

THE MINISTRY OF FINANCE

Circular No. 67/2008/TT-BTC dated July 21, 2008 of the Ministry of Finance guiding the implementation of the Government's Decree No. 63/2008/ND-CP of May 13, 2008, on environmental protection charges for mineral exploitation

Pursuant to the Government's Decree No. 63/2008/ND-CP of May 13, 2008, on environmental protection charges for mineral exploitation;

Pursuant to the Government's Decree No. 57/2002/ND-CP of June 3, 2002, detailing the implementation of the Ordinance on Charges and Fees, and the Government's Decree No. 24/2006/ND-CP of March 6, 2006, amending and supplementing a number of articles of the Government's Decree No. 57/2002/ND-CP of June 3, 2002, detailing the implementation of the Ordinance on Charges and Fees;

The Ministry of Finance guides a number of provisions concerning environmental protection charges for mineral exploitation as follows:

I. CHARGE CALCULATION METHOD AND CHARGE RATES

1. The amount of environmental protection charge for mineral exploitation payable in the charge payment period is calculated as follows:

$$\begin{array}{l} \text{Amount of environmental} \\ \text{protection charge for mineral} \\ \text{exploitation payable in the} \\ \text{period (VND)} \end{array} = \begin{array}{l} \text{Quantity of} \\ \text{exploited} \\ \text{mineral of each} \\ \text{type (ton or m}^3\text{)} \end{array} \times \begin{array}{l} \text{Corresponding} \\ \text{charge rate} \\ \text{(WD/ton or m}^3\text{)} \end{array}$$

2. The quantity of exploited minerals used for earning the payable environmental protection charge amount is the quantity of crude minerals actually exploited in the charge payment period, regardless of exploitation purposes (for sale, barter, internal consumption, or reserve for subsequent production) and exploitation technologies (manual-or mechanical) or exploitation areas or conditions (mountainous, midland or delta areas, difficult or complicated conditions). In case exploited minerals must be sorted or processed before sale, an appropriate ratio used for converting the quantity of sold finished mineral products into the quantity of crude minerals shall be specified as a basis for calculating the amount of environmental protection charge for each type of mineral, depending on actual mineral exploitation conditions and processing technologies in localities.

3. Environmental protection charges for mineral exploitation shall be collected in Vietnam dong. If charge payers wish to pay charges in a

foreign currency, charges shall be collected in that foreign currency converted into Vietnam dong at the exchange rate on the inter-bank foreign currency market, announced by the State Bank of Vietnam at the time of charge collection.

II. CHARGE REGISTRATION, DECLARATION AND REMITTANCE

1. Payers of environmental protection charges for mineral exploitation are obliged to:

a/ Register, within 10 working days after being licensed to exploit minerals, the payment of environmental protection charges for mineral exploitation with tax offices managing them according to a set form (not printed herein).

b/ Send monthly declarations to tax offices under Clause 3, Article 7 of Decree No. 63/2008/ND-CP environmental protection charges for mineral exploitation according to Form No. 01/BVMT issued together with the Finance Ministry's Circular No. 60/2007/TT-BTC of June 14, 2007, guiding the implementation of the Government's Decree No. 85/2007/ND-CP of May 25, 2007, which details the implementation of a number of articles of the Tax Administration Law.

c/ The order of paying environmental protection charges for mineral exploitation into the State Treasury complies with the Finance Ministry's Circular No. 80/2003/TT-BTC of August 13, 2003, guiding the collection and management of state budget revenues via the State Treasury.

d/ The time limit for tax payment upon annual tax finalization is 10 days after the tax office examines the tax finalization and issues a notice under the Government's Decree No. 85/2007/ND-CP of May 25, 2007, detailing the implementation of a number of articles of the Tax Administration Law. The overpaid charge amount shall be refunded or included in the subsequent period's payable environmental protection charges for mineral exploitation.

2. For payers paying fixed charge amounts under Article 25 of Decree No. 85/2007/ND-CP, their payable charge amounts shall be fixed under Articles 26 and 27 of Decree No. 85/2007/ND-CP.

3. For small and scattered exploitation establishments far from state treasuries which have to pay small amounts of environmental protection charges for mineral exploitation, tax offices may directly collect charges, then periodically remit them into the State Treasury in accordance with the Finance Ministry's Circular No. 80/2003/TT-BTC of August 13, 2003, guiding the collection and management of state budget revenues via the State Treasury. If exploited minerals are purchased by certain purchasers that commit to pay charges on behalf of charge payers, provincial-level tax

offices may decide (in writing) to allow those purchasers to pay on behalf of charge payers environmental protection charges for mineral exploitation. Mineral purchasers are obliged to make declarations according to Form No. 02/BVMT issued together with the Finance Ministry's Circular No. 60/2007/TT-BTC of June 14, 2007, calculate, pay, and finalize by themselves the payment of, environmental protection charges for mineral exploitation under Clause 6, Article 7 of Decree No. 63/2008/ND-CP.

III. ORGANIZATION OF IMPLEMENTATION

1. Based on charge rates specified in Clause 2, Article 4, and Article 5 of Decree No. 63/2008/ ND-CP and this Circulars guidance, provincial-level Peoples Committees shall set the environmental protection charge rates for each type of exploited mineral suitable to their local practical conditions and submit them to provincial-level Peoples Councils for decision in order to apply charge rates from January 1, 2009, at the latest.

2. This Circular takes effect 15 days after its publication in "CONG BAO" and replaces the Finance Ministry's Circular No. 165/2005/TT-BTC of November 30, 2005, guiding the implementation of the Governments Decree No. 137/2005/ND-CP of November 9, 2005, on environmental protection charges for mineral exploitation.

3. Difficulties or problems arising in the course of implementation should be reported to the Ministry of Finance for study and settlement.

For the Minister of Finance

Vice Minister

DO HOANG ANH TUAN