.

2. Development and submission of provincial wind power development planning

a) The selected consultant shall develop the provincial wind power development planning in strict accordance with the approved project outline and deadline;

b) During the development of the Planning Project, the consultant shall submit interim reports to relevant authorities for comments and complete the Planning Project;

c) The provincial Department of Industry and Trade shall collect comments from relevant agencies, provincial Electricity Company, and Regional Electricity Corporation on the Planning Project. Within fifteen (15) working days as of the receipt of the request for comments, the relevant agencies and localities shall provide feedbacks in writing to the provincial Department of Industry and Trade on the Planning Project;

d) Application submitted to the Ministry of Industry and Trade shall comprise:

- Request for approval of Planning Project by provincial People's Committee.

- Ten (10) copies of completed Planning Project Document and one (01) CD/USB containing report files about the Planning Project and other supporting documents (Statement, Appendix, data, figures, suggestions of relevant authorities and other reference documents).

- Ten (10) copies of summary report of the Planning Project.

- Feedbacks in writing from relevant agencies and localities.

- Clarification and receipt of feedbacks/ comments from relevant agencies and localities .

Article 10. Appraisal, approval and publication of provincial wind power development planning

1. Appraisal and approval of provincial wind power development planning

a) The General Directorate of Energy shall appraise the Planning Project within thirty (30) working days as of receipt of the valid application. If necessary, the General Directorate of Energy may hire consultant or an opponent consultant for appraisal.

b) Within five (05) working days as of the receipt of valid application, the General Directorate of Energy shall send out correspondence to collect comments on the Planning Project to relevant agencies and localities;

c) Agencies and localities shall study Planning Project application and provide feedbacks/ comments in writing to the General Directorate of Energy within fifteen (15) working days as of the receipt of the request for comments;

d) After the receipt of official feedbacks from relevant agencies and localities, the General Directorate of Energy shall complete and submit a final appraisal report to the Minister of Industry and Trade for consideration and approval;

đ) In case the Planning Project needs adjustment, within five (5) working days as of the receipt date of revision request, the General Directorate of Energy shall request in writing the Provincial People's Committee to revise it accordingly;

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e) Within fifteen (15) working days as of the receipt of the final Planning Project Document, the General Directorate of Energy shall submit to the Minister of Industry and Trade for approval.

2. Provincial People's Committee is responsible for publishing the final national wind power development planning on its website.

3. Cost for appraisal and publication of the provincial wind power development planning shall be incompliance with the applicable laws and regulations.

4. Based on socio-economic characteristics at specific phase, Chairman of Provincial People's Committee shall request in writing the Minister of Industry and Trade to review and/or revise the provincial wind power development planning.

Chapter IV
IMPLEMENTATION ORGANIZATION

Article 11. Implementation organization

1. The General Directorate of Energy shall communicate, instruct and monitor the implementation of this Circular. During the course of implementation, if there arises any issue, the General Directorate of Energy shall cooperate with relevant agencies and localities to review and propose the Minister of Industry and Trade to review and/or revise the Circular.

2. People's Committee of provinces and centrally administered cities shall monitor, supervise and inspect the development and operation of wind power projects in localities in accordance with the approved provincial wind power development planning.

Article 12. Transition provision

1. For projects having been approved by relevant authorities with regards to outlines, duties and cost estimation prior to the effective date of this Circular, and consultant contracts have been signed, they shall be implemented in accordance with the binding decision.

2. In case of projects with outlines having been approved by relevant authorities prior to the effective date of this Circular, but consultant contracts have not been signed yet, they shall be implemented in accordance with this Circular.

Article 13. Validity

This Circular shall take effect as of May 01, 2013./.

Receivers:
- Prime Minister and Deputy Prime Ministers;
- Office and other Departments of Central Party Committee;
- Office of National Assembly;
- Office of General Secretary;
- Office of State President;
- People's Supreme Court;
- State Audit of Vietnam;
- Office of Central Steering Committee on Anticorruption;
- Ministries, ministerial agencies, and governmental agencies;

ON BEHALF OF MINISTER
DEPUTY MINISTER

Signed

Le Duong Quang

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- People's committee of provinces and centrally administered cities;
- Official gazette;
- Government website;
- MOIT website;
- General Directorate of Energy website;
- Ministry of Justice (Department of Examination of Legal Normative Documents);
- Departments of Industry and Trade of provinces and centrally administered cities);
- Vietnam Electricity Corporation;
- Archives, General Directorate of Energy, PC.

