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Vietnamese Legal Framework for Green Credit: A Decade Towards Sustainability

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Abstract: Green credit is paramount because they address environmental challenges, promote economic growth, and meet evolving societal expectations regarding sustainability. They not only contribute to enhancing our environmental conditions but also drive society towards sustainable development. This paper examines the evolution of the Vietnamese legal framework for green credit over the past decade, emphasizing the shifts towards environmental sustainability in Vietnam. These changes highlight the country's commitment to international agreements and demonstrate the growing awareness of ecological concerns, particularly within the financial sector. Moreover, the paper scrutinizes the practices of Vietnamese commercial banks concerning green credit. It assesses their implementation, evaluating the alignment between policy and practice and their contribution to sustainable development goals. However, the paper also identifies several drawbacks in the legal framework and banking practices related to green credit. In response, this paper provides recommendations to enhance green credit in Vietnam. These suggestions aim to ensure the alignment of the Vietnamese legal framework with global best practices and strengthen the commitment of Vietnamese commercial banks to sustainability.

Keywords: green credit, green finance, sustainable development, Vietnam

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1. Introduction

In an era characterized by environmental degradation and increasing concerns about the sustainability of economic growth, the concept of “green credit” has emerged to address global environmental and social challenges through financial tools [1]. According to the Green Loan Principles (GLP) 2023 issued by the Loan Market Association (LMA) in collaboration with the Asia Pacific Loan Market Association (APLMA) and the Loan Syndications and Trading Association (LSTA), “Green loans are any type of loan instruments and/or contingent facilities (such as bonding lines, guarantee lines or letters of credit) made available exclusively to finance, re-finance or guarantee, in whole or in part, new and/or existing eligible Green Projects and

which are aligned to the four core components of the GLP” [2].

Green credit financially supports environmentally friendly programs, projects, and initiatives to encourage consumers and businesses to optimize energy, renewable energy, and environmentally conscious practices. Notably, green credit is often directed towards initiatives and projects expected to improve environmental conditions, hence featuring favorable interest rates and longer repayment terms compared to conventional loans with equivalent characteristics [3]. Green credit channels financial resources into projects and initiatives that not only foster economic development but also prioritize environmental conservation and social well-being. These credits have gained prominence to reconcile

economic growth with ecological preservation, with their importance underscored by various international initiatives and agreements.

Vietnam is no exception to the global demand for sustainable financing mechanisms. The country has been experiencing significant economic growth in recent decades, but also accompanied by environmental issues [4], [5]. Recognizing the need to incorporate the concept of “green credit” into its domestic legislation, the National Assembly enacted the 2020 Law on Environmental Protection, in which the concept of “green credit” was defined for the first time (Article 149(1)). Accordingly, “Green credit is credit granted for the following investment projects: (a) efficient use of natural resources; (b) climate change adaptation; (c) waste management; (d) pollution control; (dd) restoration of ecological systems; (e) nature and biodiversity conservation; and (g) creating other environmental benefits.” In practice, Vietnamese financial institutions, particularly commercial banks, have also increasingly embraced the concept of “green credit”. These institutions play an essential role in facilitating green projects and, consequently, possess the potential to influence the trajectory of sustainable development in the country.

This paper delves into the realm of green credit in Vietnam, seeking to provide a comprehensive understanding of their evolution, significance, status, and implications within the Vietnamese financial landscape. It examines the regulatory framework governing green credit and their impacts on promoting environmentally friendly practices and sustainable economic growth. Then, it highlights the pivotal role of commercial banks in facilitating the transition towards green and sustainable financing. It also offers insights into the challenges and opportunities associated with the adoption of green credit in the financial sector. Ultimately, the paper aims to contribute to the ongoing discourse on sustainable finance and its role in fostering green growth in Vietnam.

2. Materials and Methods

2.1 Legal Documents Relating to Green Credit in Vietnam

Over the past decade, Vietnam’s legal framework for green credit has undergone noteworthy advancements. This shift occurred in the context of an increasing global emphasis on environmental sustainability and responsible finance. In response, Vietnam has endeavored to harmonize its financial sector with green principles. The authors explore the evolving legal landscape of green credit in Vietnam. We meticulously trace the development of this framework from its initial inception to its present form, offering a detailed chronological list of the normative legal documents pertinent to green credit in Vietnam.

