THE GOVERNMENT -------	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness ----------
No. 40/2019/ND-CP	*Hanoi, May 13, 2019*

DECREE

AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE DECREE DETAILING AND GUIDING THE IMPLEMENTATION OF ENVIRONMENTAL PROTECTION LAW

Pursuant to the Law on Government Organization dated December 19, 2015;

Pursuant to the Law on Environment protection dated June 23, 2014;

At the request of the Minister of Natural Resources and Environment;

The Government promulgates a Decree on amendments to Decrees on guidelines for the Law on Environment Protection.

Article 1. Amendments to the Government's Decree No. 18/2015/ND-CP dated February 14, 2015 on environmental protection planning, strategic environmental assessment, environmental impact assessment and environmental protection plans (hereinafter referred to as the Government's Decree No. 18/2015/ND-CP)

1. Article 2a shall be added as follows:

"Article 2a. Interpretation of terms

For the purposes of this Decree, these terms below shall be construed as follows:

1. "main works or items of project" means main product production lines, main construction items of a project referred to in the feasibility study report, economic-technical report or investment project dossier.

2. "industrial parks" means common name of industrial parks, export-processing zones, and ancillary industry parks, eco-industrial parks, industrial - urban areas - services parks, high-tech parks, industrial clusters."

2. Article 8 shall be amended as follows:

'Article 8. Implementation of SEA

1. The strategies and planning subject to SEA are prescribed in Appendix I Section I issued together with this Decree.

2. The agency formulating strategies, planning or the agency authorized to formulate strategies, planning (hereinafter referred to as formulating agency) of strategies and planning prescribed in Clause 1 of this Article shall conduct SEA and send an application for assessment of SEA report to the SEA report assessment authority prescribed in Clause 1 Article 16 of the Law on Environment Protection. The application for assessment of SEA report shall be submitted in person or sent by post or sent online via the online public service system to the SEA report assessment authority, including:

a) 01 application form for SEA report assessment using the form No. 01 of Appendix V Section I issued herewith;

b) 09 SEA reports with required contents prescribed in Article 15 of the Law on Environment Protection and contents prescribed in Clause 5 Article 10 hereof;

c) 09 draft strategies or planning.

If the number of members of SEA report assessment council is more than nine (09) members, the formulating agency must provide additional SEA reports and draft strategies or plannings at the request of the assessment authority.

3. The formulating agency shall take legal responsibility for results of SEA, information, figures in their SEA report."

3. Clause 4 Article 10 shall be amended and Clauses 5, 6, 7 and 8 shall be added to Article 10 as follows:

“4. The SEA report assessment authority must conduct the assessment and send the results to the SEA report assessment applicant within 25 working days from the day on which the valid and complete application is received.

5. Checklists of SEA report assessment:

a) Legal bases referred to in formulating strategies or planning and conducting SEA;

b) Methods used in conducting SEA (including names of methods and how to implement the methods);

c) Viewpoints, objectives, policies, solutions concerning environment protection associated with the strategies or planning referred to in the SEA report;

d) Main environmental issues which have been forecasted and identified before implementing the strategies or planning;

dd) Positive and negative evaluation and forecast of main environmental issues;

e) Evaluation and forecast of impact trend of climate change in implementing the strategies or planning;

g) Proposed solutions for maintenance of positive trend, prevention and minimizing negative trend of main environmental issues;

h) Viewpoints, objectives and tasks, solutions of the strategies or planning to be amended; environmental issues which have been identified but have not been adjusted in the strategies or planning;

i) Issues to be studied and analyzed during implementation of the strategies or planning.

6. Within 7 working days from the meeting of SEA report assessment council, the SEA report assessment authority shall send a notice of result of SEA report of the strategies or planning to the formulating agency; in case of SEA report of planning, it shall be concurrently sent to the standing body of the planning assessment council.

7. After studying, acquiring or gaining perception of opinions of the assessment council, the formulating agency shall complete the SEA report and resend it to SEA report assessment authority. The dossier includes:

a) 01 explanatory perception of opinions of for SEA assessment council using the form No. 02 of Appendix V Section I issued herewith;

b) 01 bound hardcopy with hard back of SEA report or 01 e-copy with the “.doc" extension containing the content of the report and 01 e-file with the “.pdf” extension containing the scan of the entire report (including appendices); 01 hardcopy of the draft strategies or planning or 01 e-copy of the draft strategies or planning which has been completed.

8. Within 10 working days from receipt of the completed SEA report, the SEA report assessment authority shall send a notice of result of SEA using form No. 03 Appendix V Section I issued herewith to the agency prescribed in Clause 2 Article 17 of the Law on Environment Protection and the formulating agency; in case of SEA report of planning, it shall be concurrently sent to the standing body of the planning assessment council to combine it into the planning assessment report.”

4. Clause 2a shall be added and Clauses 4, 5 and 6 Article 12 shall be amended as follows:

a) Clause 2a shall be added as follows:

“2a. Main contents of EIA report are specified in the Article 22 of the Law on Environment Protection. To be specific:

a) Waste treatment solutions: It is required to evaluate waste treatment solutions and choose waste treatment technologies meeting requirements for environment protection. In a construction project having a waste treatment work, for the environment assessment purpose, it is required to have a description and fundamental design plan (if the project requires multiple design steps) or a construction drawing design plan (if the project only requires one design step) of the waste treatment work in accordance with construction laws; it is required to have a plan for prevention and response to environmental incidents during the construction, commissioning and operation;

b) The environmental management and supervision program to be adopted during the construction stage of the project; proposed environmental management and monitoring program to be adopted during the commissioning and operation stages;

c) Plans for adoption of environment protection solutions, including:

- Plans for collection, management and treatment of waste discharged during the construction process of the project (solid waste, emissions, hazardous waste, domestic garbage, domestic wastewater, other types of liquid waste such as chemical waste, drain cleaners, etc.), which comply with regulations on environment protection;

- Schemes for construction or installation of environment protection works, waste treatment equipment, automatic and continuous wastewater and emission monitoring equipment required by law; schemes for adoption of other environment protection solutions for the operation stage of the project;

d) With respect to a project to expand scale, upgrade capacity or change technology of an ongoing facility or industrial park, it is required to add more contents in the EIA report, including the evaluation of performance and environment protection activities of the existing facility or industrial park and the consolidated evaluation of environmental impact of the existing facility or industrial park and the project to expand scale, upgrade capacity or change technology;

dd) With respect to a project to construct industrial parks and a project of a kind of manufacturing possibly causing environment pollution prescribed in Appendix IIa Section I issued together with, the EIA report must have a plan for prevention and response to environmental incidents related to emissions and a plan for prevention and response to environmental incidents related to wastewater in accordance with Decree No. 38/2015/ND-CP;

e) With respect to a mineral extraction project, the EIA report must have a plan for environmental improvement and remediation in accordance with Article 6 of Decree No. 19/2015/ND-CP; with respect to a project to extract sand, gravels and other minerals in rivers, streams, canals, reservoirs and estuaries, coasts, the EIA report must evaluate the impact on river-bed, banks and floodplains in accordance with law on water resources.

Structure and contents of the EIA report are specified in the form No. 04 Appendix VI Section I issued herewith. The Ministry of Natural Resources and Environment shall stipulate specific structure and contents and technical guidance suitable for certain types of projects in different sectors."

b) Clauses, 4, 5 and 6 shall be amended as follows:

"4. During the implementation of EIA, the project owner shall consult with the People's Committee of communes, wards and towns (hereinafter referred to as communes) where the project is carried out, with organizations or community under the direct environmental impact of the project (wastewater, emissions, dust, solid waste, hazardous waste, depression, landslide, accumulation, noise, biodiversity); research and receive objective opinions and reasonable requests of relevant entities in order to minimize the negative effects of the project on the natural environment, biodiversity and community health.

With respect to a project to build interprovincial, interdistrict transport infrastructure, telecommunications infrastructure and power transmission lines, the project owner shall only consult with the People's Committee of province or central-affiliated city (hereinafter referred to as province) if the project is based in at least 2 provinces or consult with the People's Committee of district, town, provincial-affiliated city, or city affiliated to central-affiliated city (hereinafter referred to as district) if the project is based in at least 2 districts.

With respect to a project based at a territorial sea or continental shelve which cannot identify the administrative authority of the People's Committee of commune, the project owner shall only consult with People's Committee of province where the waste receiving site of the project is located.

With regard to project of ocean dumping and disposal of dredged materials or a project prescribed in Point dd Clause 2a of this Article which discharges at least 10,000m3 of wastewater per day (24 hours) or directly discharges wastewater into an interprovincial river or a river bordering provinces or directly discharges wastewater into coastal sea, the project owner shall also consult with the People's Committee of province having the interprovincial river, the river bordering provinces or coastal sea to cooperate in deal with environment protection issues in the region.

5. The People's Committees prescribed in Clause 4 of this Article and the organizations under the direct impact of the project shall be consulted according to procedures below:

a) The project owner shall send EIA reports to the People's Committees and organizations under the direct impact of the project together with the written requests for opinions using form No. 01 Appendix VI Section I issued herewith;

b) Within 15 working days, from the date on which the EIA reports are received, the People's Committees and organizations under the direct impact of the project shall send their responses using the form No. 02 Appendix VI Section I issued herewith if they do not approve the project.

6. The consultation with the community under direct environmental impact of the project shall be carried out in the form of community meeting co-chaired by project owner and the People's Committee of the commune where the project is carried out together with the participation of representatives of Vietnamese Fatherland Front of communes, socio-political organizations, socio-professional organizations, neighborhoods, villages convened by the People's Committee of the commune. All opinions of delegates attending the meeting must be sufficiently and honestly stated in the meeting minutes using the form No. 03 Appendix VI Section I issued herewith."

5. Article 14 shall be amended as follows:

"Article 14. Preparation, assessment and approval for EIA reports

1. For an investment project, only one EIA report shall be made.

2. The project owner shall submit the EIA report to the competent authority for assessment before the following points of time:

a) Regarding a mineral extraction project, the EIA report shall be submitted before the competent authority carries out the assessment to issue or modify the license for mineral extraction;

b) Regarding a project of oil and gas exploration and extraction, the EIA report shall be submitted before the competent authority carries out the assessment and grants approval for the exploration plan, oil field development plan;

c) Regarding a construction project, the EIA report shall be submitted before the competent authority carries out the assessment of feasibility study report, economic-technical reports or basic design, construction drawing design (if the project only requires one design step).

If a project has the same competent authority which carries out the assessment of EIA report and basic design or construction drawing design, all of above dossiers shall be submitted concurrently for assessment as prescribed;

d) Regard other projects not specified in Points a, b and c of this Clause, the EIA report shall be submitted before the decision on approval for the project is granted.

3. The competence of the EIA report assessment authorities:

a) The Ministry of Natural Resources and Environment shall assess and approve the EIA reports on projects prescribed in Appendix III Section I issued herewith, except for projects subject to national defense and security secrets;

b) Ministries, ministerial agencies shall assess and approve the EIA reports on projects under their competence in approval for investment, except for projects in Appendix III Section I issued herewith.

If a ministry or ministerial agency has no environment authority to assess EIA reports, the Ministry or ministerial agency shall send a written request enclosed with the EIA report dossier submitted by the project owner to the Ministry of Natural Resources and Environment or the People's Committee of province where the project is based to solicit consultation before considering approval for the EIA report. Within 15 working days, from receipt of the written request sent by the Ministry or ministerial agency, the Ministry of Natural Resources and Environment or the People's Committee of province must provide a reply to requirements for environment protection specified in the Appendix enclosed with the Form No. 06 Appendix VI Section I issued herewith for the Ministry or ministerial agency as the basis for approval for EIA report of the project;

c) The Ministry of National Defense and the Ministry of Public Security shall assess and approve EIA reports on projects subject to national defense and security secrets and projects under their competence in approval for investment, except for projects prescribed in Appendix III Section I issued herewith;

d) The People's Committee of the province shall assess and approve EIA reports on projects in the province not specified in Point a, b and c of this Clause.

4. Assessment of EIA report shall be carried out as prescribed in Clause 1 Article 24 of the Law on Environment Protection, in specific:

a) Assessment through consultation of relevant organizations (hereinafter referred to as assessment through consultation) shall be subject to decision of the head of the authority assigned to carry out assessment (hereinafter referred to as the assessment authority). In necessary cases, the assessment authority may solicit consultation of certain experts in environment and other sectors related to the project. Organizations and experts from whom the consultations are sought shall respond in writing within 7 working days from the receipt of consultation request enclosed with the EIA report dossier of the project. Projects subject to assessment through consultation include:

- A project in industrial park and the industrial park has the EIA report which has been approved, or the equivalent environment procedures which have been completed, or the wastewater treatment infrastructure has been improved and the environment protection work completion has been certified as per the law, in conformity with industries permitted to attract investment to the industrial park, except for projects subject to EIA reports prescribed in Appendix IIa Section I issued herewith;

- A project subject to re-compilation of EIA report prescribed in Article 15 hereof;

- A project applying the best technical method and environmental management experience method as prescribed by the Minister of Natural Resources and Environment.

b) Regarding projects not specified in Point a of this Clause, the assessment of EIA reports shall be carried out by the assessment council established by the head of the assessment authority with at least 7 members.

5. Members of the assessment council or organizations or experts from whom the consultations are sought shall consider the contents of a EIA report prescribed in Article 22 of the Law on Environment Protection, Clause 2a Article 12 hereof and give written reply to the consultation request as the basis for the assessment authority o consider approving the EIA report; and take responsibility for their replies.

