

RUSSIN & VECCHI

INTERNATIONAL LEGAL COUNSELLORS

BANGKOK
MOSCOW
NEW YORK
SANTO DOMINGO

VIETCOMBANK TOWER, 14/F
5 ME LINH SQUARE, HO CHI MINH CITY
TEL: (84-28) 3824-3026
FAX: (84-28) 3824-3113
LAWYERS@RUSSINVECCHI.COM.VN

TAIPEI
VLADIVOSTOK
WASHINGTON, DC
YUZHNO-SAKHALINSK

HANOI CENTRAL OFFICE BUILDING, 11/F
44B LY THUONG KIET ST, HANOI
TEL: (84-24) 3825-1700
FAX: (84-24) 3825-1742
LAWYERS@RUSSINVECCHI.COM.VN

PART TWO - ENERGY PROJECTS IN: TAY NINH, LAM DONG, PHU YEN, KON TUM AND TIEN GIANG PROVINCES

VIETNAM HAS A PLAN TO DOUBLE THE CAPACITY OF POWER GENERATION BY 2030 - DEVELOPERS SHOULD KNOW THE CURRENT STATUS

Nguyen Huu Hoai
Russin & Vecchi

Tel: (84-28) 3824-3026
Email: nhhoai@russinvecchi.com.vn
Web: www.russinvecchi.com.vn

A. ENERGY PROJECTS IN TAY NINH, LAM DONG, PHU YEN, KON TUM AND TIEN GIANG PROVINCES

The Prime Minister (“PM”) has recently issued a number of Decisions which approve the master plan that will be developed during 2023-2030 (with a vision to 2050) in various provinces (including Tay Ninh, Lam Dong, Phu Yen, Kon Tum and Tien Giang Provinces). Among other things, the Prime Minister has approved a list of energy projects in these provinces. The list of particular energy projects in each province can be found in Annexes 1, 2, 3, 4 and 5 of this article. Now, developers may activate or apply for licenses and permits to develop energy projects in Tay Ninh, Lam Dong, Phu Yen, Kon Tum and Tien Giang Provinces.

The Prime Minister has also approved transmission line projects and other works within these provinces. Locations, names, and the capacity of each energy project can be found in the Appendix attached to the PM’s Decisions. It will be useful to see the list of transmission line projects scheduled for development within these provinces during the next ten years in order to evaluate transmission capacity.

B. VIETNAM HAS A PLAN TO DOUBLE THE CAPACITY OF POWER GENERATION BY 2030 - DEVELOPERS SHOULD KNOW THE CURRENT STATUS

It has been reported that up to 2020, the total installed capacity of the power generation industry had reached 69,340 MW¹. It is estimated that during the 2023-2050 period, Vietnam’s average GDP will be 6.5%-7.5%. To meet the country’s GDP growth as contemplated in the National Power Development Plan (“**PDP8**”), Vietnam plans to double the current capacity of the power industry, reaching 150,500 MW² in 2030. The total capacity will be increased after 2031, and the target is to reach 490,530MW - 573,000 MW³ by 2050.

Vietnam has six (6) years, that is, up to 2030 to double the current capacity. Obviously, time is of the essence. The task requires a large effort from all stakeholders (eg, developers, regulatory bodies, EVN, PVN, Vinacomin⁴, local authorities, etc.).

After PDP 8 was issued, the Ministry of Industry and Trade (“**MOIT**”) was assigned to draft a plan to implement PDP8. In late November, 2023 the MOIT resubmitted the Draft PDP8 Implementation Plan to the Prime Minister for review and approval. This is the third time of re-submission. It was reported that based on the provinces' inputs, the proposed capacity for power generation projects is now higher than the approved capacity in PDP8. For example, 38 provinces have proposed to develop onshore wind power projects. The proposed capacity of these onshore wind power projects is 55,630 MW; meanwhile the approved capacity under DPP8 is only 17,310 MW.⁵ Because of natural conditions, it is hard for the MOIT to allocate onshore wind power projects to each province.

On December 22, 2023 the Government Office issued a notice (Notice 536/TB-VPCP), (i) requesting the provincial/municipal Peoples Committees to resubmit a list of power projects to be developed in each province/city. The list (including the rationale, priority and need of each power projects) must be delivered to the MOIT. Notice 536/TB-VPCP (ii) requests the MOIT to work with its consultant (ie, with the Energy Institute) to evaluate the list and proposals submitted by the PCs and to issue a list of power projects that will be allowed to be developed under PDP8.

