

Decree 35/2015/ND-CP on Management and Use of Paddy Land

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Pursuant to the Resolution No. 17/2011/QH13 dated November 22, 2011 of the National Assembly, Session XIII on land-use planning till 2020 and land-use planning in five-year period (2011 – 2015) at the national level, Government promulgates the Decree 35/2015/ND-CP on management and use of paddy land¹.

OBJECTIVE

This Decree regulates the management and effective use of paddy land; policies supporting rice cultivation for protection and development of paddy land across the country. In addition, the decree manages rice land used into non-agricultural purposes in order to ensure that the suitable conditions to grow rice again are not lost and there will be control of transferred rice land, limit widespread transfer and follow the rice land use plan of the Ministry of Agriculture and Rural Development (MARD).

MAIN CONTENTS

Conversion of plant mechanism on paddy land

- Conditions for converting rice cultivation into annual plant cultivation or rice cultivation in combination with aquaculture:
 - Retain conditions for re-cultivation of rice, stop such activities as distortion of land surface, causing pollution and degradation to paddy land, causing damage to traffic construction and irrigation works serving rice cultivation;
 - Must conform with the plan for converting plant mechanism from rice cultivation to annual plant cultivation or rice cultivation in combination with aquaculture on the paddy land of commune level (hereinafter referred to as conversion of plant mechanism on paddy land);
 - In case of rice cultivation being combined with aquaculture, a maximum of 20% of the rice cultivation area is set aside for aquaculture but can be restored to its normal condition for rice cultivation.
- Land users should register for conversion of plant mechanism on paddy land with People's committees of communes.

¹ The full Vietnamese version can be downloaded from
http://www.moit.gov.vn/Images/FileVanBan/_35_2015_ND-CP_15226890.pdf

- Paddy land subject to conversion of plant mechanism that meets the provisions set out as above
- Article is still considered as paddy land unless area of paddy land is totally converted into annual plant cultivation or aquaculture.
- The Ministry of Agriculture and Rural Development shall provide specific guidance

Conversion of wet rice land into non-agricultural land

- Persons who have land allocated or rented out by the state to use for non-agricultural purpose from wet rice land must exercise regulations of the Law on Land and pay an amount of money for protection and development of paddy land.
- Depending on specific condition in the locality, People's committees of provinces shall decide a specific amount that is not less than 50% of the amount determined by multiplying the area of wet rice land subject to conversion into non-agricultural land by the price of paddy land according to the price list at the date of conversion.
- Persons who have land allocated or rented out by the state must make the declaration of the amount to be paid in proportion to the area of paddy rice land allocated, rented out by the state and transfer it to provincial state budget as regulated.

Responsibilities of paddy rice users

- Use land in accordance with use purpose as prescribed in paddy land using planning approved by competent agencies;
- Make effective use of paddy land without causing pollution, degradation and abandoning it as wasteland. In case some violation is committed, penalty shall be imposed in accordance with the Law on Land.
- Meet requirements for cultivation technique, implement rotational crops to improve production efficiency; renovate and enrich paddy land, protect eco-system environment;
- Paddy land users must exercise their rights and obligations during land use term according to the law on land and other applicable regulations.
- **When conversion of plant mechanism on paddy land is done:**
 - Register with People's committees of communes;
 - Do not leave damage inflicted on irrigation, interior field traffic system causing negative effects on rice production in neighboring areas;
 - In case of irrigation, interior field traffic system is damaged, take appropriate measures and make compensations if the damage does cause adverse effects on rice production in neighboring areas;
 - In case of land is salinized during saltwater aquacultural cultivation, take appropriate measures to restore it to the conditions suitable for growing rice right after aquaculture cultivation.
- **When conversion of paddy land use purpose is done:**
 - Comply with the regulations of the Law on Land in conversion of use purpose and provisions;
 - Take measures to prevent and combat pollution and degradation caused to soil, water without any adverse effect on rice production in neighboring areas; Take timely measures and make compensations in case adverse effects are caused;

Supporting local rice production

- Based on area of paddy land, the State shall prioritize support for rice cultivation in the localities (including expenses for investments and regular expenses) via state budget's allocation limit is decided by competent authorities according to the Law on State Budget.