6. Environment protection authorities of ministries, ministerial agencies, the People's Committees of the provinces shall play as standing agencies in charge of EIA report assessment shall:

a) Verify the completeness of the EIA report;

b) In exceptional circumstances, for the purpose of assessment through council and submission for approval, the standing assessment authority shall carry out the following tasks:

- Inspect and survey the project site;

- Solicit consultations of relevant organizations and experts;

- Hold thematic meetings between experts.

c) Consolidate assessment result of the council or gather opinions of organizations and experts from whom the consultations are sought, submit and then request the head of assessment authority to consider approving the EIA report;

d) Funding for assessment activities specified in Point b of this Clause can be sourced from the fees for assessment of EIA reports. Regarding a complicated project which has large environmental impact and requires engagement of international consultants, the Minister of Natural Resources and Environment shall decide the engagement of experts as per the law and funding for engagement of international experts shall comply within regulations of law in force.

7. Checklists of EIA report assessment

a) The conformity of project with the strategies or planning (if any), laws and regulations on environment protection, nature conservation and biodiversity;

b) The appropriateness of methods for environmental impact assessment to be used;

c) The appropriateness of evaluations of selection of production technologies, work items and project activities possibly causing harm to the environment;

d) The data analysis and aggregation result about environment and socio-economic conditions where the project is based and the appropriateness of the project site;

dd) Evaluation and forecast of waste source, production, scope and hazardous properties of wastewater, emissions, conventional industrial solid waste, hazardous waste and other particular types of waste; impacts of waste and other impacts of the project to the environment and community health; evaluation and forecast of risks of environmental incidents caused by the waste;

e) Requirements, regulations, technical regulations and standards of environment applicable to the project;

g) The appropriateness of environment protection solutions, including: plan for collection and management of waste; wastewater treatment solutions and technologies; dust and emission remission solutions and technologies; plan for storage, management and treatment of hazardous waste; plan for storage, management and treatment of conventional industrial solid waste; plan for management of other waste solutions and technologies; plan for environmental improvement and remediation (if any); solutions to minimize other negative impacts of the project to the environment; plan for prevention and response to the environment incidents caused by the waste produced from the project;

h) The appropriateness of environmental management and supervision program;

i) Commitments to environment protection of the project owner.

8. The application for assessment of EIA report shall be submitted in person or sent by post or sent online via the online public service system to the EIA report assessment authority as prescribed in Clause 3 of this Article, including:

a) 01 application form for EIA report assessment using the form No. 05 of Appendix VI Section I issued herewith;

b) 01 feasibility study report or economic-technical report or equivalent documents;

c) 07 EIA reports.

If the number of members of the EIA report assessment council is more than seven (07) members, the project owner must provide additional EIA reports.

9. Time limit for assessment of EIA reports:

a) Time limit for assessment through council of the Ministry of Natural Resources and Environment is 30 working days from the day on which the valid and complete application is received; particularly for projects under list of kinds of manufacturing likely causing environmental pollution prescribed in Appendix IIa Section I issued herewith, the time limit for assessment is 45 working days from the day on which the valid and complete application is received;

b) Time limit for assessment through council of ministries, ministerial agencies and People's Committees of provinces is 25 working days from the day on which the valid and complete application is received; particularly for projects under list of kinds of manufacturing likely causing environmental pollution prescribed in Appendix IIa Section I issued herewith, the time limit for assessment is 30 working days from the day on which the valid and complete application is received;

c) Time limit for assessment through consultation from relevant organizations is 20 working days from the day on which the valid and complete application is received.

10. The assessment result is used to issue a decision on approval for EIA report.

After the EIA report has been assessed and approved without further modification or with further modification requirement, the assessment authority shall send a notice of assessment result to the project owner within 5 working days from the completion date of assessment.

If the EIA report needs further modification, within 12 months from the receipt of assessment result (time limit for completion of the EIA report not included in the assessment period), the project owner must complete the EIA report at the request of the assessment authority and send the application for approval of EIA report, including:

a) 01 application form for approval for EIA report, which specifies modified contents according to the conclusion of the assessment council, other than the case which does not need modification;

b) Each EIA report is bound with hardcover with the signature of the project owner at the bottom of each page of the report or bearing fan stamping including appendixes in sufficient number, then the reports shall be sent to the address prescribed in Clause 13 of this Article together with 01 CD containing 01 electronic text file in format ".doc" contains the contents of the report and 01 electronic text file in formats ".pdf" contains scanned content of the entire report (including appendixes).

11. After receiving the application for approval for the EIA report sent by the project owner, the assessment authority must:

a) Within 20 working days from the date on which the application for approval for the EIA report, the head of the assessment authority shall issue the decision on approval for the EIA report using the form No. 06 Appendix VI Section I issued herewith;

b) If the application is rejected, it is required to provide explanation in writing within 10 working days from the date on which the application for approval for EIA report is received.

12. The decision on approval for EIA report shall be legally binding and the basis for the competent authority to inspect and supervise the implementation of environmental protection requirements of the project.

13. The EIA report assessment authority must publish the approval decision and EIA report on its website and send the approval decision and EIA report to the project owner and the following authorities:

a) Regarding the EIA report under competence in assessment and approval of the Ministry of Natural Resources and Environment: the approval decision and the EIA report shall be sent to the People's Committee of the province where the project is carried out;

b) Regarding the EIA report under competence in assessment and approval of Ministries or ministerial-level agencies: the approval decision and the EIA report shall be sent to the Ministry of Natural Resources and Environment, the People's Committee of the province where the project is carried out, excluding the projects under state secrets on defense and security;

c) Regarding the EIA report under competence in assessment and approval of the People's Committee of the province: the approval decision and the EIA report shall be sent to the Ministry of Natural Resources and Environment, the People's Committee of district, and the People's Committee of the commune, the Department of Natural Resources and Environment and the management board of industrial park if the project is carried out in the industrial park.

14. After receiving the approval decision and the EIA report sent by Ministries or ministerial-level agencies, the People's Committee of the province shall copy the decision and send it to Services of Natural Resources and Environment, the People's Committee of district, and the People's Committee of the commune where the project is carried out and the management board of industrial park if the project is carried in the industrial park.

15. If there is a change in project owner, the new project owner shall keep implementing the approval decision and give notices to the EIA report approval authority and the provincial environment protection authority."

6. Article 15 shall be amended as follows:

"Article 15. Re-compilation of EIA reports

1. Projects specified in Point a and Point b Clause 1 Article 20 of the Law on Environment Protection need re-compilation of EIA reports.

A construction project considered not being executed for 24 months prescribed in Point a Clause 1 Article 20 of the Law on Environment Protection means that the project owner has not performed any item during the construction stage of the project as prescribed by law on construction.

2. Projects specified in Point c Clause 1 Article 20 of the Law on Environment Protection which have not been put into operation need re-compilation of EIA reports including:

a) Expansion of scale and increase of capacity (expanding the main production lines, supplement main works and items) of the project resulting in production of waste beyond the waste treatment capacity of environment protection works as compared with the plan in the EIA report approval decision;

b) Change in production technologies of main products of the project; change in waste treatment technologies of the project which possibly causes negative environmental impact as compared with the plan for EIA report approval decision;

c) Expansion of the investment scale of the industrial park; provide for the industrial park extra investment sectors of a kind of manufacturing possibly causing environment pollution prescribed in Group I and Group II Appendix IIa Section I issued herewith.

3. Project owners specified in Clause 1 hereof may keep executing the project only after the competent authority re-approves the latter EIA report; project owners specified in Clause 2 hereof may carry out above changes only after the competent authority re-approves the latter EIA report.

The latter EIA report approval decision shall replace the former EIA report approval decision.

4. The re-compilation of, re-assessment and re-approval for EIA report shall be carried out following the prescribed procedures in form of consultation."

7. Article 16 shall be amended as follows:

"Article 16. Responsibility of the project owner pertaining to the approved EIA report

1. Gain perception of sufficient contents and requirements of the EIA report approval decision to the investment project, construction investment project.

2. Cooperate with the People's Committee of commune from which the consultations are sought, during the EIA report compilation, in posting publicly the EIA report approval decision at the head office of the People's Committee of commune, except for the case of consultation exemption prescribed in Clause 3 Article 21 of the Law on Environment Protection.

3. Strictly satisfy requirements prescribed in Article 26 and Article 27 of the Law on Environment Protection.

4. During the construction stage of the project, if the project owner has any change prescribed in Clause 2 Article 26 of the Law on Environment Protection, it must send a written report to the EIA report approval authority and make such change only after receiving a decision on environmental approval in the following cases:

a) Construction projects of industrial park infrastructure with additional investment sectors of a kind of manufacturing possibly causing environment pollution under group III Appendix Iia Section I issued herewith;

b) Expansion of scale and increase of capacity; change of technology of the project of a kind of manufacturing possibly causing environment pollution prescribed in Appendix Iia Section I issued herewith not subject to re-compilation of EIA report prescribed in Clause 2 Article 15 hereof."

8. Article 16a shall be added as follows:

"Article 16a. Procedures for environmental approval granted to the cases prescribed in Clause 4 Article 16 hereof shall be carried out as follows:

1. An application for environmental approval includes:

a) An application for change requested by the project owner using form No. 07 Appendix VI Section I issued herewith;

b) Reports on changes; environmental impacts, waste arising out of changes; impact minimizing and waste treatment solutions accompanied by changes in environmental management and supervision using form No. 08 Appendix VI Section I issued herewith.

2. Time limit for considering granting environmental approval:

a) Within 15 working days from the date on which the satisfactory application is received regarding projects under assessment of the Ministry of Natural Resources and Environment;

b) Within 10 working days from the date on which the satisfactory application is received regarding projects not prescribed in Point a of this Clause;

c) If the application is unsatisfactory or needs further modification, the EIA report approval authority shall request such modification within 5 working days.

3. The consideration and grant of environmental approval shall be carried out through soliciting consultations from at least 3 experts as the basis for the EIA report approval authority to consider granting the approval."

9. Article 16b shall be added as follows:

"Article 16b. Commissioning of waste treatment works under decision on approval for EIA report of project

1. A waste treatment work of project must undergo the commissioning process to assure that all treatment works and equipment of wastewater, dust, emissions, solid waste and hazardous waste (hereinafter referred to as waste treatment works) meet the conformity requirements and technical regulations on waste. Other environment protection works include: Works to collect and store domestic solid waste, conventional industrial solid waste and hazardous solid waste; environment protection works other than waste treatment works subject to commissioning process.

2. A project owner subject to construction or installation of waste treatment works may only put the waste treatment works into commissioning together with the commissioning of the entire project or for each investment phase of project (if the project is divided into investment phases) or put the waste treatment works into commissioning independently when all the conditions below are satisfied:

a) Waste treatment works have been completed in accordance with the decision on approval for EIA report or decision on approval for modified EIA report (if any);

b) The installation of automatic and continuous waste monitoring equipment and system has been completed to monitor the quality of wastewater and emissions as per the law;

c) Waste treatment works have operating process meeting environmental protection requirements;

d) The as-built documents of waste treatment works which have been transferred and accepted as per the law on construction. The project owner shall take legal responsibility for the as-built documents of waste treatment works;

dd) Prepare and send a plan for commissioning of waste treatment works of the project to the environmental protection authority of province where the project is based and the EIA report approval authority at least 20 working days before the commencement date of commissioning. A notice of plan for commissioning of waste treatment work of the project is specified in form No. 09 Appendix VI Section I issued herewith.

3. The duration of commissioning of waste treatment works is 3 to 6 months from the commencement date of commissioning.

4. During the commissioning of waste treatment works, the project owner shall perform the following tasks:

a) Cooperate with the environmental protection authority of province where the project is based in inspecting and supervising the commissioning process; monitoring and supervising automatic and continuous wastewater and emission monitoring results online, and transmitting the data to the environmental protection authority of province as prescribed;

b) Cooperate with an organization eligible for providing environmental monitoring services in monitoring waste (composite sampling) and evaluating effectiveness in each treatment stage and the whole waste treatment work. The monitoring of waste must comply with technical regulations and standards of environment and law on standards, measurement and quality. The monitoring of waste of waste treatment works shall follow guidance of the Ministry of Natural Resources and Environment;

c) Conduct internal assessment or engage a qualified body to conduct assessment of treatment effectiveness of waste treatment works of the project; aggregate and evaluate data of waste monitoring and prepare a report on result of environment protection work completion (including waste treatment works and other environment protection works), and then send it to EIA report approval authority for inspection and confirmation of completion of environment protection works as prescribed.

5. During the commissioning process of waste treatment works of the project, if the waste released to the environment does not meet the technical regulations on environment, the project owner must adopt the following measures:

a) Stop operating or decrease the capacity of the project to assure that existing waste treatment works may treat all kinds of waste meeting the technical regulations on environment;

v) Renovate, upgrade and build extra waste treatment works meeting technical regulations on environment as prescribed;

c) In case of environmental incidents or environment pollution, the project owner shall stop all commissioning activities and promptly send a report to environmental protection authority of province where the project is based for further guidance; and take responsibility for responding to environmental incidents, make restitution for any damage caused and face penalties as per the law.

6. Responsibilities of the environmental protection authority of province where the project is based:

a) Inspect waste treatment works of the project within 5 working days after the date of receipt of the notice of plan for commissioning, except for the project of hazardous waste treatment in accordance with Clause 6 and Clause 6a Article 10 of Decree No. 38/2015/ND-CP. If waste treatment works of the project all satisfy the requirements, within 5 working days the environmental protection authority shall issue a notice of completed waste treatment works for commissioning using form No. 10 Appendix VI Section I issued herewith; if not, the project owner must complete waste treatment works before commissioning;

b) Take charge and cooperate with the project owner in inspecting commissioning of waste treatment works of the project in exceptional circumstances;

c) Receive and deal with proposals of the project owner in conjunction with commissioning of waste treatment works and guide the project owner to respond to environmental incidents and pollution (if any) during the commissioning process;

d) Notice of inspection results of commissioning of waste treatment works using form No. 11 Appendix VI Section I issued herewith within 5 working days from the completion date of the commissioning as the basis for the project owner to prepare a report on performance of environment protection works of the project as prescribed."