The MOIT received the list of power projects to be developed in each province/city and evaluated them. It then recently re-submitted another report (Report 644). Report 644 includes (i) list of priority power projects; (ii) list of power projects (renewable energy projects) to be developed during 2023-2030 period; and (iii) list of backup power projects. To date, MOIT’s proposals and recommendations set out in Report 644 are pending approval by the Prime Minister. Due to slow movement in (i) issuance of implementing regulations; (ii) the existence of proposed large-scale projects, it is unlikely that the plan to double the current capacity can be fully achieved by 2030.

¹ MOIT’s letter no. 2842/TTr-BCT dated May 14, 2023 (“**MOIT Letter 2842**”).

² Rounded figure.

³ Rounded figure.

⁴ EVN, PVN and Vinacomin are large state-owned corporations which are assigned to develop large coal-fired power plants and gas-turbine power plants in the first phase (up to 2030) (eg, O On II, O Mon IV, Dung Quat I, Dung Quat III, Minh Trung I, Mien Trung II, etc.).

⁵ MOIT’s letter no. 8356/Tr-BCT dated November 24, 2023.

ANNEX 1

ENERGY PROJECTS IN LAM DONG PROVINCE UNDER DEICION 1727⁶

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
I	Existing projects					
I.1	Hydropower					
1	Đa Nhim		240	240		Being operated
2	Đại Ninh		300	300		Being operated
3	Đồng Nai 2		70	70		Being operated
4	Đồng Nai 3		180	180		Being operated
5	Đồng Nai 4		340	340		Being operated
6	Đồng Nai 5		150	150		Being operated
7	Quảng Hiệp		0.5	0.5		Being operated
8	Lộc Phát		0.6	0.6		Being operated
9	Suối Vàng		4.4	4.4		Being operated
10	Bảo Lộc		24.5	24.5		Being operated
11	Đa M'Bri		75	75		Being operated
12	Đa Dâng 2		34	34		Being operated
13	Đa Siat		13.5	13.5		Being operated
14	Đa Khai		8.1	8.1		Being operated
15	Tà Nung		2	2		Being operated

⁶ Decision 1727/QĐ-TTg of the Prime Minister dated December 29, 2023 (“**Decision 1727**”).

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
16	Đam Bol		9.6	9.6		Being operated
17	Đăk Mê 1		6.5	6.5		Being operated
18	Đa Kai		8	8		Being operated
19	Yan Tann Sien		19.5	19.5		Being operated
20	Đại Nga		10	10		Being operated
21	Krông Nô 2		30	30		Being operated
22	Krông Nô 3		18	18		Being operated
23	Đa Dâng 3		12	12		Being operated
24	Đa Trou Kea		4.5	4.5		Being operated
25	Đa R'cao		2	2		Being operated
26	Sar Deung		5	5		Being operated
27	Đa Dâng		14	14		Being operated
28	Đam Bri 1		7.5	7.5		Being operated
29	An Phước		12	12		Being operated
30	Đa Cho Mo 2		4.6	4.6		Being operated
31	Sar Deung 2		3	3		Being operated
32	Tân Lộc		12.4	12.4		Being operated
33	Đồng Nai 1		15	15		Being operated
34	Đa Cho Mo		9	9		Being operated
35	Đại Bình		15	15		Being operated

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
I.2	Thermo-power projects					
36	Bauxit nhôm					Being operated
II	Potential projects					
II.1	Hydropower projects	Name				
*	Pursuant to MOIT's Decisions					
1	Đạ Sar (by the end of 2023)	Đạ Nhim		12		Decision 1477/QĐ-BCT dated 26/7/2022
2	Đạ Br'Len* (being developed)	Đạ Br'Len		6.2		Decision 764/QĐ-BCT dated 06/3/2018
3	Đạ Hir	Đạ Hir		26		Decision 9274/QĐ-BCT dated 09/12/2013
4	Tân Thượng	Đông Nai		22		Decision 11173/QĐ-BCT dated 16/10/2016
5	Bảo Lâm	Đông Nai		10		Decision 1679/QĐ-BCT dated 11/5/2017
6	Đức Thành	Đông Nai		40		Decision 149/QĐ-BCT

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
						dated 17/01/2017
7	Đạ Huoai 2	Đạ Huoai		10		Decision 1762/QĐ-BCT dated 22/5/2018
8	Cam Ly	Cam Ly		12		Decision 2401/QĐ-BCT dated 14/6/2016
9	Đạ Nhim Thượng 2	Đạ Nhim		12		Decision 8265/QĐ-BCT dated 10/8/2015
10	Đam Bri 2	Đạ Huoai		12		Decision 3454/QĐ-BCN dated 18/10/2005 của Bộ Công nghiệp
*	Potential projects					
11	Hydropower project	Cam Ly		12		To be developed
12	Hydropower project	Đạ Lang Bian		16		To be developed
13	Hydropower project	Đạ Khai		6		To be developed

