

No.: 50/2011/QĐ-TTg

Hanoi, September 05 , 2011

DECISION

Stipulating functions, tasks, powers and organizational structure

of the General Department of Energy directly under the Ministry of Industry and Trade

THE PRIME MINISTER

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

Pursuant to Decree 178/2007/NĐ-CP dated on December 3, 2007 by the Government stipulating functions, tasks, authorities and organizational structure of Ministries, Ministerial-level agencies;

Pursuant to Decree No.189/2007/NĐ-CP dated December 27, 2007 by the Government stipulating functions, tasks, authorities and organizational structure of the Ministry of Industry and Trade, which was amended and supplemented in accordance with Decree No. 44/2011/ND-CP dated June 14, 2011 of the Government; and

Upon the proposal of Minister of Industry and Trade

DECIDES

Article 1. Position and functions

1. General Department of Energy is an agency under the Ministry of Industry and Trade, performing the function of advising and assisting the Minister of Industry and Trade of state management and execution of the tasks of state management on energy industry (including electricity, nuclear power, petroleum, coal, new energy, renewable energy, energy saving); management and implementation of public service activities under the jurisdiction of the General Department.
2. General Department of Energy has legal status, bank accounts and seal bearing the national emblem, with its headquarter located in Hanoi.

Article 2. Duties and Powers

1. Prepare and submit to the Minister of Industry and Trade for issuance under the authority, or request the Minister of Industry and Trade to submit those to the competent State agencies:
 - a) Draft laws, ordinances and draft resolutions of the National Assembly, the draft resolutions of the Standing Committee of National Assembly, the draft decree of the Government, the draft decision of the Prime Minister on energy industry;
 - b) Sector strategy, master plan, regional and territorial master plan, long term and short-term investment and development plans on energy industry, national target programs, action programs, projects and schemes and important works of national defense on the energy industry;
 - c) National technical regulations, national standards in the energy industry;
 - d) Establishment of specialized standards and economic - technical norms in the energy industry.
2. Promulgate documents guiding the expertise, services, internal regulations, and other special documents under the jurisdiction of the General Department of Energy.
3. Direct, inspect and implement the legal documents, strategies, master plans, plans, programs, projects and schemes on the energy industry upon those are approved or issued by the competent authorities.
4. Assist the Minister of Industry and Trade of state management on construction investment under the jurisdiction of the Ministry of Industry and Trade for the energy industry projects.
5. Organize the propagation and dissemination, education of provisions of laws on energy industry.
6. Development of power:
 - a) Prepare and evaluate development strategy of the electricity industry, national master plans on electricity development new energy development, and renewable energy development for the Minister of Industry and Trade to submit to the Prime Minister for approval;
 - b) Evaluation and submission to the Minister of Industry and Trade for approval of electricity development master plans for provinces and municipal cities, power centers, hydro-power ladder master plan and master plan on small hydro-power stations on rivers;

- c) Manage and inspect the implementation of approved electricity development master plans;
- d) Organize the selection of investors, held negotiations to conclude the project documents, manage and supervise the implementation of projects, resolve problems and disputes related to power investment projects under BOT form prescribed by law.

7. Development of nuclear power:

- a) Prepare master plan on locations of nuclear power plants and nuclear power plant development plans, selection of plant locations, policies and mechanisms to ensure the supply of fuels for nuclear power plants as a foundation for Minister of Industry and Trade to submit to the Prime Minister for approvals;
- b) Develop and submit to the Minister of Industry and Commerce for issuance or recognition of application of technical regulations of nuclear power plants; norms, technical standards on the management and operation of nuclear power plants ; regulations and guidance on process and procedures of granting and management of licenses for operating of nuclear power plants;
- c) Organize the staff training for project management, design, manufacture, construction and installation of nuclear power plants, technicians and management staff for operation of nuclear power plants as assigned by the Minister of Industry and Trade.

8. New energy and renewable energy:

- a) Develop and submit to the Minister of Industry and Commerce for approval of master plans for development of new energy, renewable energy in provinces and municipal cities; mechanisms and policies to encourage development of new energy, renewable energy, national target programs on new energy, renewable energy;
- b) Manage and supervise the implementation of national target programs and projects in developing new energy, renewable energy.

9. Management of energy demand and energy saving:

- a) Develop and submit to the Minister of Industry and Commerce for approval of mechanisms and policies to encourage energy saving and efficiency, programs and projects on demand management and energy saving;
- b) Manage and supervise the implementation of national target programs, and projects on demand management and energy saving;
- c) Develop and manage a database of national power.