10. Article 17 shall be amended as follows:

"Article 17. Inspection and confirmation of completion of environment protection works following the decision on approval for EIA report

1. A project owner specified in Column 4 Appendix II Section I issued herewith shall prepare an application for c (including waste treatment works and other environment protection works) before the expiry of 30-day commissioning if the environment protection works meet requirements as per the law.

2. A project not specified in Clause 1 of this Article is not subject to inspection and confirmation of completion of environment protection works. The project owner shall cooperate with an organization eligible for providing environmental monitoring services in monitoring waste (if any), assuring that the waste meets technical regulations on environment before being released to the environment and send a notice of completion of environment protection works to the EIA report approval authority before putting the project into operation.

3. An application for completion of environment protection works submitted in person, sent by post or online via the online public service system by the project owner to the competent authority includes:

a) 01 application form for inspection and confirmation of completion of environment protection works using form No 12 Appendix VI Section I issued herewith;

b) 07 reports on performance of environment protection works of the project, enclosed with the monitoring result during commissioning process and the as-build documents of completed environment protection works using form No. 13 Appendix VI Section I issued herewith.

If the project is carried out in the administrative division comprising at least 02 central-affiliated cities and provinces, the project owner must provide additional reports for inspection;

c) 01 copy of the decision on approval enclosed with the copy of the approved EIA report;

d) 01 notice of inspection result of commissioning of waste treatment works of the project issued by the environmental protection authority of province

4. Checklists of inspection and confirmation of completion of environment protection works include:

a) Regarding wastewater collection and treatment system: Works which have been built; scale, capacity and operating process of each work; chemicals and biological preparations used for wastewater treatment; automatic and continuous monitoring system (if any); regulations and standards applicable to post-treatment wastewater;

b) Regarding dust and emission treatment system: Works and equipment which have been built; scale, capacity and operating process of each work or equipment; chemicals and catalysts used for dust and emission treatment; automatic and continuous monitoring system (if any); regulations and standards applicable to post-treatment dust and emissions;

c) Regarding conventional industrial solid waste and domestic garbage treatment and storage works: Works which have been built; scale, capacity and operating process of each work; basic specifications of such works; applicable regulations and standards;

d) Regarding hazardous waste treatment and storage works: Works which have been built; scale, capacity and operating process of each work; basic specifications of such works; applicable regulations and standards;

dd) Regarding other environment protection works: Works which have been built; scale, capacity and operating process of each work; basic specifications of such works; applicable regulations and standards;

e) Environmental incident prevention and response works: Works which have been built; scale, capacity and operating process of each work; basic specifications of such works; applicable regulations and standards;

g) Environmental monitoring and supervision programs to be used upon operation of the project.

5. Procedures and time limit for inspection and confirmation of completion of environment protection works:

a) The inspection and confirmation of completion of environment protection works shall be carried out by the EIA report approval authority through physical inspection under guidance of the Ministry of Natural Resources and Environment;

b) Time limit for inspection and confirmation of completion of environment protection works is 15 working days, excluding the time for the project owner to complete application and analyze waste samples (composite sampling in necessary cases);

c) Within 5 working days from receipt of the application for inspection and confirmation of completion of environment protection works sent by the project owner, the agency in charge shall verify the application and conditions for inspection and confirmation of completion of environment protection works as prescribed and establish a group to carry out inspection and confirmation of completion of environment protection works;

If there are insufficient conditions for inspection and confirmation of completion of environment protection works, the agency in charge shall provide the project owner with an explanation in writing.

d) Upon completion of inspection and environment protection works all meet requirements as prescribed, the agency in charge shall issue a confirmation of completion of environment protection works using form No. 14 Appendix VI Section I issued herewith. If there are insufficient conditions for confirmation, the agency in charge shall request the project owner in writing to make further modification and complete the environment protection works and meet other environment protection requirements.

6. The confirmation of completion of environment protection works is the basis for the project owner to put the project into operation and the basis for the competent authority to inspect the observance of environment protection law during the operation of the facility and industrial park.

Regarding large projects having many items or being divided in many stages, the confirmation of completion of environment protection works may be granted to each item and be integrated thereafter when all the items of the project have been completed.

Regarding projects to expand, increase capacity and scale, change technology of the ongoing facility of industrial park, the confirmation of completion of environment protection works shall replace previous documents on assessment, approval and confirmation of completion of environment protection works.

If the environment protection work has any change, the project owner shall re-compile the application for confirmation of completion of environment protection works.

The confirmation of completion of environment protection works may be re-granted at the request of the project owner. The re-confirmation shall be carried out following the procedures for inspection and confirmation of completion of environmental protection works.

7. Regard projects using imported scrap as production materials, the inspection and confirmation of completion of environmental protection works shall be carried out following the procedures for inspection and issuance of certificate of eligibility for environment protection in import of scrap as production materials. The certificate of eligibility for environmental protection in import of scrap as production materials shall replace the confirmation of completion of environment protection works.

8. Regarding hazardous waste treatment projects (including projects having the stage of treatment of domestic garbage and conventional industrial waste), the inspection and confirmation of completion of environment protection works shall be carried out following the procedures for issuance of license for hazardous waste treatment. The license for hazardous waste treatment shall replace confirmation of completion of environmental protection works."

11. Article 18 shall be amended as follows:

"Article 18. Registration of environmental protection plans

1. Projects and plans subject to registration of environment protection plans:

a) New investment projects, project for extension of scope or capacity with the total scope and capacity of ongoing facilities and new investment portion prescribed in Column 5 Appendix II of this Decree;

b) Projects/plans for business investment, projects/plans for extension of scope or capacity of business facilities which produce wastewater from 20m3/day (24 hours) to under 500m3/day (24 hours) or solid waste from 1 tonne/day (24 hours) to under 10 tonnes/day (24 hours) or emission from 5,000m3/hour to under 20,000m3/hour (including ongoing facility and extension) other than business investment projects prescribed in Column 3 Appendix II Section I issued herewith.

2. Projects and plans not specified in Clause 1 of this Article shall be exempt from registration of environment protection plans. The management and treatment of waste and other environment protection obligations shall be carried out as per the law.

3. Contents of environmental protection plan

a) The environmental protection plan includes: a description, containing particulars prescribed in Article 30 of the Law on Environment Protection, and basic design drawing or construction drawing design (if the project only requires one single design step) in a waste treatment work (if the construction of waste treatment work is required as prescribed) in accordance with law on construction; and a plan for prevention and response to environmental incidents during the construction process and operation process, meeting the environment protection requirements as prescribed;

b) Regarding projects/plans for extension of scope or capacity of ongoing business facilities, the environmental protection plan must contain an evaluation of performance of environment protection of the former facility; an evaluation of environmental impacts the former facility and the project/plan for extension of scope or capacity.

4. The project owner or facility owner of the project/plan prescribed in Clause 2 hereof shall register the environment protection plan with the competent authority prescribed in Clause 1 Article 19 of this Decree and may execute the business project/plan only after an approval for registration of environment protection plan is granted by the competent authority.

5. If the project or plan for business investment is located in the administrative divisions of two provinces or more, the environment protection plan shall be registered at the one of environment protection authority of province at the request of the project owner or facility owner."

12. Article 19 shall be amended as follows:

“Article 19. Approval for registration of environment protection plans

1. Responsibility pertaining to approval for registration environment protection plans:

a) The environment protection authority of province shall approve the registration of environment protection plan related to projects/plans prescribed in Appendix IV Section I issued herewith and business projects or facilities prescribed in Point a and Point b Clause 1 Article 32 of the Law on Environment Protection;

b) The People’s Committees of district shall approve the registration of environment protection plans related to projects/plans prescribed in Clause 1 Article 18 of this Decree, except for projects/plans prescribed in Point a of this Clause.

2. An application for registration of environmental protection plan shall be submitted in person, sent by post or online through the online public service system by the project or facility owner to the Department of Natural Resources and Environment and the People’s Committee of district, including:

a) 01 application form for registration of environment protection plan using form No 01 Appendix VII Section I issued herewith;

b) 03 environment protection plans (enclosed with e-copies) using form No 02 Appendix VII Section I issued herewith;

c) 01 construction feasibility study report or construction economic-technical report of the project/facility (enclosed with an e-copy).

3. Within 10 working days from the date on which the application for registration of the environment protection plan, the receiving body prescribed in Clause 1 hereof shall consider certifying the registration of the environment protection plan using the form No. 03 Appendix VII Section I issued herewith.

If the application is refused, the receiving body shall provide an explanation in writing (which specify matters need further modification) using form No. 04 Appendix VII Section I issued herewith.

4. Responsibility of project owner, facility owner and regulatory agency after the environment protection plan is approved shall comply with Article 33 and Article 34 of the Law on Environment Protection.

5. The projects/plans prescribed in Point a and Point b Clause 4 Article 33 of Law on Environment Protection are subject to re-registration of the environment protection plan, in specific:

a) Change of location of the business project/plan compared to the environmental protection plan which was approved;

b) A construction project considered not being executed prescribed in Point b Clause 4 Article 33 of the Law on Environment Protection means that the project owner/facility owner has not performed any item during the construction stage of the project as prescribed by law on construction;

c) The re-registration, responsibility and deadlines for certification of re-registration of the environment protection plan shall comply with Articles 18 and 19 of this Decree.

6. If there is any change in project owner, facility owner, the project owner or the new facility owner must keep implementing the registered environment protection plan and give a notice of the change to the certifying authority of the environmental protection plan.”

13. Article 22 shall be amended as follows:

“Article 22. Transitional provision

1. Applications for assessment of SEA reports; assessment of EIA reports; inspection and confirmation of completion of environment protection works; registration of environment protection plan; environment protection scheme received by the competent authority
before the effective date of this Decree shall be processed as prescribed in regulations of law at the receipt time, except for the application for environmental approval related to a project with a change in EIA report not substantial enough to re-compile another EIA report.

2. A project going through construction process but not reaching operation process and a project/facility going through construction process (including the project of expansion of scale, increase of capacity and change of technology of an ongoing facility or industrial park) without any decision on approval for EIA report or approval for environmental protection plan or equivalent environmental dossier shall be subject

to a penalty as prescribed by the Government on penalties for administrative violations in environment protection. Where the project or facility is suitable for the planning, the project owner or facility owner shall:

a) If the project or facility has scale or capacity equivalent to the project/plan subject to registration of environment protection plan, an environmental protection plan shall be prepared and sent to the competent authority for approval as prescribed;

b) If the project or facility has scale or capacity equivalent to the project/plan subject to EIA report, an EIA report for the project of expansion, upgrade of environment protection works shall be prepared and sent to the competent authority for approval as prescribed;

c) The project owner or facility owner shall perform and complete waste treatment works and environment protection solutions as prescribed; prepare application for inspection and confirmation of completion of environment protection works as prescribed;

d) The assessment and approval for EIA report shall be carried out as prescribed in Article 14 hereof; the commissioning of waste treatment works, inspection and confirmation of completion of environment protection works shall be carried out as prescribed in Article 16b and Article 17 hereof; the approval for environmental protection plans shall be carried out as prescribed in Article 19 hereof.

3. A project, facility or industrial park EIA report or corresponding documentation of which was approved and has scale or capacity equivalent to project/plan subject to inspection and confirmation of completion of environment protection works prescribed in Clause 1 Article 17 hereof, and has going through the operation process without any confirmation of completion of environment protection works and equivalent environmental documentation, it shall:

a) The project owner, facility, or industrial park must check waste treatment works; if a waste treatment work does not meet technical regulations on waste, it is required to renovate and upgrade such waste treatment work;

b) Face penalties as prescribed by the Government on penalties for administrative violations in environment protection. In case of a facility or industrial park which started operation before July 1, 2006 and project/plan not subject to confirmation of completion of environment protection works prescribed in the Law on Environment Protection 2014 shall not face penalties for absence of confirmation of completion of environment protection works as prescribed;

c) After the waste treatment work has been completed, the work shall undergo commissioning and inspection and confirmation of completion of environment protection work as prescribed in Article 16b and Article 17 hereof;

If the project, facility or industrial park EIA report and corresponding documentation of which has been approved by multiple competent authorities, the responsibility for inspection and confirmation of completion of environment protection work shall fall into the superior body which approved the EIA report.

4. The decision and EIA report which has been approved, the scheme for environmental protection which has been approved or confirmed and equivalent documentation before effective date of this Decree shall take legal effect in order for the project owner, facility and industrial park to perform environment protection activities. If an approval for adjustment, confirmation of completion of environment protection works, or scheme for environmental protection is granted, such approval or confirmation shall prevail."

Article 2. Amendments to Government's Decree No. 19/2015/ND-CP dated February 14, 2015 on guidelines for the Law on Environment Protection (hereinafter referred to as Decree No. 19/2015/ND-CP)

1. Chapter II and Chapter III shall be grouped and the title of Chapter II shall be revised as follows:

"Chapter II

MANAGEMENT AND IMPROVEMENT OF ENVIRONMENTAL QUALITY"

2. Article 5 shall be amended as follows:

"Article 5. Entities required to prepare plan for environmental renovation and restoration and re-prepare plan for environmental renovation and restoration in mineral extraction

1. Entities required to prepare plan for environmental renovation and restoration (hereinafter referred to as plan) and submit it to the competent approval authority include:

a) Projects of mineral extraction EIA reports of which have been approved after effective date of this Decree (the plan is an integral part of the EIA report);

b) The mineral extraction facility having an EIA report or environmental protection plan approved before effective date of this Decree but having no plan approved.