(1) Decision No. 1393/QĐ-TTg dated 25 September 2012 by the Prime Minister approving the National strategy on green growth for the period 2011 – 2020 with vision to 2050 (expired).

(2) Decision No. 403/QĐ-TTg dated 20 March 2014 by the Prime Minister approving the National action plan on green growth for the period of 2014 – 2020.

(3) Directive No. 03/CT-NHNN dated 24 March 2015 by the State Bank of Vietnam on promoting green credit growth and environmental - social risks management in credit granting activities.

(4) Decision No. 1552/QĐ-NHNN dated 6 August 2015 by the State Bank of Vietnam issuing the Action plan of the banking sector for implementation of the National strategy for green growth by 2020.

(5) Circular No. 39/2016/TT-NHNN dated 30 December 2016 by the State Bank of Vietnam prescribing lending transactions of credit institutions and foreign bank branches with customers.

(6) Decision No. 1604/QĐ-NHNN dated 7 August 2018 by the State Bank of Vietnam approving the scheme for green banking growth in Vietnam.

(7) Decision No. 1658/QĐ-TTg dated 1 October 2021 by the Prime Minister approving the National strategy on green growth for the period of 2021 – 2030 with vision to 2050.

(8) Law No. 72/2020/QH14 dated 17 November 2020 by the National Assembly on Environmental Protection.

(9) Circular No. 17/2022/TT-NHNN dated 23 December 2022 by the State Bank of Vietnam providing guidelines on environmental risk management in credit extension by credit institutions and foreign bank branches.

(10) Decision No. 1408/QĐ-NHNN dated 26 July 2023 by the State Bank of Vietnam promulgating the Action plan of the banking sector for implementation of the National strategy for green growth for the period of 2021 – 2030 and the Scheme for tasks and solutions for implementing results of the United Nations Climate Change Conference COP26.

2.2 Some Observations

Since 2012, the process of promulgating legal documents related to green credit in Vietnam has evolved significantly, reflecting the country's growing commitment to sustainable finance and environmental protection.

In the early stages, the State Bank of Vietnam began issuing various documents to guide banking activities in eco-friendly fields. Despite these efforts, the need for a more comprehensive legal framework was evident to facilitate and regulate green credit activities more effectively [6]. In recent years, the legal framework surrounding green credit has been further developed and improved. The State Bank of Vietnam issued several key directives and circulars, leading to more Vietnamese banks offering green funding [7].

The Vietnamese government has been actively involved in reviewing and perfecting policies related to green growth. Furthermore, there has been an emphasis on managing credit growth to meet the needs of the economy while contributing to national green growth targets [8].

Overall, the legal and regulatory landscape for green credit in Vietnam has evolved considerably since 2012, with an unambiguous trend towards more robust and comprehensive policies to support sustainable finance and green growth. Despite progress, ongoing efforts are still necessary to improve the legal framework, address market challenges, and foster the development of green credit in Vietnam.

3. Results

3.1 Sustainable/Green Loan Framework

Commercial banks play a crucial role in financing development projects. Hence, green credit is intrinsically linked to commercial banks' mission as a conduit for capital into the economy during the transformation of the economic paradigm towards green growth.

On 16 February 2023, the Joint Stock Commercial Bank for Investment and Development of Vietnam (BIDV) became the first commercial bank in Vietnam to announce the Sustainable Loan Framework for customers, creating conditions for the bank to develop its sustainable financial products following international standards [9]. Additionally, BIDV has issued internal regulations guiding the assessment of environmental and social risks in accordance with legal regulations and guidelines from the State Bank of Vietnam. BIDV specifies that the conditions for loans must comply with legal regulations, especially in the environmental sector, to implement the lending provisions in Circular No. 39/2016/TT-NHNN of the State Bank of Vietnam. Moreover, BIDV has issued regulations for managing environmental risks in credit activities to ensure compliance with Circular No. 17/2022/TT-NHNN of the State Bank of Vietnam [10]. In credit activities using funds from international sponsors, BIDV has experience in reviewing and evaluating projects to ensure compliance with environmental and social requirements and the social and environmental safety framework of sponsors [11].

