



## LEGAL UPDATE

### DRAFT AMENDED LAW ON ATOMIC ENERGY

The Ministry of Science and Technology has released the draft law (“**Draft Law**”) proposing amendments to the Law on Atomic Energy 2008 (“**Current Law**”). The Draft Law is expected to be submitted to the National Assembly for consideration and approval during its ninth session in May 2025.

The Draft Law aims to address shortcomings of the Current Law, further institutionalize the State’s policies on atomic energy, harmonize the legal framework with related legislation, and ensure consistency with Vietnam’s international commitments. This update highlights several significant points of the Draft Law:

#### 1. Streamlining Regulatory Provisions

The Draft Law removes a number of provisions currently embedded in the Current Law, including regulations concerning:

- State management responsibilities;
- Delegation and decentralization of authority;
- Approval and licensing of nuclear facilities;
- Composition and content of safety assessment reports;
- Safety assurance, security, and emergency response during the transportation of radioactive materials; and
- Conditions, dossiers, procedures, competence, and validity period of licenses, registrations, and certificates.

These aspects will instead be governed by subordinate legislation issued by the Government, thereby increasing regulatory flexibility and aligning with Vietnam’s administrative structure.

In addition, the Draft Law proposes the transition of administrative procedures related to the declaration and licensing of radiation equipment and radioactive sources from a “licensing” regime to a simpler “registration” process, with streamlined documentation requirements. This shift is intended to reduce administrative burdens and compliance costs in line with recommendations from the International Atomic Energy Agency (IAEA).

#### 2. Enhanced Reporting Obligations of Nuclear Facilities

To strengthen state management measures and ensure safety and security standards for the operation of nuclear facilities, the Draft Law introduces additional reporting obligations. Operator will be required to:

- Submit periodic reports on operations and safety compliance;
- Maintain up-to-date records relating to radiation and nuclear safety; and
- Promptly report any incidents, anomalies, or deviations from standard operating procedures to competent authorities.

#### 3. New Regulations on International and Domestic Inspection Mechanism

The Draft Law introduces a dual-level inspection regime, incorporating inspections by both the IAEA and the Vietnam Agency for Radiation and Nuclear Safety (VARANS). This mechanism aims to ensure Vietnam’s compliance with international treaties on the non-proliferation of nuclear weapons and nuclear safeguards.

The inspection regime includes control over:

- The use of nuclear material;
- The source of nuclear materials and equipment used in the nuclear fuel cycle; and
- Related activities to prevent the proliferation of nuclear weapons and the illegal transportation and use of nuclear materials and related equipment.

#### 4. Authority to Approve Nuclear Power Plant Investment Proposals

Under the Current Law, the National Assembly has sole authority to approve nuclear power plant investment proposals, a process that has proven time-consuming in practice.

To streamline approvals, the Draft Law proposed transferring this authority to the Prime Minister, adopting a tiered approach:

- Small and medium scale projects may be approved by the Prime Minister; and



- Large-scale projects (exceeding 2,000MW capacity) would still require National Assembly approval.

Detailed procedures and criteria will be developed through subsequent government regulations.

While the Draft Law introduces strict safety and environmental protection requirements for nuclear facilities, it delegates significant procedural and technical details to future subordinate legislation. Stakeholders in

the nuclear energy sector are advised to closely monitor the development of the Draft Law and assess compliance readiness under the upcoming framework.

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