2. If an entity prescribed in Clause 1 of this Article falls under any of the following cases, it must re-prepare another plan for environmental renovation and restoration:

a) Such entity is required to re-prepare EIA report;

b) The entity requests a change in environmental renovation and restoration compared to the approved plan (including supplemented plan for environmental renovation and restoration);

c) At the request of the competent authority when the funding for the approved plan for environmental renovation and restoration is inadequate for implementation."

3. Article 6 shall be amended as follows:

"Article 6. Contents of plan for environmental renovation and restoration in mineral extraction

1. Environmental renovation and restoration solutions; analysis, evaluation and selection of best solution for environmental renovation and restoration.

2. List and volume of items of environmental renovation and restoration for alternative solution.

3. Implementation plan; division of implementation plan by each year and each stage of environmental renovation and restoration; the management and monitoring program during the environmental renovation and restoration; plan for inspection and certification of plan completion.

4. Cost estimate for environmental renovation and restoration for each item of environmental renovation and restoration; deposits as per road map."

4. Article 7 shall be amended as follows:

"Article 7. Power and procedures for assessment and approval for plan for environmental renovation and restoration in mineral extraction

1. The power to assess and approve plans for environmental renovation and restoration associated with entities prescribed in Point a Clause 1 Article 5 hereof shall be the same as the power to assess and approve EIA reports.

2. The power to assess and approve plans for environmental renovation and restoration associated with entities prescribed in Point b Clause 1 and Clause 2 Article 5 hereof shall be carried out as follows:

a) The Ministry of Natural Resources and Environment shall assess and approve plans for environmental renovation and restoration of mineral extraction projects under its authority to issue the mining license;

b) The People's Committee of provinces shall assess and approve plans for environmental renovation and restoration of mineral extraction projects under its authority to issue the mining license.

3. Procedures for assessment and approval for plan for environmental renovation and restoration:

a) The procedures to assess and approve plans for environmental renovation and restoration associated with entities prescribed in Point a Clause 1 Article 5 hereof shall be the same as the procedure to assess and approve EIA reports;

b) The procedures to assess and approve plans for environmental renovation and restoration associated with entities prescribed in Point b Clause 1 and Point b Clause 2 Article 5 hereof shall be carried out in accordance with regulations on environmental renovation and restoration in mineral extraction.

4. Funding for assessment shall be set aside from the fees for assessment of EIA reports, plans for environmental renovation and restoration."

5. Article 8 shall be amended as follows:

“Article 8. Deposit making for environmental renovation and restoration of mineral extraction activities

1. The deposit must be equal to the funding for environmental renovation and restoration according to the contents of environmental renovation and restoration approved by the competent authority.

2. The calculation of deposit must apply the norm and unit price of localities at the time of preparation for the plan. In case the locality has no norm or unit price, the norm or unit price of respective Ministry or sector. In case the Ministry or sector has no norm or unit price, the market price shall be applied.

3. Organizations and individuals extracting minerals must make deposit annually or by each stage taking into account of inflation factors.

4. Organizations and individuals extracting minerals must make deposit in the Vietnam Environment Protection Fund or the local environmental protection fund. The deposit shall be refunded in Vietnam dong.

5. The deposit may earns interest which is equal to the borrowing interest of the environmental protection fund where the deposit is made and is calculated from the time of depositing. Organizations and individuals shall draw interest only once after having a decision on mineral mine closure.

6. The refund of deposit shall be done on the basis of organizations and individuals’ completion of each part or the whole of contents of environmental renovation and restoration under the approved plan.

7. Where the organizations and individuals have made deposit but been dissolved and have not carried out the environmental renovation and restoration in accordance with the approved plan, the agency having authority to approve the project of mine closure shall use the amount of deposit including its interest for implementation of environmental renovation and restoration.”

6. Article 9 shall be amended as follows:

“Article 9. Certification of completion of plan for environmental renovation and restoration in mineral extraction

1. Organizations and individuals, after having completed each part of contents of environmental renovation and restoration as per the approved plan, shall prepare dossier of completion of each part to request the inspection and certification of completion from the competent authorities.

The certification of completion of the whole content of the approved plan for environmental renovation and restoration shall be carried out in combination with the project of mine closure.

2. The competent authority has power to approve the project of mine closure of the mineral extraction project shall carry out the inspection and certification of completion of the plan for environmental renovation and restoration.

3. Procedures for inspection and certification of the whole content of the plan shall be carried out similarly as the procedures for acceptance of performance of project of mine closure. The contents of decision on mine closure include the content of certification of completion of entire plan.”

7. Point c Clause 1, Point a Clause 3, Point c and Point dd Clause 5 Article 10 shall be amended as follows:

a) Point c Clause 1 shall be amended as follows:

“c) Assess, approve, inspect and certify the completion of plan for environmental renovation and restoration under its authority to grant the mineral extraction license;”

b) Point a Clause 3 shall be amended as follows:

“a) Assess, approve, inspect and certify the completion of plan for environmental renovation and restoration under its authority to grant the mineral extraction license;”

c) Point c and Point dd Clause 5 shall be amended as follows:

“c) Prepare and request the authority competent to issue mineral extraction license to inspect and certify the completion of each part or the entire plan;

dd) Report the implementation of environmental renovation and restoration and deposit making for environmental renovation and restoration to the agency approving the plan and the local agency managing the environmental protection before January 31 of each year."

8. Article 11 shall be replaced as follows:

"Article 11. Environmental quality management

1. Environmental components including soil, water and air must undergo quality condition and development evaluation; warnings of polluted areas must be issued on a timely basis.

2. Data on monitoring and evaluation of environmental quality shall be connected and shared with environment authorities nationwide via the national database of environmental quality."

9. Article 12 shall be replaced as follows:

"Article 12. Management of environmental quality of surface water and bottom sediment

1. Territorial seas, coastal seas, rivers, river sections, ponds, lakes, canals must undergo environmental quality condition and development evaluation of surface water and bottom sediment.

2. Basic water environment and bottom sediment parameters must undergo minimum evaluation, including parameters prescribed in national technical regulations on surface water, seawater, sediment.

Subject to emission sources in the region, other particular parameters must be added to assess the impact of emission sources on water environmental quality.

3. Based on the environmental quality assessment result, it is required to issue warnings of polluted territorial seas, coastal seas, rivers, river sections, ponds, lakes, canals about pollution levels, determine causes and handling measures for environmental quality renovation and restoration.

4. Any entity causing pollution or degradation of surface water and bottom sediment environment shall be responsible for environmental renovation and restoration."

10. Article 13 shall be replaced as follows:

"Article 13. Management of environmental quality of surrounding air

1. Urban areas of class II of higher, high-density residential areas, areas with industrial parks, trade villages, areas with varied emission sources or large emission sources must undergo environmental quality condition and development of surrounding air.

2. Environmental quality of surrounding air must be accessed through parameters prescribed in national technical regulations on air quality.

Subject to emission sources in the region, other particular parameters must be added to assess the impact of emission sources on surrounding air environmental quality.

3. Subject to the assessment result, it is required to issue warnings of polluted surrounding air areas, determine causes and handling measures for pollution combat and environmental quality improvement.

4. Any entity causing pollution or degradation of surrounding air environment shall be responsible for environmental renovation and restoration."

11. Article 14 shall be replaced as follows:

"Article 14. Management of soil environmental quality

1. Areas contaminated with chemicals during the war; areas with industrial parks, production plants, chemical depots, plant protection products, waste landfill sites, craft villages which have been closed or relocated; the mining area of toxic minerals which has ended extraction; agricultural production areas that use a lot of chemicals must undergo assessment and monitoring of changes in soil environment quality, pollution associated with chemical residues and plant protection products.

2. Basic soil environmental parameters need minimum monitoring and assessment, including parameters prescribed in national technical regulations on soil environment.

Subject to emission sources in the region, other particular parameters must be added to monitor and assess the impact of emission sources on soil environmental quality.

3. Subject to the investigation and assessment result, it is required to issue warnings of polluted areas, determine causes and handling measures for pollution combat and environmental quality renovation and restoration.

4. Procedures for treatment of pollution associated with chemical residues, plant protection products, and soil environment renovation and restoration shall be carried out as follows:

a) Investigate, assess and determine types, levels and scope of pollution associated with chemical residues and plant protection products;

b) Classify the levels of pollution associated with chemical residues and plant protection products into high, moderate, and low;

c) Disclose information about soil environment quality and issue warnings of areas contaminated with chemical residues and plant protection products;

d) Make plans for tackling pollution and tackle pollution, conduct environmental quality renovation and restoration;

dd) Carry out monitoring and supervision after tackling pollution and conducting soil environment quality renovation and restoration.

5. Any entity causing pollution or degradation of soil environment shall be responsible for environmental renovation and restoration."

12. Article 14a shall be added as follows:

"Article 14a. Environmental monitoring programs and environmental quality supervision

1. The assessment of environmental quality condition and development shall be carried out through environmental monitoring programs by time and space, and the early warning of pollution shall be conducted by administrative divisions, forms of pollution and pollution levels.

2. The Ministry of Natural Resources and Environment shall initiate national environmental quality monitoring programs, including environmental quality monitoring programs at basins of interprovincial rivers and lakes, key economic regions, areas with varied waste sources or large waste sources giving great impact between provinces and cross-border environmental monitoring.

The People's Committee of province shall implement environmental quality monitoring programs in the province as prescribed in Article 12, Article 13 and Article 14 hereof.

3. National and local environmental monitoring programs must conform to the environmental protection planning. National environmental monitoring programs must be approved by the Ministry of Natural Resources and Environment; provincial environmental monitoring programs must be approved by People's Committee of province. Environmental quality monitoring programs shall be review and adjusted every 5 years or upon urgent requirements in terms of socio-economic development, national defense and security and environment protection.

A monitoring location shall be chosen and designed in a way that such monitoring location may represent the monitoring area, may assess the condition and supervise impacts of emission sources to the environment subject to monitoring, and meet the need for data and information to be collected.

4. Environmental monitoring shall be carried out on a regular and continuous basis. The environmental monitoring result shall be subject to quality control must represent and reflect objectivity of environmental quality at the monitoring location to provide trustworthy and timely data and information. Environmental monitoring data shall be connected and shared between central and local governments.

Only competent authorities and bodies in charge of environmental quality monitoring as per the law shall have authority to disclose information about environmental quality.

5. The Ministry of Natural Resources and Environment shall provide guidance and technical regulations on monitoring locations, parameters, frequency, procedures, methods of monitoring, quality assurance and quality control in environmental quality monitoring."

13. Article 14b shall be added as follows:

"Article 14b. Responsibilities for environmental quality management

1. The Ministry of Natural Resources and Environment

a) Provide guidance on techniques of environmental quality monitoring; on investigation, assessment and determination of causes, forms, levels and scope of pollution; on warnings of polluted areas; and on tackling pollution associated with chemical residues, plant protection products, environmental quality renovation and restoration.

b) Implement environmental monitoring programs as prescribed in Clause 2 Article 14a hereof;

c) Aggregate and build system of information and data on national environmental quality and polluted areas nationwide;

d) Consolidate and disclose information about environmental quality, polluted areas nationwide.

2. The People's Committee of province

a) Conduct environmental quality monitoring; investigation, assessment, and determination of forms, levels and scope of pollution in the province; update data on environmental quality to the national database;

b) Disclose information about environmental quality progress, polluted areas in the province as per the law;

c) Issue warnings of polluted areas;

d) Tackle pollution, carry out environmental quality renovation and restoration of polluted areas in the province under regulatory responsibilities;

dd) Send periodical reports on pollution, tackling of pollution, environmental quality renovation and restoration to the Ministry of Natural Resources and Environment before January 31 of every year."

14. Chapter V and Chapter VI shall be grouped and named as follows:

"Chapter V

ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS AND SERVICES"

15. Article 22 shall be amended as follows:

"Article 22. Environmental protection requirements for used ship breaking facilities

1. The project to build the ship breaking facilities must have the EIA report approved by the competent authority.

2. Requirements for facilities, technical infrastructure, personnel of ship breaking facilities for environmental protection:

a) There are specialized ship breaking areas and equipment fit for each kind of ship and ship weight and it is certain that untreated and unprocessed toxic substances cannot leak or disperse outside the demolition area to cause pollution of water, soil and air;

b) There is an area to store materials and equipment after demolition with a high level of foundation to avoid flooding; the floor meets tightness requirement, has no cracking, is made of waterproofing material and durable enough to withstand the load of the highest amount of materials and equipment according to calculations. If a storage yard is used, a system of collection and treatment of rain water overflow satisfying technical regulations on environment must be provided;

c) There are storage yards of hazardous waste and conventional solid waste produced during the demolition of seagoing ships which meet requirements as prescribed;

d) There are vehicles, equipment and facilities to receive, collect, transport, store, treat and manage discharges arising out of the ship breaking which comply with laws and regulations on environment and relevant technical regulations on environment.