Apart from the support from state budget according to applicable regulations, relevant localities still enjoy other support as follows:

- VND 1,000,000/ha/year as support for wet rice land;
- VND 500,000/ha/year as support for other wet rice land except upland rice land that is extended spontaneously without compliance with paddy land using planning;

Area of paddy land is supported and determined according to statistical figures on land by central-affiliated cities and provinces announced by the Ministry of Natural Resources and Environment in the year immediately prior to the year of budget allocation.

- Support for reclamation and renovation of paddy land:
 - VND 10,000,000/ha as support for paddy land (except upland rice land) that is reclaimed from unused land or restored from abandoned state. In case of multiple regulations, apply the principle to each piece of land that is supported once and level of support is decided by People's committees of provinces;
 - VND 5,000,000/ha as support for wet rice land that is reclaimed from one-crop wet rice land and other lands according to paddy land using planning;
- Sources and supporting mechanism:
 - 100% as level of support for the localities that receive source of expenses as supplements from central budget and provincial budget of Quang Ngai;
 - 50% as level of support for the localities that regulate division revenues (less than 50%) to the central budget;
 - The remaining localities shall use local budget for implementation.

IMPLEMENTATION

- **The Ministry of Agriculture and Rural Development**
 - Instruct organization of rice production and conversion of plant mechanism on paddy rice according to provisions set out hereof and other relevant documents;
 - Instruct implementation of subject matters
 - Construct projects, policies supporting conversion of plant structure on paddy land and make submission to competent authorities for approval;
- **Ministry of Natural Resources and Environment**
 - Summarize and balance the demands for using paddy land by the Ministries, departments and central-affiliated cities and provinces; plan allocation of criteria of paddy land use at the national level to socio-economic areas and provincial administrative units of which demands for using paddy land, area of paddy land converted must be specified;
 - Provide guidance to People's committees of central-affiliated cities and provinces on determination of area and borderlines of paddy land on-site and establishment of maps of paddy land;

- On an annual basis, summarize and make the report to the Prime Minister on the management and use of paddy land by the localities;
- Take the initiative in cooperating with the Ministry of Agriculture and Rural Development and relevant ministries, departments in investigating and inspecting the management and use of paddy land by the localities across the country;
- **Ministry of Finance**
 - Balance budget source to support rice production by the localities
 - Take the initiative in cooperating with the Ministry of Planning and Investments, the Ministry of Agriculture and Rural Development in allocating budget sources to local rice production;
 - Take the initiative in cooperating with the Ministry of Agriculture and Rural Development in instructing payment, management and allocation of revenues
- **Other ministries, departments**

Other ministries, departments within assigned functions and duties shall be responsible for cooperating with the Ministry of Agriculture and Rural Development, the Ministry of Natural Resources and Environment, the Ministry of Finance, the Ministry of Planning and Investment in exercising relevant provisions set out hereof.
- **People’s committees of central-affiliated cities and provinces**
 - Exercise subject matters of management and use of paddy land by the localities according to provisions set out hereof and other relevant documents;
 - Organize public announcement and close management of the approved paddy land use planning; verify borderlines and establish maps of area of paddy land and high productive, quality wet rice land;
 - Presidents of People’s committees of central-affiliated cities and provinces shall be responsible to the Law and the Government for protecting area, borderlines and quality of paddy land under the approved paddy land using planning.
 - Determine types of annual plants or aquatic life appropriate for conversion of plant mechanism on paddy land in the localities as prescribed hereof; Direct professional agencies to construct the plan for implementing conversion of plant mechanism on paddy land in the localities;
 - Manage and make effective use of paddy land in reliance on particular conditions in the localities and other supporting policies in addition to provisions set out hereof;
 - On an annual basis, report to the Ministry of Natural Resources and Environment on the management and use of paddy land by the localities; report to People’s Council of the same level on the allocation and use of budget for the protection and development of paddy land;
 - Investigate and inspect the management and use of paddy land by the localities

Date submitted: Oct. 27, 2016

Reviewed, edited and uploaded: Oct. 31, 2016