Similarly, the Vietnam Bank for Agriculture and Rural Development (Agribank) has established an environmental, social, and governance (ESG) policy to manage environmental and social risks in the bank's lending activities. Agribank identifies the

application of ESG standards as one of the top priorities in the development strategy for the 2023-2025 period. To implement ESG comprehensively, Agribank has established a Steering Committee and Support Team to build a comprehensive ESG implementation project in the short and long term [12]. Agribank's credit handbook integrates the assessment of projects and loan proposals with issues ensuring environmental and ecological integrity. Projects must have approved environmental impact assessment reports by competent authorities, and credit is excluded for projects with significantly adverse environmental and social impacts [12].

Previously, in 2020, Vietnam Prosperity Joint Stock Commercial Bank (VPBank) issued the Green Loan Framework to provide procedures for using and managing green loan funds to finance projects that meet green criteria [13]. The program applies to customers with the need for loans for investment in environmentally friendly projects. This Green Loan Framework is developed based on the four criteria of the GLP 2018.

3.2 Sustainable/Green Loan Disbursement

In recent years, Vietnam has witnessed considerable advancements in the development of green finance. By 2020, the growth rate of green credit led at 35%, surpassing other priority sectors such as agriculture and rural development (16.2%), small and medium-sized enterprises (15.0%), or export (3.8%) [14]. This trend signifies the increasing capital flow from banks into green projects. According to the State Bank of Vietnam, approximately 29% of green projects have credit appraisal processes developed by banks, and 25 banks have established internal procedures for environmental and social risk assessment [14]. As of 30 June 2023, the total green credit balance stands at 528 trillion VND, representing approximately 4.2% of the total credit within the economy [15].

Green finance plays a pivotal role in the successful implementation of the National strategy on green growth for the period of 2021 – 2030 with vision to 2050. However, the current growth rate of the green credit balance may prove insufficient in achieving the Net Zero target by 2050, necessitating further capital and investment through credit mechanisms [15]. Therefore, a set of green criteria is essential for banks to select green investment projects. This forms a crucial foundation for mobilizing domestic and international resources and assessing Vietnam's progress in green growth. The following is an overview of the disbursement situation of some banks in Vietnam in recent years.

Since 2018, BIDV has curtailed credit provision to environmentally harmful sectors like fossil fuel energy projects, large hydropower projects, and greenhouse gas-emitting projects [11]. As of 30 September 2022, BIDV leads the market in financing green projects with 1,210 customers and projects, committing over 61,700 billion VND in credit. The green credit balance of about 49,000 billion VND accounts for 3.3% of BIDV's total debt, primarily concentrated in the renewable energy sector, including over 800 projects with more than 53,200 billion VND in credit (accounting for about 97% of green credit balance). Specifically for wind and solar power projects with a borrowing scale over 500 billion VND, BIDV financed 25 projects with a total loan amount of about 23,400 billion VND (equivalent to one billion USD) during 2020-2021, with a roadmap to eliminate credit balance for thermal and coal power projects by 2035 [16].

In the period of 2018 - 2020, Agribank's green credit balance grew rapidly by 350% per annum. Despite a slight decline in growth rate due to macro factors like the COVID-19 pandemic and economic recession in major global economies impacting Vietnam, the value and number of customers for loans remained quite stable [17]. Additionally, Agribank continues to prioritize capital and financial services to develop agriculture, rural areas, and farmers, maintaining a lending balance for these sectors at 65 - 70% of the total debt [18]. Agribank implements green credit products with preferential policies, encouraging environmentally friendly and efficient business models in line with its business orientation, customer segments, and market targets. In the first half of 2023, Agribank's debt balance grew to match that of 2022. Despite the large debt size, the number of customers meeting Agribank's green credit standards remained the highest at

about 43,000. Notably, Agribank has strongly developed green credit in sectors such as forestry, renewable energy, clean energy, and green agriculture [17].