3. Requirements for removing, collecting and classifying certain particular discharges from the ship demolition:

The ship breaking facility must have demolition procedures and technologies fit for each kind of ship and ship weight in accordance with law on environment protection and ensure the following safety procedures:

a) Investigate and determine conditions of the used ships to be demolished: investigate all of holds, storage tanks and storage areas on the ship to determine locations possibly containing hazardous materials such as fuel, oil, asbestos, polychlorinated biphenyl (PCBs), lead, radioactive waste and other hazardous materials subject to disposal. Determine the conditions of the ship and hazards that workers may face during the ship dismantling;

b) Collect fuel, oil, bilge water, ballast water, other liquids and other flammable or explosive materials. Provide air ventilation, provide enough oxygen for enclosed spaces on the ship (such as cargo holds, double bottoms, storage tanks) to ensure safe working conditions. This process must be maintained throughout the demolition process.

c) Removing asbestos and PCBs: Before cutting the ship into parts, it is required to remove, collect and transport asbestos and PCBs out of the cutting positions. After the parts of the ship are brought ashore, it is required to keep collecting all of remaining asbestos and PCBs when it is easily accessible. Asbestos removal and collection areas should be enclosed to reduce the spread of asbestos fibers to the surrounding environment and prevent unauthorized entry. Asbestos must be moistened before and during the removal process. At least 02 workers equipped with personal protective equipment must be placed to remove asbestos, in which 01 person is responsible for humidification and 01 person is responsible for removing asbestos. The asbestos removal area on the shore must be located in a separate area with the same process;

d) Before and during the process of dismantling used seagoing ships, the owner of the ship breaking facility shall have to warn about the risk of hazardous substances and post up on notice boards at readable and assessible positions. The owner of ship breaking facility shall have to provide adequate personal protective equipment for workers as per the law.

4. Requirements for management of waste and scrap in demolition of used ships:

Apart from management of waste and scrap produced from the ship breaking as per the law on management of waste and scrap in force, the owner of ship breaking facility must adopt the following measures:

a) Oil and fuel must be pumped to separate tanks or containers (not mixed), then transferred to storage areas and transferred for proper treatment as prescribed;

b) After being removed, asbestos must be contained in sealed special packages, with at least 02 layers, then transported to hazardous waste storage and transferred to handle as per the law;

c) Liquid waste containing PCBs must be stored in rigid packaging or storage equipment placed on the lifting plates and not allowed to be stacked. The storage area of waste containing PCBs (in solid or liquid form) must be isolated from other waste and safety is assured, and then transferred to dispose of as prescribed;

d) For non-metallic materials removed from metals, they must be identified, classified and disposed of according to waste and waste management regulations;

dd) Radioactive waste produced from the demolition process must be collected, stored, treated and managed in accordance with regulations on management of used radioactive waste and radiation sources;

e) After completing the demolition of a ship, within 45 days, the facility shall transfer all of hazardous waste to the competent authority to dispose of as prescribed.

5. Ship breaking facilities must apply environment management system in accordance with Vietnam's Standard ISO 14001.

6. The ship breaking facility shall register environment protection plans for demolition of every ship with the provincial environmental protection authority for certification."

16. Clause 1 and Clause 4 shall be amended and Clause 5 shall be added to Article 24 as follows:

a) Clause 1 shall be amended as follows:

"1. Responsibilities of the Ministry of Natural Resources and Environment:

a) Provide guidance on environmental protection in demolition of used ships;

b) Inspect the observance of law on environment protection in demolition of used ships at ship breaking facilities as per the law."

b) Clause 4 shall be amended and Clause 5 shall be added as follows:

"4. Responsibilities of People's Committees of provinces:

a) Inspect the observance of law on environment protection in demolition of used ships at ship breaking facilities as per the law;

b) Cooperate with the Ministry of Natural Resources and Environment in guiding environmental protection at ship breaking facilities.

5. Responsibilities of ship breaking facilities:

a) Comply with regulations on environmental protection applicable to ship breaking facilities;

b) Send periodical reports on environment protection in demolition of used ships to the Ministry of Natural Resources and Environment, People's Committee of province where the ship breaking facility is based before January 31 of the following year as prescribed in Appendix IV Section II issued herewith."

17. The titles of Section 1, Section 2, Section 3 of Chapter VI shall be deleted.

18. Article 25 shall be amended as follows:

"Article 25. Projects/plans subject to environment management system and time limit for completion thereof

1. A business entity which has gone into operation of a kind of manufacturing possibly causing environment pollution prescribed in Appendix Iia Section I issued herewith and has a project/plan subject to EIA report must have an environment management system in accordance with Vietnam's Standard ISO 14001.

2. Time limit for completion of the environment management system applicable to the subjects prescribed in Clause 1 hereof is:

a) Within 2 years from the date on which the project is put into operation;

b) Before December 31, 2020 if the business entity has gone into operation."

19. Clause 2 Article 31 shall be amended as follows:

"2. List of activities subject to environmental liability insurance prescribed in Appendix II Section II issued herewith.

Entities prescribed in Clause 1 hereof not falling under the list in Appendix II Section II issued herewith may either buy environmental liability insurance or set aside a risk reserve fund as per the law."

20. Clause 4 Article 33 shall be amended as follows:

"4. Facilities causing severe environmental pollution are facilities violating regulations on discharge of wastewater, emission of dust and exhaust, causing noise pollution, vibration exceeding safe limits and on waste or burying, filling, dumping and discharging solid waste, hazardous waste against regulations on environment protection so serious that they may face additional penalty of mandatory suspension as prescribed in the decree on penalties for administrative violations in environment protection."

21. Clause 7 Article 42 shall be amended as follows:

"7. The Ministry of Natural Resources and Environment shall provide instructions on loan and post-investment assistance of interest rate and guarantee of investment credit for projects receiving loan; grants, co-grants or other aids to environment protection activities from Vietnam Environment Protection Fund. The People's Committee of province shall provide instructions on loan and post-investment assistance of interest rate and guarantee of investment credit for projects receiving loan; grants, co-grants or other aids to environment protection activities of the province from the local environment protection fund."

22. Article 43 shall be amended as follows:

"Article 43. Corporate income tax incentives

The enterprise income from the implementation of new investment projects specified in Clauses 1, 2, 4, 5, 6, 9, 10 Appendix III Section II of this Decree and new production projects or production, business and services specified in Clauses 11, 12, 13, 14 Appendix III Section II of this Decree shall be entitled to the preferential corporate income tax like the subjects in the field of environmental protection under regulations of law on corporate income tax."23. Clause 3 shall be amended and Clause 4 shall be added to Article 44 as follows:

"3. Products made from recycled or treated solid waste of waste treatment facilities (domestic, industrial and hazardous waste) prescribed in Clause 12 Appendix III Section II issued herewith are products referred to in investment projects and certificate of investment registration of the waste treatment facilities.

4. The Ministry of Natural Resources and Environment shall issue determination criteria and disclose lists of products carrying Vietnam Green Label."

24. Article 49a shall be added as follows:

"Article 49a. Organization and operation of environment protection funds

1. The establishment, organization and operation of environment protection funds shall be carried out in accordance with Article 149 of the Law on Environment Protection.

2. The Ministry of Natural Resources and Environment shall take charge and cooperate with relevant ministries in guiding organization and operation of local environment protection funds."

Article 3. Amendments to Government's Decree No. 38/2015/ND-CP dated April 24, 2015 on management of waste and scrap (hereinafter referred to as Decree No. 38/2015/ND-CP)

1. Clause 4 shall be amended and Clauses 30, 31 and 32 shall be added to Article 3 as follows:

a) Clause 4 shall be amended as follows:

"4. Industrial solid waste means solid waste generated from production, trading and services, including hazardous solid waste and conventional industrial solid waste."

b) Clauses 30, 31 and 32 shall be added as follows:

"30. Transfer note of solid waste means a document certifying the transfer of certain type and quantity of domestic solid waste, conventional industrial solid waste between the waste generator, the waste collector/transporter and the waste treater of solid domestic waste or conventional industrial solid waste.

31. Cooling water means water used for heat removal from equipment and machinery during production process, not in direct contact with materials, chemicals used in the production, business or service stages.

32. Facility having functions suitable for reuse, recycling, co-treatment, recovery of energy and treatment of waste means a facility which operates in conformity with its certificate of enterprise registration, business registration or investment certificate, investment registration and other equivalent documents; and has buildings, production lines, equipment and auxiliary works fit for reuse, recycling, co-treatment, recovery of energy and treatment of waste (including the following kinds of waste: domestic, conventional industrial, conventional health) in accordance with laws and regulations on environment protection."

2. Clause 1 Article 9 shall be amended as follows:

"1. There is a EIA report approved by the Ministry of Natural Resources and Environment."

3. Clauses 1, 4, 5 and 6 shall be amended and Clauses 6a and 6b shall be added to Article 10 as follows:

a) Clause 1 shall be amended as follows:

"1. An entity having a hazardous waste treatment project or facility environment protection works of which have been completed according to the decision on approval for EIA report and meet the conditions stipulated in Article 9 of this Decree shall make an application for licensing hazardous waste treatment and submit it to the competent authority as prescribed in Clause 2 hereof."

b) Clauses 4, 5 and 6 shall be amended and Clauses 6a and 6a shall be added as follows:

"The validity period for the license for hazardous waste treatment shall be 05 years from the date of issuance.

5. The license for hazardous waste treatment shall replace confirmation of completion of environment protection works; if the hazardous waste treatment facility uses imported scrap as production materials, the application for certificate of eligibility for environment protection in import of scrap as production materials may be prepared in conjunction with the application for license for hazardous waste treatment at the request of the project -or facility owner. Procedures for inspection and certification of completion of environment protection works and procedures for inspection and issuance of certificate of eligibility for environment protection in import of scrap as production materials shall be carried out as similarly as the procedures for inspection and issuance of license for hazardous waste treatment.

6. During the consideration and issuance of the license for hazardous waste treatment, the licensing agency shall establish an inspectorate to visit the hazardous waste treatment facility as the basis for considering approving the commissioning. The approval for commissioning shall be regarded as a base for relevant entities to conclude contracts of collection, transportation and treatment of hazardous waste serving the commissioning provided that the total quantity of waste collected, transported and treated cannot exceed the treatment capacity of the project. The commissioning shall be carried out in accordance with Article 16b of the Government's Decree No. 18/2015/ND-CP.

6a. Time limit for inspection of and approval for commissioning of the hazardous waste treatment project is 10 working days from the day on which the valid and complete application is received. Time limit for verification and issuance of license for hazardous waste treatment is 25 working days from the day on which the valid and complete application is received. The aforesaid time limit exclude the time in which the applicant completes the application at the request of the licensing agency.

6b. Costs incurred in issuance of licenses for hazardous waste treatment shall be covered by the assessment fees for licenses for hazardous waste treatment."

4. Clause 4 and Clause 5 shall be added to Article 16 as follows:

"4. Generators of domestic solid waste (except for households and individuals) shall transfer domestic solid waste to the following entities:

a) Facilities having functions suitable for reuse, recycling, co-treatment and treatment;

b) Collectors/transporters of domestic solid waste meeting conditions prescribed in Article 18 hereof; organizations in charge of public services of collection and transport of domestic solid waste authorized by competent authorities.

5. If a generator of domestic solid waste conducts reuse, pre-processing, recycling, treatment, co-treatment of waste, recovery of energy from waste by themselves, the following requirements must be satisfied:

a) In accordance with the decision on approval for EIA report, approved environmental protection plan or equivalent documents;

b) The generator of domestic solid waste shall use technology, environment protection works, and manufacturing equipment available at the facility premises and meet environment protection requirements (except for domestic solid waste of biodegradable organic waste generated from offshore oil exploration and extraction facilities)."

5. Clause 5 and Clause 6 shall be added to Article 17 as follows:

"5. Domestic solid waste collecting points and transfer stations must comply with Point A Appendix II Section III issued herewith."

6. Clauses 9, 10, 11, 12 and 13 shall be added to Article 18 as follows:

"9. Ensure that means of transportation, storage equipment, collecting points, transfer stations, storage areas (if any) all meet technical regulations, management procedures as prescribed in Point A and Point B Appendix II Section III issued herewith. Ensure that the duration for collection, storage and transport of domestic solid waste may not exceed 2 days.

10. If the collector/transporter both collects and transports domestic solid waste and conventional industrial solid waste, they must comply with regulations on management of domestic solid waste and conventional industrial solid waste.

11. Transfer domestic solid waste to the following entities:

a) Facilities having functions suitable for reuse, recycling, co-treatment and treatment of domestic solid waste;

b) Collectors/transporters of domestic solid waste having contracts with facilities having functions suitable for reuse, recycling, co-treatment and treatment of domestic solid waste prescribed in Point a hereof;

c) Collectors/transporters of domestic solid waste authorized by the local governments to collect and transport of domestic solid waste to the facilities prescribed in Point a hereof.

12. Use the transfer note of domestic solid waste for every transfer prescribed in Appendix IV Section III issued herewith.

13. Prepare following reports:

a) Annual reports on management of domestic solid waste (reporting period from January 11 to December 31) using form No. 01 Appendix V Section III issued herewith and send them to Department of Natural Resources and Environment and the People's Committee of district where the collection and transport of domestic solid waste have been conducted before January 31 of the following year;

b) Irregular reports on collection and transport of domestic solid waste at the request of competent regulatory bodies."

7. Clause 3 Article 19 shall be amended as follows:

"3. The Ministry of Natural Resources and Environment shall take charge and cooperate with the Ministry of Science and Technology and relevant ministries to issue specific criteria; assessment and announcement of domestic solid waste treatment technologies prescribed in this Article."

8. Clauses 5 and 6 shall be amended and Clauses 7, 8, 9, 10, 11, 12 and 13 Article 21 shall be annulled as follows:

"5. Domestic solid waste treatment facilities must obtain a certification of completion of environment protection works issued by the competent authority as prescribed.

6. Locations of domestic solid waste treatment facilities must be consistent with environment protection planing and provincial planning."