10. Petroleum:

a) Preparation for submission of Minister of Industry and Trade to the Prime Minister:

Master plan for the oil industry, master plan for reserves of crude oil and petroleum products; and policies to encourage the search, exploration, exploitation, processing and distribution of petroleum;

Report on reserves, the overall development plan for mining and mine development plans, oil and gas block auction results and oil and gas contracts, oil and gas contracts transfer proposals, cooperation proposals for development of petroleum activities in overlapping areas with foreign countries, extend the exploration period or oil and gas contract duration, suspension term for oil and gas contracts in case of force majeure or exceptional circumstances;

List of petroleum blocks, determining and adjusting the boundaries of petroleum blocks.

b) Evaluate for submission to the Minister of Industry and Trade

Programs and plans on early extraction in the contract areas; inspection plan, violation settlement on the removal of fixed installations, equipment and facilities for oil and gas activities of no longer use, and environmental restoration in accordance with provisions of laws;

Allow burning of accompanied gas; relinquish the oil field if the contractor does not conduct field development and petroleum exploitation within the period specified in the approved field development plan.

c) Generalize, monitor and report on the development and results of the search, exploration, extraction and domestic consumption and export of oil and gas.

d) Manage and supervise the implementation of projects on exploration, exploitation, processing and distribution of petroleum products, oil and gas contracts in accordance with the provisions of laws.

11. On the coal industry:

a) Evaluate the overall master plan for development of coal industry for the submission of Minister of Industry and Trade to the Prime Minister for approval.

b) Chair in preparation and submission to the Minister of Industry and Trade:

Detailed master plan for coal mining regions, master plan for exploitation and use of peat in the whole country;

The norms and unit prices in the coal industry;

Lists, conditions and criteria for coal exports and imports;

Plan for annual production, export and import of coal.

c) Manage and inspect the implementation of activities in investment, mining, exporting, importing, processing and trading of coal in accordance with the provisions of law.

12. Implement international cooperation in the energy industry under state management of the Ministry of Industry and Trade: implement and complete the necessary procedures to receive ODA for energy industry; act as representative of Vietnam in bilateral and multilateral organizations for international cooperation on energy industry as assigned by the Minister of Industry and Commerce.
13. Study and apply science, technology, program management, research theory in the field of energy.
14. Organize training and development of human resources to meet the requirements of the energy industry; development and implementation of mechanisms and policies to attract human resources for the operation of the energy sector.
15. Request the concerned organizations and individuals to provide necessary information and documents for the performance of the assigned tasks; use domestic and overseas consultants as prescribed by laws.
16. Implement administrative reform in accordance with the administrative reform plan of the Ministry of Industry and Trade.
17. Manage the organizational apparatus and payroll system, perform policies on salary and remuneration, reward, discipline, training and retraining of professional expertise for officials and public servants under the management of the General Department of Energy under the provisions of law and decentralization of the Ministry of Industry and Trade.
18. Financial and asset management assigned by the Ministry of Industry and Trade and in accordance with the provisions of the law.
19. Perform the tasks of advising and assisting the State Steering Committee on energy projects.
20. Perform the other duties and powers assigned by the Minister of Industry and Trade and in accordance with the provisions of law.

Article 3. Organizational Structure

1. The Office
2. International Cooperation Department.
3. Plan - Master Plan Department.
4. Department of Thermal and Nuclear Power.
5. Hydropower Department.
6. Department of New Energy and Renewable Energy.
7. Department of power grid and rural power.
8. Department of Science, Technology and Energy Savings.
9. Department of Petroleum Exploration and Exploitation.
10. Department of Petroleum Transportation and Processing.
11. Coal Industry Department.
12. Department of BOT Power Training and Management.
13. Energy Information Centre.
14. Center for Energy Training and Consultancy.

The organizations specified in paragraphs 1 to 12 of this Article are the institutions which assist the General Director in performing state management functions; organizations defined in paragraph 13 to paragraph 14 of this Article are the professional units under General Department.

Article 4. Leaders of the General Department

1. General Department of Energy shall have one (1) General Director and not more than three (03) Deputy General Directors;
2. General Director, the Deputy General Directors of General Department of Energy shall be appointed and dismissed by the Minister of Industry and Trade in accordance with the provisions of law;
3. General Director of Department of Energy is responsible to the Minister of Industry and Trade and the laws for all activities of the General Department. The Deputy

General Directors are responsible to the General Director of General Department of Energy and the laws on the assigned tasks.

4. General Director of Department of Energy stipulates functions, tasks, powers and organizational structure of the units under General Department; issues working regulations of the General Department; appoints, dismisses or demotes management staff of the General Department under the provisions of law and decentralization of the management staff of the Minister of Industry and Trade.

Article 5. Effect and enforcement

1. This Decision shall take effect from October 25, 2011.
2. The Ministers, heads of ministerial-level agencies, heads of government agencies, chairmen of provincial and municipal Committees are responsible to implement this Decision.

PRIME MINISTER

Nguyen Tan Dung

Translating confirmation

HAVIP Intellectual Property Co., Ltd. confirms that the above translation version was translated completely and exactly from Vietnamese version of the **Decision No. 50/2011/QĐ-TTg dated September 05, 2011.**

Hanoi, date 09 month 09 year 2011



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