**PROCEDURES FOR INSURANCE OF ELECTRICITY ACTIVITY LICENSE**

***Legal grounds:***

*Circular 21/2020/TT-BCT of the Ministry of Industry and Trade;*

*Decree 17/2020/ND-CP of the Government.*

1. **Which agency is competent to issue electricity activity licenses?**

Article 12 of Circular 12/2021/TT-BTC stipulates that the authority of the authority that is issued an electricity activity license is as follows:

* The Ministry of Industry and Trade issues electricity activity licenses for electricity transmission and power generation activities for large power plants, which are of particular importance in terms of socio-economic, national defense, and security in the country in the list that is approved by the Prime Minister;
* Electricity Regulatory Authority issues electricity activity licenses for electricity distribution, electricity wholesale, and retail activities, specialized electricity consultancy, and electricity generation activities for power plants with large capacities from 03 MW or more and not in cases where the Ministry of Industry and Trade is competent;
* The People's Committees of the provinces and centrally-run cities shall grant or authorize the Department of Industry and Trade to grant electricity activity licenses for the following fields:
* Power generation activities for power plants with a capacity of less than 03 MW located in the locality;
* Power distribution activities up to the local voltage level of 35 kV;
* Retailing electricity up to the local voltage level of 0.4 kV;
* Consulting specialized in electricity, including:

1. Design consultancy for transmission lines and substations with voltage up to 35 kV, business registration in the locality;
2. Construction supervision consultant for transmission lines and substations with voltage up to 35 kV, business registration in the locality.
3. **What are the processes and procedures for granting electricity activity licenses to enterprises?**

* Organizations and individuals applying for an electricity activity license shall send 1 set of documents to the licensing authority for electricity activities as prescribed in Chapter II of Circular 21/2020/TT-BCT and take responsibility for the accuracy and truthfulness of the license application dossier.
* The form of application submission is prescribed as follows:
* For dossiers under the licensing authority of the Ministry of Industry and Trade and the Electricity Regulatory Authority: Apply on the online Public Service Portal at <https://dichvucong.moit.gov.vn>.

In case the electronic file is large in size or the documents as prescribed by law cannot be sent through the electronic information network, it can be sent directly or via postal service.

* For dossiers falling under the licensing authority of the People's Committees of provinces and centrally-run cities: Send them in person, by postal service, or online on the website of the licensing authority for electricity activities (if any).

**Note:** Organizations participating in power generation activities must submit a complete application for an electricity activity license, no later than 15 working days before the expected date of official commercial operation.

Enterprises need to update the procedures for granting electricity activity licenses as prescribed in Article 11 of Circular 21/2020/TT-BCT, including the following steps:

* In the case of online granting of electricity activity licenses, the following steps shall be followed:
* Step 1: The organization or individual applying for a license registers an account on the Online Public Service Portal of the Ministry of Industry and Trade, using the registered account to declare and submit an online application;
* Step 2: Within 60 working days from the date of receiving the request for supplementation or modification of data, documents, and related information from the electricity activity licensing agency, organization, or individual license applicants must supplement, amend data, documents, and related information on the online Public Service Portal of the Ministry of Industry and Trade.

Upon the expiry of the above time limit, if the organization or individual fails to amend or supplement the dossier as required, the licensing authority for electricity activities may return the dossier of application for an electricity activity license;

* Step 3: Within 15 working days from the date of receipt of complete and valid dossiers on the Online Public Service Portal of the Ministry of Industry and Trade, the licensing authority for electricity activities is responsible for appraising the dossier and granting electricity activity license;
* In case of granting electricity activity licenses not online, the following steps shall be followed:
* Step 1: Within 03 working days from the date of receipt of the application for an electricity activity license, the licensing authority for electricity activities shall notify in writing the organization or individual applying for a license if the application is incomplete or invalid. In the written notice, the reason must be clearly stated and the requirements for supplementing and amending data, documents, and related information to complete the dossier;
* Step 2: Within 60 working days from the date of receipt of the request for supplementation or modification of data, documents, and related information from the licensing authority for electricity activities, or individual the license application must supplement, amend the data, documents, and related information and reply in writing.

Upon the expiry of the above time limit, if the organization or individual fails to amend or supplement the dossier as required, the licensing authority for electricity activities may return the dossier of application for an electricity activity license;

* Step 3: Within 15 working days from the date of receipt of complete and valid dossiers, the licensing authority for electricity activities is responsible for appraising the dossier and granting the electricity activity license;
* Step 4: In case of amendment or supplementation of the electricity activity license, within 07 working days from the date of receipt of a complete and valid dossier, the licensing authority for electricity activities is responsible for appraising the application and issuance of electricity activity licenses.
* The issued electricity activity license consists of 03 originals: 01 is handed over to the licensee, 02 copies are kept at the licensing authority for electricity activities.

***ADK Vietnam Lawyers.***