9. Clause 1 Article 22 shall be amended as follows:

"1. Responsibilities of domestic solid waste treaters:

a) Fully fulfill the requirements of environmental protection as per the law;

b) Prepare following reports:

- Annual reports on management of domestic solid waste (reporting period from January 11 to December 31) using form No. 02 Appendix V Section III issued herewith and send them to Department of Natural Resources and Environment and the Ministry of Natural Resources and Environment (if the EIA report is approved by the Ministry of Natural Resources and Environment) before January 31 of the following year;

- Irregular reports on treatment of domestic solid waste at the request of competent regulatory bodies;

- Prepare transfer note of domestic solid waste; operation log of systems and equipment in treatment of domestic solid waste; tracking book of quantity of recycled products or reusable solid waste recovered from domestic solid waste (if any);

- Maintain contracts, transfer notes of domestic solid waste, operation logs, documents related to treatment of domestic solid waste for 5 years to provide for competent regulatory bodies;

c) If hazardous waste is classified from domestic solid waste or hazardous waste is generated from the domestic solid waste treatment facility, the facility shall assume responsibilities as the generator of hazardous waste as prescribed;

d) Ensure that domestic solid waste treatment system and equipment (including pre-processing, recycling, co-treatment, recovery of energy from domestic solid waste, hereinafter referred to as treatment of domestic solid waste) meet technical regulations and management process prescribed in Point c Appendix II Section III issued herewith."

10. Point a shall be annulled and Point b Clause 2, Clause 3 Article 23 shall be amended as follows:

a) Point a Clause 2 shall be annulled;

b) Point b Clause 2 shall be amended as follows:

"b) Carry out the renovation of the landscape of the area and take measures to prevent environmental pollution in accordance immediately after the closure of domestic solid waste landfills."

c) Clause 3 shall be amended as follows:

"3. The Ministry of Natural Resources and Environment shall provide guidelines for closure of domestic solid waste landfills after the operation has been ceased."

11. Article 28 shall be amended as follows:

"Article 28. Responsibilities of People's Committees in domestic solid waste management

1. Responsibilities of People's Committee of province

a) Manage domestic solid waste in the province, assign management responsibilities to specialized agencies and delegate management decentralization to the People's Committees in terms of domestic solid waste management as prescribed;

b) Issue specific regulations on domestic solid waste management; incentives policies for collection, transport and investment in domestic solid waste treatment facilities in conformity with socio-economic development conditions of the province in necessary cases;

c) Direct and initiate solid waste management section in the relevant planning within their competence; prepare annual plan for collection, transport, treatment of domestic solid waste and set aside a fund in conformity with the socio-economic development plan of the province;

d) Formulate the hygiene charges and service charges for households, individuals, business entities as prescribed;

dd) Send annual reports to the Ministry of Natural Resources and Environment, the Ministry of Construction on the domestic solid waste management in the province before January 31 of the following year;

e) Raise awareness of laws and regulations on domestic solid waste; direct inspection and actions against violations of solid waste management in the province.

2. Responsibilities of People's Committee of district

a) Issue regulations, programs, plans for domestic solid waste management within their competence;

b) Implement strategies, programs, plans and duties on domestic solid waste management;

c) Send annual reports on solid waste management to the People's Committee of province.

3. Responsibilities of People's Committee of commune

a) Formulate plans and implement solid waste management in the commune;

b) Initiate classification of domestic solid waste at sources as prescribed;

c) Send annual reports on solid waste management to the People's Committee of district."

12. Clause 3 and Clause 4 shall be added to Article 29 as follows:

"3. Conventional industrial solid waste is classified into 3 categories as follows:

a) Conventional industrial solid waste to be reused or recycled as production materials;

b) Solid waste used in production of building materials and ground leveling;

c) Conventional industrial solid waste to be treated by burning, burying and reconstituting at areas where mineral extraction is closed as prescribed in law on minerals and other treatment methods in accordance with relevant special law;

d) If the conventional industrial solid waste is not classified, it must be treated in accordance with Point c of this Clause.

4. The Ministry of Construction shall promulgate technical regulations on using conventional industrial solid waste for production of building materials or for ground leveling and in construction works; formulate national standards for using conventional industrial solid waste for production of building materials or for ground leveling and in construction works, and then send them to the Ministry of Science and Technology to publish. If technical regulations and standards has not been promulgated, standards of one of countries such as EU, USA, Japan or Korea shall prevail."

13. Article 30 shall be amended as follows:

"Article 30. Responsibilities of generators of conventional industrial solid waste

1. Classify conventional industrial solid waste as prescribed in Clause 3 Article 29 hereof; furnish storage equipment and areas of conventional industrial solid waste meeting technical regulations and management process as prescribed in Point A Appendix III Section III issued herewith.

2. The generator of conventional industrial solid waste shall transfer conventional industrial solid waste to one of following entities:

a) A facility owner permitted to use conventional industrial solid waste directly for production of building materials or ground levelling by law;

b) A facility owner whose waste co-treatment plan has been approved by the competent authority;

c) A treater of conventional industrial solid waste having appropriate functions;

d) A transporter of conventional industrial solid waste meeting requirements in Article 31 hereof and having transfer contracts with entities prescribed in Point a, b and Point c hereof.

3. The transfer note of conventional industrial solid waste shall be used for every transfer of conventional industrial solid waste as prescribed in Appendix IV Section III issued herewith.

4. An generator of conventional industrial solid waste which conducts reuse, pre-processing, recycling, treatment, co-treatment, recovery of energy from conventional industrial solid waste by themselves must comply with technical regulations and management process as follows:

a) In accordance with certificate of enterprise registration, business registration or investment certificate, investment registration and other equivalent documents as per the law;

b) The generator of conventional industrial solid waste shall use technology, environment protection works, and manufacturing equipment available at the facility premises and meet environment protection requirements as prescribed. Any incinerator or landfill of conventional industrial solid waste in the premises of the generator to conduct treatment of conventional industrial solid waste by themselves must be accordant with solid waste management section in relevant plannings;

c) In accordance with the decision on approval for EIA report, approved environmental protection plan or equivalent documents.

5. Prepare following reports:

a) Annual reports on management of conventional industrial solid waste (reporting period from January 11 to December 31) using form No. 03 Appendix V Section III issued herewith and send them to Department of Natural Resources and Environment before January 31 of the following year. If the above-mentioned generator is also the generator of hazardous waste, such report on management of conventional industrial solid waste shall be combined with the report on management of hazardous waste;

b) Irregular reports on generation of conventional industrial solid waste at the request of competent regulatory bodies".

14. Article 31a shall be added as follows:

"Article 31a. Responsibilities of collectors/transporters of conventional industrial solid waste

1. Conclude a contract for collection and transport of conventional industrial solid waste with a generator of waste only after concluding a transfer contract with one of the entities prescribed in Point a, b and Point c Clause 2 hereof.

2. The collector/transporter may transfer conventional industrial solid waste to one of the following entities:

a) A facility owner permitted to use conventional industrial solid waste directly for production of building materials or ground levelling by law;

b) A facility owner whose waste co-treatment plan has been approved by the competent authority;

c) A treater of waste having appropriate functions or a hazardous waste treatment facility (if the facility treats conventional industrial solid waste and hazardous waste).

3. The transfer note of conventional industrial solid waste shall be used for every transfer of conventional industrial solid waste as prescribed in Appendix IV Section III issued herewith.

4. Ensure that means of transportation, storage equipment, collecting points, transfer stations, storage areas of conventional industrial solid waste must meet technical regulations, management procedures as prescribed in Point A and Point B Appendix II Section III issued herewith.

5. Prepare following reports:

a) Annual reports on management of conventional industrial solid waste (reporting period from January 11 to December 31) using form No. 04 Appendix V Section III issued herewith and send them to Department of Natural Resources and Environment before January 31 of the following year;

b) Irregular reports on collection and transport of conventional industrial solid waste at the request of competent regulatory bodies;

c) Combined reports on management of conventional industrial solid waste and domestic solid waste using the prescribed form and send them within 1 month from the end of the reporting period if the transporter both transport conventional industrial solid waste and domestic solid waste;

d) Combined reports on management of conventional industrial solid waste and hazardous waste using the prescribed form on management of hazardous waste if the transporter both transport conventional industrial solid waste and hazardous waste."

15. Clauses 5 and 6 shall be amended and Clauses 7, 8, 9, 10, 11, 12 and 13 Article 32 shall be annulled as follows:

"5. Conventional industrial solid waste treatment facilities must obtain a certification of completion of environment protection works issued by the competent authority as prescribed.

6. Locations of conventional industrial solid waste treatment facilities must be consistent with environment protection planing and provincial planning."

16. Article 33 shall be amended as follows:

"Article 33. Responsibilities of treaters of conventional industrial solid waste

1. Ensure that means of transportation, storage equipment, collecting points, transfer stations, storage areas of conventional industrial solid waste must meet technical regulations, management procedures as prescribed in Point A and Point B Appendix II Section III issued herewith.

2. Ensure that conventional industrial solid waste treatment system and equipment (including pre-processing, recycling, co-treatment, recovery of energy from conventional industrial solid waste, hereinafter referred to as treatment of conventional industrial solid waste) meet technical regulations and management process prescribed in Point c Appendix II Section III issued herewith.

3. If there is hazardous waste generated from conventional industrial solid waste treatment facility, facility shall assume the responsibility of the generator of hazardous waste as prescribed.

4. Prepare following reports:

a) Annual reports on management of conventional industrial solid waste (reporting period from January 11 to December 31) using form No. 05 Appendix V Section III issued herewith and send them to the certification agency, the Department of Natural Resources and Environment and People's Committee of district where the conventional industrial solid waste treatment facility is located before January 30 of the following year;

b) Irregular reports on treatment of conventional industrial solid waste at the request of competent regulatory bodies;

c) Reports, applications, materials, logs in conjunction with management of conventional industrial solid waste, domestic solid waste shall be consolidated using form No. 05 Appendix V Section III issued herewith if the treater of conventional industrial solid waste is also a treater of domestic solid waste;

d) Consolidated reports, applications, documents, logs in connection with management of conventional industrial solid waste and hazardous waste using the prescribed form on management of hazardous waste if the treater of conventional industrial solid waste is also a treater of hazardous waste;

dd) Use transfer note of conventional industrial solid waste in every transfer of conventional industrial solid waste as prescribed in Appendix IV Section III issued herewith; prepare operation logs of systems and equipment for treatment of conventional industrial solid waste; logbook of quantity of products recycled or recovered from conventional industrial solid waste (if any);

e) Maintain contracts, operation logs, documents related to treatment of conventional industrial solid waste for 5 years to provide for competent regulatory bodies upon request.

5. Apply environment management system according to the Vietnam's Standard ISO 14001 within 24 months from the date on which a new facility goes into operation or within 24 months from effective date of this Decree in case of an existing facility.

6. The conventional industrial solid waste treatment facility shall implement the plan for pollution control and environmental remediation and request the competent authority in writing to certify completion of environment protection works within 6 months from the date on which it has ceased operation."

17. Clause 1 Article 34 shall be amended as follows:

"1. Perform functions of state management in conventional industrial solid waste."

18. Article 35 shall be amended as follows:

"Article 35. Responsibilities of People's Committees of provinces in management of conventional industrial solid waste

19. Clauses 4, 5, 6, 7 and 8 shall be added to Article 37 as follows:

"4. Wastewater discharged from secondary facilities in an industrial park must undergo preliminary treatment according to the conditions in an agreement between the investor of industrial park infrastructure construction and business and the decision on approval for EIA report of the industrial park before connecting to the collection system for further treatment at the centralized wastewater treatment system, meeting technical regulations on environment as prescribed before being discharged to the receiving water; unless the facility is exempt from connection as prescribed.

The wastewater connection conditions indicated in the agreement between the facility owner and investor of industrial park infrastructure construction and business may not go beyond conditions for receipt of wastewater of the concentrated wastewater treatment system in the decision on approval for EIA report or the approved project of environmental protection of the industrial park.

From January 1, 2020, the acceptance of any new project in an industrial park must fit for wastewater treatment of the centralized wastewater treatment system; any new secondary project in an industrial park must be connected to the centralized wastewater treatment system.

5. Cooling water shall be managed as follows:

a) Cooling water (including cooling water containing chlorine or disinfectants) must be separated from waste generated from production, business or services; and collected by a separate system;

b) Adopt heat removal measures to ensure that the temperature of cooling water may not exceed the temperature limits as industrial wastewater before being discharged into the environment;

c) The cooling water shall be discharged to environment through drainage gate separately from wastewater discharge gate. If wastewater and cooling water, subject to technical regulations, are discharged to the environment through the same drainage gate, the facility owner must install an automatic and continuous wastewater monitoring system to measure certain pollution parameters of such effluent before discharging it together with the cooling water. Any facility which is built and operating before effective date of this Decree must complete the installation of the automatic and continuous wastewater monitoring system prior to December 31, 2020.