In 2022, Ho Chi Minh City Development Joint Stock Commercial Bank (HDBank) disbursed 11,000 billion VND for green credit. When providing green credit, environmental and social risk assessments are conducted, with standards consulted from the State Bank of Vietnam and international institutions. To enhance resources for green transition, HDBank closely follows the Government's policies and commitments to the Paris Agreement and the Glasgow Climate Pact [19].

4. Discussion

4.1 Shortcomings

There are two significant shortcomings in the current legal framework governing green credit in Vietnam.

First, the criteria for green credit are not comprehensively addressed. The current regulations on lending by credit institutions to clients do not include provisions for lending to investment projects or business operations that meet the requirements of green economic development. According to Circular No. 39/2016/TT-NHNN, lending activities conducted by credit institutions for customers are carried out based on agreements between the credit institution and the customer, in compliance with the regulations stipulated in this Circular and relevant legal provisions, including environmental protection laws (Article 4(1)). Therefore, credit institutions are authorized to provide loans to any customers in need of capital unless their requirements fall into the category of non-lendable capital needs. Although the concept of "environmental protection laws" is mentioned, it has not yet established an unambiguous mechanism to incentivize credit institutions to provide loans for green projects. The absence of regulations on green economic development leads to the possibility that credit institutions decline projects that meet green development requirements. This situation is because green investment projects often require significant capital, slow capital recovery, and an intensive application of science and technology. In contrast, many credit institutions still focus on seeking investment projects with fast capital turnover and assured capital recovery [20].

Secondly, there is a lack of regulations on green credit products. The growth of green credit has been limited to measures with advisory nature, urging the proactive deployment of green credit programs and policies to gradually increase the proportion of green credit in the investment portfolio structure of credit institutions, such as: (1) developing and implementing solutions to promote green credits, encouraging environmentally and socially friendly business activities, (2) improving service quality, facilitating green credits, and supporting projects and business operations that implement green growth, (3) prioritizing green credit for economic sectors that conserve, develop, and utilize natural resources efficiently, utilize effective energy-saving methods, develop clean and renewable energy, and utilize environmentally friendly technology in production. Credit institutions have not yet invested in developing green credit products that meet the current requirements for green growth. The lack of regulations on green credit products is a significant barrier for organizations and individuals needing capital for green growth [20].

4.2 Recommendations

The authors offer recommendations to enhance the development of the green credit market in Vietnam. These suggestions aim to align the Vietnamese legal framework with global practices and bolster the commitment of Vietnamese commercial banks to the sustainable development.

First, Vietnam should set pollution control objectives via financial organizations, which means enacting credit policies as environmental protection tools, intensifying environmental supervision, and managing credits of construction projects and enterprises. Financial institutions should be responsible for promoting sustainable growth

by designing policies aimed at reducing pollution emissions. Concurrently, the State Bank of Vietnam should issue specific implementation guidelines for this policy to control and address pollution-causing behaviors by enterprises. Under this policy, any enterprise or organization fined by environmental protection agencies would be ineligible for further credit from financial institutions and would also be required to repay existing loans [21].

Second, the State Bank of Vietnam needs to continue developing and perfecting the legal framework guiding the implementation of green credits [22]. The financial resources for green credit in Vietnam are not robust, largely depending on programs and projects with international funding. However, this external funding only plays a role in boosting initial development and cannot provide long-term support. Hence, Vietnam could consider establishing public credit guarantee schemes (CGSs) to support financial institutions lacking capital to grant green credit to enterprises using environmentally friendly technology [21], [23].

Third, the banking system needs to enhance training and improve the capacity of bank staff concerning green banking. Furthermore, the professional level in assessing environmental and social risks of green projects should be improved through training and information sharing [24].

5. Conclusion

The examination of Vietnam's legal framework for green credit elucidates a significant and progressive shift towards sustainable finance within the country's financial sector. The promulgation of policies and regulations pertaining to green credit is reflective of Vietnam's proactive stance in integrating environmental considerations into its financial system. These efforts have been instrumental in fostering a conducive environment for green investment and in promoting sustainable economic growth.

In conclusion, Vietnam's strides in developing an effective framework for green credit represent commendable efforts in aligning financial activities with environmental objectives. While challenges remain, Vietnam is well on the way to realizing green growth targets.

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