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Xuan Thien Thuan Bac Solar PV Projects

# Environmental and Social Action Plan (ESAP)

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# Environmental and Social Action Plan

This Environmental and Social Action Plan (ESAP)/Recommendations for EDPR Vietnam and the Project Owners are to address gaps with medium or high-risk levels, as identified in the ESDD, to meet the requirements of the compliance reference framework. This ESAP/Recommendations are based on the documentation provided, project status at the time of writing and requirements of the Lenders moving forward. The ESAP/Recommendations must be reviewed and amended in discussions between the Lenders and EDPR Vietnam to ensure that all parties are aware of obligations imposed by the ESAP and accept the obligation herein. Pursuant to the AIIB requirements, the ESAP needs to be disclosed on the Project Owners' website at least 30 days before AIIB's finance approval.

Table 0-1: Environmental and Social Action Plan (ESAP)

No.	Requirements	Significant Gaps identified	Proposed Actions	Target and Evaluation Criteria	Timetable	Responsibility
<b>1</b>	<b>Environmental and Social Assessment and Management</b>					
1.1	Environmental and Social Assessment	<ul style="list-style-type: none"> <li>Lack of biodiversity baseline data and biodiversity impact assessment in line with IFC-PS6;</li> <li>Lack of social baseline and SIA; and</li> <li>Lack of CIA (e.g., regarding land use).</li> </ul>	<ul style="list-style-type: none"> <li>Conduct desk-study on biodiversity assessment;</li> <li>Conduct a land acquisition audit to assess land acquisition impacts and implement the Corrective Action Plan (CAP) to fill the gaps identified by the LAA;</li> <li>A high-level desk-based study of CIA should be undertaken.</li> </ul>	<ul style="list-style-type: none"> <li>Biodiversity assessment report;</li> <li>Land acquisition report including a CAP;</li> <li>A high-level desk-based study of CIA;</li> </ul>	Within 03-06 months of the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
1.2	Environmental and Social Management System	<ul style="list-style-type: none"> <li>Lacking a comprehensive and systematic ESMS framework/manual which should include:                             <ul style="list-style-type: none"> <li>E&amp;S policies;</li> <li>Environmental and social management plans: waste management, occupational health, safety and environment, community health and safety, stakeholder</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Develop a comprehensive and systematic ESMS framework/manual for the two Projects based on EDPR's ESMS, including its E&amp;S Policies and Guidelines. The ESMS framework should include the following:                             <ul style="list-style-type: none"> <li>E&amp;S policies;</li> <li>Environmental and social management plans: waste management, occupational health, safety and environment, community health and safety, stakeholder</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>ESMS framework/ manual which include:                             <ul style="list-style-type: none"> <li>E&amp;S policies;</li> <li>Environmental and social management plans: waste management, occupational health, safety and environment, community health and safety, stakeholder engagement,</li> </ul> </li> </ul>	Before the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.

No.	Requirements	Significant Gaps identified	Proposed Actions	Target and Evaluation Criteria	Timetable	Responsibility
		<p>engagement, grievance redress mechanism, emergency preparedness and response, supply chain/contractor management and labour management;</p> <ul style="list-style-type: none"> <li>○ E&amp;S organization: clear E&amp;S organization structure including assigning on-site E&amp;S personnel, E&amp;S training plan; and</li> <li>○ Monitoring and review.</li> </ul>	<p>engagement, grievance redress mechanism, emergency preparedness and response, supply chain/contractor management and labour management;</p> <ul style="list-style-type: none"> <li>○ E&amp;S organization: clear E&amp;S organization structure including assigning on-site E&amp;S personnel, E&amp;S training plan; and</li> <li>○ Monitoring and review.</li> </ul>	<p>grievance redress mechanism, emergency preparedness and response, supply chain/contractor management and labour management;</p> <ul style="list-style-type: none"> <li>○ E&amp;S organization: clear E&amp;S organization structure including assigning on-site E&amp;S personnel, E&amp;S training plan; and</li> <li>○ Monitoring and review.</li> </ul>		
<b>2</b>	<b>Pollution Prevention and Resource Efficiency</b>					
2.1	Pollution Prevention	<ul style="list-style-type: none"> <li>• Missing either hazardous waste registration or environmental license;</li> <li>• Lack of 100 m<sup>2</sup> hazardous waste storage as committed in the local EIA/EPP; and</li> <li>• No waste management plan (WMP) is in place for implementation at the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain the environmental license;</li> <li>• Construct 100 m<sup>2</sup> hazardous waste storage as committed in the local EIA/EPP;</li> <li>• Develop and implement project-level WM framework (as a part of the ESMS manual);</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental License;</li> <li>• Project-level WMP</li> <li>• Construction of 100 m<sup>2</sup> hazardous waste storage</li> </ul>	Within 03-06 months of the financial closure;	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
2.2	Resource Efficiency	<ul style="list-style-type: none"> <li>• Lack of a water management plan</li> </ul>	<ul style="list-style-type: none"> <li>• Develop and implement a water management plan</li> </ul>	<ul style="list-style-type: none"> <li>• Project-level water management plan</li> </ul>	Within 03-06 months of the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.