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
14	Hydropower project	Đa Nhim		18		To be developed
15	Hydropower project	Đa Dâng		10		To be developed
16	Hydropower project	Đa Nhim		10		To be developed
17	Hydropower project	Đa Nhim		20		To be developed
18	Hydropower project	Đa Queyon		10		To be developed
19	Hydropower project	Đa R'Le		10		To be developed
20	Hydropower project	Đa Mê		12		To be developed
21	Hydropower project	La Ngà		36		To be developed
22	Hydropower project	Đa R'Sal		42		To be developed
23	Hydropower project	Đồng Nai		50		To be developed
24	Hydropower project	Đạ Lây		16		To be developed
25	Hydropower project	Đa Kron		12		To be developed
26	Hydropower project	Sông Nhun		10		To be developed

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
27	Hydropower project	Đam Bri		10		To be developed
II.2	PUMPED HYDROSTORAGE					
1	Pumped hydro-storage	Di Linh			1.500	To be developed
2	Pumped hydro-storage	Đạ Tẻh			1.000	To be developed
3	Pumped hydro-storage	Di Linh			600	To be developed
4	Pumped hydro-storage	Lâm Hà			800	To be developed
5	Pumped hydro-storage	Di Linh			1.000	To be developed
6	Pumped hydro-storage	Di Linh			1.000	To be developed
II.3	WIND POWER PROJECTS					
1	Wind power project	Đà Lạt		68		To be developed
2	Wind power project	Đơn Dương		50		To be developed
3	Wind power project	Đơn Dương		50		To be developed
4	Wind power project	Đơn Dương		48		To be developed

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
5	Wind power project	Đức Trọng		113.4		To be developed
6	Wind power project	Đức Trọng		184.8		To be developed
7	Wind power project	Đơn Dương		49.8		To be developed
8	Wind power project	Đơn Dương		49.8		To be developed
9	Wind power project	Đơn Dương		49.8		To be developed
10	Wind power project	Đơn Dương		49.8		To be developed
11	Wind power project	Đơn Dương			128	To be developed
12	Wind power project	Đức Trọng			100	To be developed
13	Wind power project	Di Linh			150	To be developed
14	Wind power project	Đà Lạt			90	To be developed
15	Wind power project	Di Linh			50	To be developed
16	Wind power project	Lạc Dương			48	To be developed
17	Wind power project	Lạc Dương			48	To be developed

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
18	Wind power project	Đức Trọng			100	To be developed
II.4	SOLAR POWER PROJECTS					
1	Solar power project	Đức Trọng			96	To be developed
2	Solar power project	Cát Tiên			28	To be developed
3	Solar power project	Lâm Hà			13	To be developed
4	Solar power project	Lâm Hà			240	To be developed
5	Solar power project	Bảo Lâm			12	To be developed
6	Solar power project	Đạ Tẻh			38	To be developed
7	Solar power project	Đạm Rông			70	To be developed
8	Solar power project	Bảo Lâm			17.5	To be developed
9	Solar power project	Cát Tiên			70	To be developed
10	Solar power project	Bảo Lâm			40	To be developed
11	Solar power project	Di Linh, Lâm Hà			40	To be developed

No	List of energy projects	Location	Scale, capacity (MW)			Note
			Current status	Proposed capacity up to 2030	Potential capacity	
II.5	WASTE TO ENERGY					
1	WTE	Đức Trọng		7.5		To be developed
2	WTE	Bảo Lộc		7.5		To be developed

Note: The development of energy projects must be in compliance with PDP8, the plan to implement PDP8, and the capacity of the transmission line.

ANNEX 2
ENERGY PROJECTS IN TAY NINH PROVINCE UNDER DECISION 1736⁷

No	Name	Location	Proposed capacity (MW)	Note
I	Existing projects			
1	Hydro-power projects			
1.1	CS2	Dương Minh Châu District	1.5	
1.2	Dầu tiếng	Dương Minh Châu District	1.5	
2	Biomass			
	Bourbon	Tân Châu District	37	
3	Solar power projects			
3.1	TTC 1	Trảng Bàng	48	
3.2	TTC 2	Trảng Bàng	50	
3.3	Hoàng Thái Gia	Bến Cầu District	50	
3.4	HCG	Bến Cầu District	50	
3.5	Bách Khoa Á Châu 1	Tân Châu District	30	
3.6	Trí Việt 1	Tân Châu District	30	
3.7	Tân Châu 1	Tân Châu District	50	
3.8	Dầu Tiếng 1	Dương Minh Châu District	150	