6. A project of a kind of manufacturing possibly causing environmental pollution prescribed in Appendix IIa Section I issued herewith must have a wastewater treatment system (excluding connection points to the centralized wastewater treatment system) which meets environment protection requirements and has environment incident prevention and response works as prescribed in Article 101, Article 108 and Article 109 of the Law on Environment Protection. The environment incident prevention and response works of the wastewater treatment system must be approved in the EIA report. The project owner shall, based on characteristics and loading rate of the wastewater flow, choose either one of following technical solutions:

a) If designed wastewater volume is from 50m3/day (24 hours) to under 500m3/day (24 hours), it is required to build works to prevent and respond to wastewater incidents such as tanks, equipment or vehicles (hereinafter referred to as incident tanks) having capacity to contain wastewater at least 1 day or the incident tanks having capacity to re-treat wastewater and ensure that the wastewater will not be discharged to environment in a case where a wastewater treatment system incident happens;

b) If designed wastewater volume is from 500m3/day (24 hours) to under 5000m3/day (24 hours), it is required to build works to prevent and respond to wastewater incidents which are incident ponds having capacity to contain wastewater at least 2 days or the incident tanks having capacity to re-treat wastewater and ensure that the wastewater will not be discharged to environment in a case where a wastewater treatment system incident happens;

c) If designed wastewater volume is 5000m3/day (24 hours) or higher, it is required to build works to prevent and respond to wastewater incidents which are incident ponds and waste stabilization ponds combined having capacity to contain wastewater at least 3 days or the incident tanks having capacity to re-treat wastewater and ensure that the wastewater will not be discharged to environment in a case where a wastewater treatment system incident happens.

7. In an ongoing industrial park or facility of a kind of manufacturing possibly causing environmental pollution prescribed in Appendix Iia Section I issued herewith, if the wastewater treatment system (excluding connection points to the concentrated wastewater treatment system) has no environmental incident prevention and response work as prescribed in Clause 6 hereof, it must prepare a plan for construction of such work and send it to the approval authority of EIA report; upon completion, it must prepare an application for certification of completion of environmental incident prevention and response work under the procedures for inspection and certification of completion of environment protection works and complete construction of the work prior to December 31, 2020.

8. The Ministry of Natural Resources and Environment shall provide guidelines for and technical regulations on wastewater incident prevention and response works; check and make a list to track down the performance of entities prescribed in Clause 7 hereof.”

20. Article 39 shall be amended as follows:

“Article 39. Monitoring of wastewater discharge

1. Entities, frequency and parameters of regular wastewater monitoring:

a) Ongoing facilities, industrial parks and projects having scale and capacity equivalent to the projects/plans subject to EIA report and total volume of wastewater discharged to environment (according to the total design capacity of wastewater treatment systems or the volume of wastewater approved in the EIA report and equivalent documents) is 20m3/day (24 hours) or higher, excluding connecting points to concentrated wastewater treatment system of the industrial park shall perform regular wastewater monitoring every 3 months. If technical regulations on environment or regulations on environmental monitoring techniques promulgated by the Ministry of Natural Resources and Environment stipulate monitoring frequency of certain particular environment pollution parameters by sectors, such regulations shall prevail;

b) Ongoing facilities, industrial parks and projects having scale and capacity equivalent to the projects/plans subject to registration of environment protection plan and total volume of wastewater discharged to environment (according to the total design capacity of wastewater treatment systems or the volume of wastewater registered in the environmental protection plan) is 20m3/day (24 hours) or higher, excluding connecting points to concentrated wastewater treatment system of the industrial park shall perform regular wastewater monitoring every 6 months. If technical regulations on environment or regulations on environmental monitoring techniques promulgated by the Ministry of Natural Resources and Environment stipulate monitoring frequency of certain particular environment pollution parameters by sectors, such regulations shall prevail;

c) Facilities prescribed in Point a and Point b of this Clause connecting wastewater line to the concentrated wastewater treatment system of the industrial park shall perform regular wastewater monitoring as prescribed by the investor of industrial park infrastructure construction and business with a frequency not exceeding the frequency prescribed in Point a and Point b of this Clause;

d) Encourage facilities not prescribed in Points a, b and Point c of this Clause to perform regular wastewater monitoring as the basis for assessment of conformity with technical regulations on environment; if the wastewater exceeds technical regulations on environment, it is required to check the wastewater treatment system or renovate, upgrade wastewater treatment works meeting technical regulations on environment before discharging wastewater to environment;

dd) Regular wastewater monitoring parameters are specified in national technical regulations or local technical regulations on environment as prescribed. In case of a particular kind of manufacturing without technical regulations on environment by sector, monitoring parameters shall conform with regulations on environmental monitoring techniques promulgated by the Ministry of Natural Resources and Environment;

a) The monitoring of flow of influent and effluent of the wastewater treatment system associated with entities prescribed in Point a and Point b of this Clause and monitoring of flow of effluent associated with entities prescribed in Point c of this Clause shall be carried out through flow meters.

2. Entities required to perform automatic and continuous wastewater monitoring (except for: connecting points to the concentrated wastewater treatment system, aquaculture facilities, facilities which have treatment system to treat wastewater produced from periodic tank cleaning separately from other wastewater treatment system, facilities which have cooling water not containing chlorine or disinfectants and facilities which have water from mine dewatering and these mines extract minerals for production of ordinary building materials, limestones), including:

a) Industrial parks and facilities in industrial parks which are exempt from connection to the concentrated wastewater treatment system;

b) Business entities of a kind of manufacturing possibly causing environmental pollution prescribed in Appendix IIa Section I issued herewith and having volume of discharge 500m3/day (24 hours) or higher according to the design capacity of the wastewater treatment system;

c) Hazardous waste treatment facilities, centralized solid waste treatment facilities at provincial scale and facilities which use imported scrap as production materials and discharge industrial wastewater or leachate to environment, and subject to preparation of EIA reports;

d) Business entities not specified in Points a, b and Point c of this Clause and having volume of discharges of 1,000m3/day (24 hours) or higher according to the design capacity of the wastewater treatment system;

dd) Facilities which carried administrative penalties for discharging wastewater exceeding technical regulations on environment but still repeat that offense or committed such offense multiple times before facing the penalties;

e) Other entities decided by the People’s Committee of province.

3. Entities prescribed in Clause 2 hereof must install automatic and continuous wastewater monitoring system (including automatic and continuous monitoring equipment and automatic sampling equipment) with equip CCTV and transmit data directly to Department of Natural Resources and Environment before December 31, 2020.

In case where a project prescribed in Clause 2 hereof is under construction phase, it must install the automatic and continuous wastewater monitoring system before it is put into operation. In a case prescribed in Point dd Clause 2 hereof, it must install automatic and continuous wastewater monitoring system within the period of time mentioned in the decision on penalty for administrative violation. Automatic and continuous wastewater monitoring parameters include: flow (influent and effluent), temperature, pH, TSS, COD, ammonia;

For projects and facilities of a kind of manufacturing possibly causing environmental pollution prescribed in Appendix IIa Section I issued herewith, particular environmental parameters by sector shall be decided by the approval authority of EIA report or certification authority of environmental protection plan;

For cooling water containing chlorine or chlorine-based disinfectants only have the following parameters: flow, temperature and chlorine.

4. Automatic and continuous wastewater monitoring system with CCTV must undergo testing, survey, and calibration as per the law on science and technology, standards, metrology and quality.

5. Responsibilities of the Ministry of Natural Resources and Environment:

a) Supervise data of automatic and continuous wastewater monitoring; evaluate measurement results of automatic and continuous wastewater monitoring per day (24 hours) and compare them with maximum permissible limits of pollution parameters according to the technical regulations on waste; supervise and inspect the handling measures in the following cases: monitoring data is interrupted; detect parameters exceeding technical regulations on environment and propose handling measures as prescribed;

b) Aggregate and transmit data of automatic and continuous wastewater monitoring in the province to the Ministry of Natural Resources and Environment as prescribed and upon request.

6. Encourage business entities not specified in Clause 2 hereof to install automatic and continuous wastewater monitoring system to supervise and propose environment improvement solutions to their wastewater treatment system. These facilities are exempt from regular wastewater monitoring programs as per the law.

7. Entities prescribed in Clause 2 hereof are exempt from regular wastewater monitoring associated with parameters which have been monitored on an automatic and continuous basis.

8. The results of regular wastewater monitoring and automatic and continuous wastewater monitoring shall be used for declaration and payment of environment protection fees in conjunction with wastewater.

9. The Ministry of Natural Resources and Environment shall provide technical guidelines for regular wastewater monitoring, automatic and continuous wastewater monitoring; frequency and particular monitoring parameters; and use of automatic and continuous wastewater monitoring data."

21. Article 45 shall be amended as follows:

"Article 45. Establishment and management of database on industrial emission

An owner of project or facility which generates industrial emission and is subject to inspection and certification of completion of environment protection works prescribed in Clause 1 Article 17 and Clause 3 Article 22 of the Government's Decree No. 18/2015/ND-CP must establish and manage database on industrial emission. Database on industrial emission comprises data on measurement, statistics, inventories of flow, parameters, characteristics of industrial emission. The project or facility owner shall include performance of these matters in the annual report on completion of environment protection works and annual report on environment protection."

22. Article 46 shall be amended as follows:

"Article 46. Industrial emissions

A project or facility which generates industrial emissions and is subject to inspection and certification of completion of environment protection works prescribed in Clause 1 Article 17 and Clause 3 Article 22 of the Government's Decree No. 18/2015/ND-CP must obtain a license for industrial emission. The content of licensing industrial emission shall be included in the environment protection works, certificate of eligibility for environment protection in import of scrap as production materials or license for hazardous waste treatment as per the law."

23. Article 47 shall be amended as follows:

"Article 47. Monitoring of industrial emission

1. Entities, frequency and parameters of regular emission monitoring:

a) Ongoing facilities and projects having scale and capacity equivalent to the projects/plans subject to EIA report and total volume of emissions discharged to environment is 5,000m3/hour or higher (according to the total design capacity of emission treatment systems or the flow of emissions approved in the EIA report and equivalent documents) shall perform regular wastewater monitoring every 3 months. If technical regulations on environment or regulations on environmental monitoring techniques promulgated by the Ministry of Natural Resources and Environment stipulate monitoring frequency of certain particular environment pollution parameters by sectors, such regulations shall prevail;

b) Ongoing facilities, industrial parks and projects having scale and capacity equivalent to the projects/plans subject to registration of environment protection plan and total flow of emissions

discharged to environment is 5,000m3/hour or higher (according to the total design capacity of emission treatment systems or the flow of emissions registered in the environmental protection plan) shall perform regular wastewater monitoring every 6 months. If technical regulations on environment or regulations on environmental monitoring techniques promulgated by the Ministry of Natural Resources and Environment stipulate monitoring frequency of certain particular environment pollution parameters by sectors, such regulations shall prevail;

c) Encourage facilities not prescribed in Points a and Point b of this Clause to perform regular emission monitoring as the basis for assessment of conformity with technical regulations on environment; if the emission exceeds technical regulations on environment, it is required to check the emission treatment system or renovate, upgrade emission treatment works meeting technical regulations on environment before releasing emission to environment;

d) Regular emission monitoring parameters are specified in national technical regulations or local technical regulations on environment as prescribed;

dd) The monitoring of flow of emissions of the large-flow emission treatment system and equipment prescribed in Appendix I Section III issued herewith shall be carried out via the emission flow meter; the flow of emissions of other emission treatment system and equipment shall be determined through emission monitoring equipment as prescribed.

2. The automatic and continuous emission monitoring shall be carried out in the following cases:

a) Projects, facilities under the list of large-flow emission sources prescribed in Appendix I Section III issued herewith;

b) Incinerators of hazardous waste; incinerators of waste of provincially-centralized waste treatment facilities;

c) Emissions of facilities using imported scrap as production materials subject to EIA reports;

d) Facilities which carried administrative penalties for releasing emissions exceeding technical regulations on environment but still repeat that offense or committed such offense multiple times before facing the penalties;

dd) Other cases decided by the People's Committee of province.

3. In the cases prescribed in Clause 2 hereof, it is required to install automatic and continuous emission monitoring system with CCTV and transmits data directly to Department of Natural Resources and Environment where the facilities are located before December 31, 2020.

In case where a project prescribed in Clause 2 hereof is under construction phase, it must install the automatic and continuous emission monitoring system before it is put into operation. In a case prescribed in Point d Clause 2 hereof, it must install automatic and continuous emission monitoring system within the period of time mentioned in the decision on penalty for administrative violation. Automatic and continuous emission monitoring parameters include:

a) Fixed environmental parameters include: flow, temperature, pressure, surplus O_2, total suspended particles, SO_2, NO_x and CO (unless a technical regulations on environment in a special sector requires no control);

b) Particular environmental parameters by sectors referred to in the report and decision on approval for EIA report or certified environmental protection plan.

4. Automatic and continuous emission monitoring system with CCTV must undergo testing, survey, and calibration as per the law on science and technology, standards, metrology and quality.

5. Responsibilities of the Ministry of Natural Resources and Environment:

a) Supervise data of automatic and continuous emission monitoring; evaluate measurement results of automatic and continuous emission monitoring per day (24 hours) and compare them with maximum permissible limits of pollution parameters according to the technical regulations on waste; supervise and inspect the handling measures in the following cases: monitoring data is interrupted; detect parameters exceeding technical regulations on environment and propose handling measures as prescribed;

b) Aggregate and transmit data of automatic and continuous emission monitoring in the province to the Ministry of Natural Resources and Environment as prescribed and upon request.

6. Encourage business entities not specified in Clause 2 hereof to install automatic and continuous emission monitoring system to supervise and propose environment improvement solutions to their emission treatment system. These facilities are exempt from regular emission monitoring programs as per the law.

7. Entities prescribed in Clause 2 hereof are exempt from regular emission monitoring associated with parameters which have been monitored on an automatic and continuous basis.

8. The results of regular emission monitoring, automatic and continuous emission monitoring shall be used as the basis for issuing licenses for industrial emissions.

9. The Ministry of Natural Resources and Environment shall provide technical guidelines for regular emission monitoring, automatic and continuous emission monitoring; and use of automatic and continuous emission monitoring data."