No.	Requirements	Significant Gaps identified	Proposed Actions	Target and Evaluation Criteria	Timetable	Responsibility
<b>3 Biodiversity Consideration</b>						
3.1	Biodiversity risks and impact assessment	<ul style="list-style-type: none"> <li>Lack of biodiversity baseline data;</li> <li>Lack of a Biodiversity Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Biodiversity Management Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Biodiversity Management Plan;</li> </ul>	Within 03-06 months of the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
<b>4 Stakeholder Engagement</b>						
4.1	Stakeholder Engagement  Information disclosure  Consultation	<ul style="list-style-type: none"> <li>Lack of SEP at Project-level</li> <li>Project personnel's contact was not disclosed to the local communities.</li> <li>The stakeholder engagement process was not properly documented.</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Stakeholder Engagement Plan at Project-level. The SEP would identify relevant stakeholders, particularly for operational phase and outline engagement strategies for them.</li> <li>Disclose and implement the SEP, ensuring disclosure and meaningful consultation is conducted continuously and, in a gender-inclusive manner. The link of AIB's Project-affected People's Mechanism (PPM) should be disclosed together with the SEP disclosure.</li> <li>Establish and maintain a documentation system for the Project's future information disclosure and consultation activities</li> </ul>	<ul style="list-style-type: none"> <li>Stakeholder Engagement Plan at Project-level</li> <li>Disclosure of the SEP</li> </ul>	Before the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
<b>5 External Communication and Grievance Mechanism</b>						
5.1	Community Grievance Mechanism	<ul style="list-style-type: none"> <li>Lack of community grievance mechanism at Project-level.</li> </ul>	<ul style="list-style-type: none"> <li>Develop and establish a Grievance Redress Mechanism for the whole Project. The CGM could be included as part of the SEP for operation phase.</li> </ul>	<ul style="list-style-type: none"> <li>Community Grievance Mechanism (CGM)</li> <li>Evidence of the CGM disclosure</li> </ul>	Before the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.

No.	Requirements	Significant Gaps identified	Proposed Actions	Target and Evaluation Criteria	Timetable	Responsibility
		<ul style="list-style-type: none"> <li>Community grievances were not properly documented.</li> </ul>	<ul style="list-style-type: none"> <li>Disclose the GRM as an on-going activity to enhance the affected communities' awareness about Project's CGM.</li> <li>Establish and maintain a documentation system for the Project's future grievances.</li> </ul>			Thien Thuan Bac JSC.
<b>6</b>	<b>Health and Safety</b>					
6.1	Occupational health and safety	<ul style="list-style-type: none"> <li>No OHSE compliance monitoring system was in place at the Projects;</li> </ul>	<ul style="list-style-type: none"> <li>Develop OHSE framework as part of ESMS, which should include registers for work place incidents, health monitoring as per regulations, PPE issuance and use etc.;</li> </ul>	<ul style="list-style-type: none"> <li>OHSE Framework (as a part of the ESMS);</li> </ul>	Before the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
6.2	Community health and safety	<ul style="list-style-type: none"> <li>Community Health and safety risks were not adequately assessed.</li> <li>No Community GRM in place to receive and resolve the local concerns relating to the CHS risks.</li> </ul>	<ul style="list-style-type: none"> <li>Develop and implement a Grievance Redress Mechanism for the whole Project.</li> </ul>	<ul style="list-style-type: none"> <li>Community Grievance Redress Mechanism (GRM)</li> <li>Evidence of the GRM disclosure</li> </ul>	Before the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
<b>7</b>	<b>Labour Working Conditions</b>					
7.1	Labour Management	<ul style="list-style-type: none"> <li>Lack of an internal labor regulation prepared and registered by SCIAVN with DOLISA of Ho Chi Minh City;</li> <li>Lack of non-discrimination employment policy;</li> <li>Lack of gender mainstreaming provision in the labour management;</li> </ul>	<ul style="list-style-type: none"> <li>SCIAVN shall develop an internal labor regulation and register with DOLISA of Ho Chi Minh City;</li> <li>The Projects shall develop labour management framework as part of ESMS. The framework should include requirements for the non-discrimination, no child labour and forced labor, gender equality and no GBV policies</li> </ul>	<ul style="list-style-type: none"> <li>Internal labor regulation and register with DOLISA;</li> <li>Labour management framework as part of ESMS</li> </ul>	<p>Within 06 months of the financial closure</p> <p>Before the financial closure</p>	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.