⁷ Decision 1736/QĐ-TTg of the Prime Minister dated December 29, 2023 (“**Decision 1736**”)

No	Name	Location	Proposed capacity (MW)	Note
3.9	Dầu Tiếng 2	Dương Minh Châu District	200	
3.10	Dầu Tiếng 3	Tân Châu District	150	
II	Approved projects			
	The extended part of Dầu Tiếng project		1.050	To be developed after 2030 (for self-consumption purposes)
III	Projects to be developed in the 2021-2030 period			
1	WTE	Tân Châu	10 MW	
2	Dầu Tiếng 2 (hydropower project)	Dương Minh Châu	10 MW	
3	Dầu Tiếng 5 (solar power project)*	Dương Minh Châu	450MW	
IV	Potential energy projects			
	To be developed in accordance with PDP8 and relevant regulations			

ANNEX 3

ENERGY PROJECTS IN PHU YEN PROVINCE UNDER DECISION 1746⁸

No	Projects	Proposed location	Scale, capacity (MW)		Note
			Current status	Projected capacity up to 2030*	
I	Potential wind projects			10,000	
	To be studied and developed in potential locations in Phu Yen Province	Phu Yen			
II	Potential solar projects			1,850	
	To be studied and developed in potential locations in Phu Yen Province	Sông Cầu Town and in Tây Hòa, Sơn Hoà, Phú Hoà, Sông Hinh Districts			
III	Potential bio-mass and WTE projects			200	
	To be studied and developed in potential locations in Phu Yen Province	Tuy Hòa City, and Sơn Hòa, Tuy An, Tây Hoà, Đông Xuân Districts			
IV	Hydro-power projects				
IV.1	Existing, and extended hydro-power projects				
1	Sông Hinh (extended)	Sông Hinh	70	140	Approved under

⁸ Decision 1746 of the Prime Minister dated December 30, 2023 (“Decision 1746”)

No	Projects	Proposed location	Scale, capacity (MW)		Note
			Current status	Projected capacity up to 2030*	
2	Ba Hạ (Extended)	Sơn Hòa	220	280	Decision 500/QĐ- TTg dated 15/5/2023)
3	Đá Đen	Tây Hòa	9	15	To be extended
IV.2	Hydropower project to be developed in 2021-2030 period				
	Khe Cách	Đồng Xuân		12	
IV.3	Potential hydropower projects	Đồng Xuân, Sông Hinh, Sơn Hòa		469	
V	Potential LNG power plant	Đồng Hòa		1,400	

ANNEX 4

ENERGY PROJECTS IN KON TUM PROVINCE UNDER DECISION 1756⁹

A) List of existing and future energy projects to be developed in Kon Tum

No	Name	Location	Scale, capacity			Note
			Current status	Scale, capacity (MW)	Potential capacity	
I	Wind power projects			153.5		
1	Wind power project	Đăk Glei		50		To be developed
2	Wind power project	Plông		103.5		To be developed
II	Solar power projects			249		
1	Solar power project	Ia H'Drai		49		Being operated
2	Solar power project	Sa Thầy		200		To be developed
III	Hydropower projects			427.60	466,0	

B) List of potential energy projects in Kon Tum

No	Type	Location	Potential scale, capacity (MW, MWp)	Note
1	Hydropower project	Đăk Glei, Tu Mơ Rông, Sa Thầy, Ia H'Drai, Kon Plông, Kon Rẫy, Đăk Tô Districts, Kon Tum City,...	848.1	
2	Wind power project	Đăk Glei, Tu Mơ Rông, Kon Plông, Kon Rẫy, Đăk Tô, Đăk Hà,...	5,989.1	
3	Solar power project	Đăk Glei, Tu Mơ Rông, Sa Thầy, Ia H'Drai, Kon Plông, Kon Rẫy, Đăk Tô Districts, Kon Tum City,...	18,501.3	To be developed only after 2030
4	Biomass	Ngọc Hồi,...	172	

⁹ Decision 1756 of the Prime Minister dated December 31, 2023 (“Decision 1756”)

No	Type	Location	Potential scale, capacity (MW, MWp)	Note
5	Pumped hydro-storage	Kon Plông	2.400	

ANNEX 5

ENERGY PROJECTS IN TIEN GIANG PROVINCE UNDER DECISION 1762¹⁰

No	Type	Proposed location	Scale, capacity (MW)	Note
I	Wind power projects			
	Tân Thành	Gò Công Đông	100	
II	Solar power projects	Tiền Giang	600	
III	ĐWTE projects	Tân Phước	10	
IV	Hydrogen-production	Gò Công Đông	400	

¹⁰ Decision 1762 of the Prime Minister dated December 31, 2023 (“**Decision 1762**”)