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Appendix 1

CONTENT OF NATIONAL WIND POWER DEVELOPMENT PLANNING

(Issued enclosed with the Circular No. 06 /2013/TT-BCT dated March 08, 2013 by the Minister of Industry and Trade)

A. General description

Chapter 1. Overview of wind power development in the world and in Viet Nam

1.1. Current state of wind power exploitation, supply and usage

1.2. Wind power technologies and development trend

1.3. Regional and national policies for wind power development

1.4. Current state of wind power development in Viet Nam and existing studies about wind power potential in Viet Nam

1.5. Methodology of researching and developing wind power planning

1.6. Existing support mechanism for wind power development

Chapter 2. Natural and socio-economic characteristics of Viet Nam

2.1. Natural characteristics

2.1.1. Geographical location

2.1.2. Terrain Features

2.1.3. Meteorological condition

2.2. Socio-economic conditions

2.2.1. Current status of socio-economic development

2.2.2. Socio-economic development orientation by 2020, with a view to 2030

2.3. Current state and planning of land use by 2020, with a view to 2030

Chapter 3. Current state and development orientation for power sources in Viet Nam by 2020, with a view to 2030

3.1. Current status of power sources and national power grid

3.2. Current status of power consumption

3.3. Current status of wind power share (percentage)

3.4. National electrical load demand

3.5. National development orientation of power sources by 2020, with vision to 2030 and barriers to wind power development up to now.

Chapter 4. Identification of theoretical and technical wind power potential, possibility of making use of wind energy in Vietnam

4.1. Input data.

4.2. Methodology of data processing.

4.3. Main results.

4.4. Wind characteristics.

4.5. Identification criteria for regions having theoretical and technical wind power potential

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4.6. Primary identification of regions suitable for wind power development

4.7. Re-assessment of theoretical wind power potential based on observed data.

4.8. Technical wind potential

4.9. Wind Atlas at typical elevations

Chapter 5. List of regions with theoretical and technical wind potential

5.1. Classification of regions for wind power development

5.2. Primary ranking of regions with good wind power potential, ranking by theoretical and by technical wind power potential

5.3. Identification and classification of regions suitable for wind power development

5.4. Classification of regions with wind power development potential

Chapter 6. Technical economic and financial criteria for wind power development

6.1. Identification of technical specifications

6.2. Identification of economic and financial criteria of wind power projects

6.3. Identification of support mechanism for wind power for every 5-year period

Chapter 7. Environmental impacts assessment of wind power projects

7.1. Impact assessment of land occupation.

7.2. Resettlement.

7.3. Environmental impacts assessment.

7.4. Conclusion

Chapter 8. Solutions and policies

8.1. Solutions related to capital and procedures

8.2. Support mechanism for wind power development.

8.3. Implementation organization.

Chapter 9. Conclusion and recommendation

B. Appendices, drawings and maps

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Appendix 2

CONTENT OF PROVINCIAL WIND POWER DEVELOPMENT PLAN

(Issued enclosed with the Circular No. 06 /2013/TT-BCT dated March 08, 2013 by the Minister of Industry and Trade)

A. General description

Chapter 1. Overview of wind power development in Viet Nam and in the province

1.1. Wind power technologies and development trend

1.2. Regional and national policies for wind power development

1.3. Current status of wind power development in Viet Nam and existing studies about wind power potential in Viet Nam

1.4. Methodology for developing wind power planning

1.5. Existing supporting policies for wind power development

Chapter 2. Natural and socio-economic characteristics of Viet Nam

2.1. Natural conditions

2.1.1. Geographical location

2.1.2. Terrain features

2.1.3. River network

2.1.4. Meteorological conditions

2.2. Socio-economic conditions

2.2.1. Current status of socio-economic development

2.2.2. Socio-economic development orientation

2.3. Current status and planning of land use

Chapter 3. Current status and orientation for development of power sources and power grid in province

3.1. Current status of power sources and provincial power grid

3.2. Current status of provincial power consumption

3.3. Development orientation of national power sources for every 10 year period and in next 20 years.

Chapter 4. Identification of theoretical and technical wind power potential, possibility of making use of wind energy in province

4.1. Input data.

4.2. Methodology of data processing.

4.3. Main results.

4.4. Wind conditions.

4.5. Wind Atlas at typical elevations

4.6. Identification of regions suitable for wind power development

4.7. Assessment of theoretical wind power potential based on observed data.

4.8. Determination of theoretical, technical and financial wind power capacity by regions

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Chapter 5. Regional planning for wind power development and List of wind power projects by 2020 with a view to 2030: Areas and boundaries of regions reserved for wind power development; capacity of wind power projects.

5.1. Selection criteria

5.2. Primary ranking

5.3. Identification and classification of regions suitable for wind power development

5.3. List of wind power projects (Area and boundaries of regions reserved for wind power development; capacity of each wind power project)

Chapter 6. Orientation of national power grid integration

6.1. Grid integration at voltage level of each region

6.2. Grid integration capacity at connection points

Chapter 7. Investment capital demand and project financial efficiency

7.1. Economic-technical parameters for grid-connected wind power projects

7.2. Estimated total investment.

7.3. Investment phasing and estimate of financial support in phases in accordance with Decision No. 37/2011/QĐ-TTg .

7.4. Estimate of unit cost/investment rate for projects by regions.

7.5. Analysis of project financial efficiency.

Chapter 8. Environmental impacts assessment for wind power projects

8.1. Land occupation impacts assessment.

8.2. Resettlement.

8.3. Environmental impacts assessment.

8.4. Conclusion

Chapter 9. Solutions and policies

9.1. Main solutions

9.2. Policies.

9.3. Implementation organization.

Chapter 10. Conclusion and recommendation

B. Appendices, drawings and maps

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