No.	Requirements	Significant Gaps identified	Proposed Actions	Target and Evaluation Criteria	Timetable	Responsibility
7.2	Labour management of third-parties (contractor and suppliers)	<ul style="list-style-type: none"> <li>The HR Policy does not cover Contractors and subcontractors' workers.</li> <li>Some contracts of the seasonal labourers exceeded 3 months. This is non-compliance with Viet Nam Labour Law</li> </ul>	<ul style="list-style-type: none"> <li>Develop a supply chain and contractor management framework as part of ESMS to ensure that its contractors and sub-contractors comply with AIBB requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Supply chain and contractor management framework as part of ESMS</li> </ul>	Before the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
7.3	Worker grievance mechanism	<ul style="list-style-type: none"> <li>No formal worker grievance mechanism at Project level</li> </ul>	<ul style="list-style-type: none"> <li>Establish, disclose and implement formal worker grievance mechanisms at the Project-level for all Project staff, including the contractors and subcontractors. The mechanism should be an understandable and transparent process that provides feedback to those concerned without any retribution. The process should allow for timely responses, with grievances logged and feedback tracked until resolution</li> </ul>	<ul style="list-style-type: none"> <li>Worker Grievance Mechanism</li> <li>Evidence of the Worker GRM disclosure</li> </ul>	Before the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.
<b>8</b>	<b>Land Acquisition and Involuntary Resettlement</b>					
8.1	Impact Assessment and Planning  Persons without Title or Legal Rights  Resettlement Assistance	<ul style="list-style-type: none"> <li>Lack of socio-economic baseline data of the displaced households;</li> <li>Lack of social impact assessment (e.g., land acquisition, livelihood impacts)</li> <li>Lack of consideration for supporting the vulnerable people;</li> <li>Lack of monitoring and evaluation of the CSR</li> </ul>	<p>The Project should conduct a census socio-economic survey of the households affected by land acquisition in order to:</p> <ul style="list-style-type: none"> <li>Assess social impacts (i.e., the land acquisition impacts) to affected households including their livelihood; The assessment should cover Project impacts on both PAP categories: Land Right Holders and Land Users.</li> </ul>	<ul style="list-style-type: none"> <li>Census socio-economic survey of the affected households to inform an Audit on Land Acquisition, Compensation and Resettlement and a Livelihood Restoration Plan;</li> <li>Audit Report on Land Acquisition and Resettlement which</li> </ul>	Within 06 months of the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.



No.	Requirements	Significant Gaps identified	Proposed Actions	Target and Evaluation Criteria	Timetable	Responsibility
		Plans and livelihood status of displaced HHs after land acquisition.	<ul style="list-style-type: none"> <li>Assess if AP's livelihood has been recovered post-land acquisition;</li> <li>Identify any pending issues relating to land acquisition;</li> <li>Determine if further assistance is required;</li> <li>Undertake detailed needs assessment (DNA) of affected households;</li> <li>Conduct social impact assessment, including livelihood impacts by land acquisition; and</li> <li>Propose and implement corrective action plan (CAP) to address the gaps identified.</li> </ul>	<ul style="list-style-type: none"> <li>include a CAP to fill the gaps identified;</li> <li>Evidence of the CAP implementation;</li> <li>Livelihood Restoration Plan (LRP);</li> <li>Evidence of the LRP implementation</li> </ul>		
8.2	Income Restoration	<ul style="list-style-type: none"> <li>Lack of livelihood impact assessment</li> <li>Lack of livelihood restoration programs</li> </ul>	<p>If PAPs are identified from the survey suffering with post-displacement issues such as loss of income, etc. the Projects should propose appropriate measures to assist them in recovering to their pre-displacement socio-economic status at the minimum or better. Such measures should be presented in a Livelihood Restoration Plan (LRP), which covers:</p> <ul style="list-style-type: none"> <li>Livelihood impact assessment;</li> <li>Livelihood restoration measures;</li> <li>Implementation plan (timeline, resources, budget) for the plan;</li> <li>Monitoring and evaluation of the LRP implementation; and</li> <li>Particular attention should be paid to Ethnic Minorities who may have</li> </ul>			

No.	Requirements	Significant Gaps identified	Proposed Actions	Target and Evaluation Criteria	Timetable	Responsibility
			experienced impacts to their livelihoods.			
8.3	Community Development	<ul style="list-style-type: none"> <li>Lack of consideration for the vulnerable people, ethnic minority groups</li> </ul>	Develop and implement a Community Development Plan (CDP), with consideration of ethnic minority groups and vulnerable people, to enhance the Project benefits to broader communities.	<ul style="list-style-type: none"> <li>A CDP, and</li> <li>Evidence of the CDP implementation</li> </ul>	Within 06 months of the financial closure	Xuan Thien Ninh Thuan JSC. and Xuan Thien Thuan Bac JSC.

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