24. Article 48 shall be amended as follows:

"Article 48. Responsibilities of the Minister of Natural Resources and Environment in management of industrial emission

The Minister of Natural Resources and Environment shall stipulate emission sources, particular automatic and continuous monitoring emission parameters, technical requirements and standards for connection to automatic and continuous industrial emission monitoring data."

25. Article 52a shall be added as follows:

"Article 52a. Regulations on particular waste from mineral extraction

1. Sludge, liquid waste recovered from and remaining ores from beneficiation process shall be managed and disposed of in accordance with law on environment protection or stored in tailings damps and ponds in accordance with law on minerals, not causing environmental pollution.

2. Tailings damps and ponds, waste sludges ponds from beneficiation process must be designed to ensure stability of the work, anti-spill, waterproof, anti-subsidence, anti-leakage of waste into the environment, meeting technical regulations and standards on construction and relevant technical regulations and standards.

3. The mineral extraction facility owner shall make a plan for exploitation of remaining ores in tailings ponds; if the exploitation is not permitted, the tailings ponds must be managed in accordance with management of waste and make a plan for environmental renovation and restoration as prescribed by law."

26. Article 52b shall be added as follows:

"Article 52b. Regulations on management of ashes, slags, plasters of thermal power plants, chemical plants, fertilizer plants, steel plants and other facilities

1. Ashes, slags and plasters must be determined and classified; if they are not hazardous waste and meet technical regulations and standards promulgated by competent authorities, they may be used as materials for production of building materials, ground levelling, use in construction works and managed as products of building materials. If there is no relevant technical regulations and standards or technical guidelines, standards of one of the following countries: EU, USA, Japan or Korea shall prevail.

2. Ashes, slags, plasters determined as conventional industrial waste shall be recommended for use in environmental recovery at mineral extraction closure areas in accordance with law on minerals and environment.

3. The Ministry of Construction shall promulgate technical regulations on treatment and use of ashes, slags and plasters as construction materials or for ground leveling and in construction works; formulate national standards for treatment and use of ashes, slags and plasters as construction materials or for ground leveling and in construction works, and then send them to the Ministry of Science and Technology to publish as per the law.

4. The Ministry of Natural Resources and Environment shall promulgate technical regulations and guidelines for treatment and use of ashes, slags and plasters, other conventional industrial waste and hazardous waste for environmental recovery at mineral extraction closure areas in accordance with law on minerals and in conformity with environment protection requirements. If there is no relevant technical

regulations and standards, standards of one of the following countries: EU, USA, Japan or Korea shall prevail."27. Article 54a shall be added as follows:

"Article 54a. Regulations on regular environmental monitoring of business entities and industrial parks

1. Entities required to carry out regular environmental monitoring include:

a) Entities required to carry out regular wastewater monitoring prescribed in Point a, b and c Clause 1 Article 39 hereof;

b) Entities required to carry out regular emission monitoring prescribed in Points a and b Clause 1 Article 47 hereof;

c) Entities required to determine waste sludges, solid waste containing hazardous chemicals of class I for management in accordance with regulations on management of hazardous waste;

d) Facilities causing serious environmental pollution prescribed in Clause 4 Article 33 of Decree No. 19/2015/ND-CP shall carry out monitoring of environmental pollutants. Environmental components, monitoring frequency and parameters shall be determined in the decision on penalty for administrative violation or decision on approval for EIA report or certification of registration of environment protection plan issued by competent authorities.

2. Entities prescribed in Clause 1 hereof are required to prepare plans for regular environmental monitoring (hereinafter referred to as plans), and then send them to Department of Natural Resources and Environment before December 31 of the previous year for supervision; if they fall under authority to approve EIA reports of ministries, the plan shall be also sent to the Ministry of Natural Resources and Environment. The plan shall be made based on the following:

a) Regular environmental monitoring and supervision programs in the report and decision on approval for EIA report and certified environmental protection plan or equivalent documents or regular environmental monitoring and supervision programs which are adjusted in a way in consistence with performance of the project, facility or industrial park in the confirmation of completion of environment protection works, the certificate of eligibility for environment protection in import of scrap used as production materials, the license for hazardous waste treatment or other relevant certifications or adjustments;

b) Types of waste generated by waste discharge sources and points; environmental components to be monitored; regular environmental monitoring frequency and parameters.

3. Regular environmental monitoring services providers shall take legal responsibility for the accuracy of environmental monitoring results.

4. Responsibilities of Department of Natural Resources and Environment

a) Supervise the regular of environmental monitoring in the province; conduct surprise inspection in necessary cases;

b) Solicit certified independent appraisal units as per the law, whenever necessary, to cross-check waste samples taken by the environmental monitoring services providers. The environmental monitoring results of the independent appraisal units shall be valid for crosschecking; monitoring costs shall be covered by the state from the funding for annual environment expenditures of Department of Natural Resources and Environment; if the waste sample exceeds technical regulations on waste, the monitoring results shall be used as the basis for penalty for administrative violation in accordance with the Decree on penalties for administrative violations in environment protection;

c) Assess the environmental monitoring results. If the waste monitoring results exceed technical regulations on environment, Department of Natural Resources and Environment shall issue (the first) warning and request the entity prescribed in Clause hereof to review the operation process, environment protection works in order to make plans for adjustment, renovation, upgrade (if necessary), ensure that the waste shall be treated in conformity with technical regulations on environment before being discharged; if the self-monitoring result still exceeds technical regulations on environment, the entity shall face penalty as per the law.

5. Responsibilities of entities subject to regular environmental monitoring

a) Make plans as prescribed in Clause 2 hereof and be held accountable for the accuracy of their plans;

b) Request qualified units as per the law to carry out regular environmental monitoring for their facilities or industrial parks;

c) Use industrial wastewater monitoring results to declare and pay fees for environment protection as prescribed;

d) Use regular environmental monitoring results to prepare annual environment protection reports and for other purposes as per the law.

6. The Ministry of Natural Resources and Environment shall provide technical guidelines for regular environmental monitoring prescribed in this Article."

28. Article 55 shall be amended as follows:

"Article 55. Scrap used as production materials imported from overseas to Vietnam and importers of scrap to be used as production materials

1. Imported scrap used as production materials must meet the requirements prescribed in Clause 1 Article 76 of the Law on Environment Protection. An importer of scrap may choose to carry out customs procedures at customs authority of import checkpoint or at the customs authority where the plant or manufacturer using imported scrap is located (hereinafter referred to as manufacturer); and may choose to carry out quality control of imported scrap at the import checkpoint or at the customs authority where the manufacturer using imported scrap is located or at the manufacturer using imported scrap. The imported scrap may only be permitted to be unloaded to ports if all following requirements are met:

a) The consignee mentioned in the E-Manifest must obtain a certificate of eligibility for environment protection in import of scrap used as production materials which remains valid and has unused quota for imported scrap;

b) The consignee mentioned in the E-Manifest must obtain a certification of a guarantee bond on imported scrap mentioned in the E-Manifest as prescribed in Point b Clause 3 Article 57 of this Decree.

The customs authority must check information prescribed in Point a and b of this Clause before permitting the unloading of scrap to the port.

2. The manufacturer using imported scrap and meeting the following requirements is permitted to import scrap to be used as production materials:

a) Meeting the requirements and responsibilities for environment protection prescribed in Clause 2 and Clause 3 Article 76 of the Law on Environment Protection;

b) Having a EIA report approved by the Ministry of Natural Resources and Environment, which specifies the use of imported scrap as production materials and having a confirmation of completion of environment protection works or a license for hazardous waste treatment, which specifies the use of imported scrap as production materials in projects that have gone into operation.

Newly-built projects must meet the requirements prescribed in Article 16b and Article 17 of the Government's Decree No. 18/2015/ND-CP.

c) Having a certificate of eligibility for environment protection in import of scrap used as production materials as per the law."

29. Article 56 shall be amended as follows:

"Article 56. Conditions pertaining to environment protection in import of scrap used as production materials

1. Warehouses and storage yards of imported scrap

a) Warehouses of imported scrap:

- There is a system to collect rainwater, a system to collect and treat types of wastewater generating during the storage of scrap meeting technical regulations on environment;

- There is an area with a high level of foundation to avoid flooding and the floor surface designed to avoid rainwater from overflowing from outside; the floor meets tightness requirement, has no cracking, is made of waterproofing material and durable enough to withstand the load of the highest amount of scrap according to calculations;

- There are walls and partitions made of fireproof materials. There are sun-proof and rain-proof roofs for the whole warehouse area of scrap made of fireproof materials; there are measures or design to limit wind directly to the inside.

b) Storage yards of imported scrap:

- There is a system to collect and treat rainwater overflowing the storage yard of imported scrap and types of wastewater generating during the storage of scrap meeting technical regulations on environment;

- There is an area with a high level of foundation to avoid flooding; the floor meets tightness requirement, has no cracking, is made of waterproofing material and durable enough to withstand the load of the highest amount of scrap according to calculations;

- There are measures to minimize dust generating from the storage yard of scrap.

2. There are technologies and equipment to recycle or reuse scrap meeting technical regulations and management process as prescribed.

3. There are technologies and equipment to dispose of impurities accompanying scrap meeting technical regulations on environment. If there is no technology and equipment to dispose of the accompanying impurities, they are required to assign the disposal to the qualified organizations.

4. Post a bond on imported scrap as prescribed in this Decree.

5. There is a commitment to re-export or dispose of scrap in a case where the imported scrap fails to meet environment protection requirements.

6. The manufacturer may only import scrap as production materials in conformity with its design capacity to produce goods. It is prohibited to import scrap for pre-processing and resale of scrap purposes only. From January 1, 2025, a facility using imported scrap used as production materials may only import scrap up to 80% of its design capacity and purchase the remaining scrap locally to use as production materials.

It is only permitted to import scrap plastic to be used as production materials of products, goods (excluding commercial recycled plastic), except for projects obtaining approvals for investment policies, investment certificates and ongoing facilities permitted to import scrap plastic to produce commercial recycled plastic until December 31, 2024.

It is only permitted to import scrap paper to be used as production materials of products, goods (excluding commercial recycled pulp)

7. Conclude contracts directly with foreign providers of imported scrap used as production materials."

30. Article 56b shall be added as follows:

"Article 56a. Power and procedures to issue, reissue, and revoke certificates of eligibility for environment protection in import of scrap

1. The Ministry of Natural Resources and Environment shall issue, reissue, and revoke certificates of eligibility for environment protection in import of scrap used as production materials (hereinafter referred to as Certificate).

2. Required documents in an application for issuance of Certificate:

a) An application form using form No. 01 Appendix VI Section III issued herewith;

b) A report on eligibility for environment protection in import of scrap used as production materials using form No. 02 Appendix VI Section III issued herewith;

c) A copy of business registration certificate or enterprise registration certificate; TIN registration certificate;

d) A copy of decision on approval for EIA report;

dd) A copy of inspection result of waste treatment works for the project owner to carry out commissioning issued by the provincial environment protection authority as prescribed in Point a Clause 6 Article 16b of Government's Decree No. 18/2015/ND-CP (applies solely to projects which have been undergoing commissioning phase);

e) A copy of inspection result of commissioning of waste treatment works issued by the provincial environment protection authority as prescribed in Point d Clause 6 Article 16b of Government's Decree No. 18/2015/ND-CP (applies solely to projects which have just completed commissioning phase);

g) A copy of one of the following documents: confirmation of completion of environment protection works or license for hazardous waste treatment or certificate of eligibility for environment protection in import of scrap of the applicant for reissuance of Certificate;

h) A copy of contract for transfer of treatment of impurities and waste with a qualified organization (if the facility has no technology or equipment to treat impurities accompanying imported scrap and waste);

i) A commitment to re-export, treat, or dispose of violating imported scrap using form No. 03 Appendix VI Section III issued herewith.

3. Procedures for verification, time limit, issuance of Certificate

a) The importer of scrap used as production materials shall prepare e-documents (application for issuance of Certificate prescribed in Clause 2 of this Article) and send them to the Ministry of Natural Resources and Environment via national single-window system. Procedures for initiation, receipt, exchange, response, and giving of administrative procedure processing result in this Clause shall be done via national single-window system and specialized system of the Ministry of Natural Resources and Environment in accordance with regulations on administrative procedures via National Single Window, ASEAN Single Window and specialized inspection of exported goods and imported goods;

b) Within 5 working days from the day on which the valid and complete application is received, the receiving body or the authorized body shall set up an inspectorate to inspect eligibility for environment protection in import and use of imported scrap used as production materials as prescribed in Article 56 hereof. If the application is insufficient, the receiving body or the authorized body shall notify the applicant of completion and provide explanation.

The inspectorate shall conduct an inspection visit, take and analyze waste sources generating from the project, facility for assessment (take and analyze composite samples for assessment in case of necessity). The cost incurred in taking and analysis of samples shall be covered by the fee for issuance of Certificate; if the composite sample is taken, cost incurred shall be covered by the applicant. The inspection result shall be expressed in a report;

c) If the importer meets the conditions for environment protection as prescribed, the competent authority shall consider issuing a Certificate; if not, the competent authority shall notify the applicant of completion of the application and fulfill the eligibility conditions for environment protection. The applicant shall complete the application and send the completed application to the competent authority for consideration; in case of necessity, the competent authority shall re-verify conditions for environment protection and consider issuing the Certificate;

d) Time limit for issuance of Certificate is 25 working days from the day on which the valid and complete application is received; time limit for issuance of Certificate is 20 working days from the day on which the valid and complete application is received. The above time limit does not include the time limit for completion of application and analysis of waste samples;

dd) The Certificate is valid for 5 years using Form No. 04 Appendix VI Section III issued herewith.

Regarding new projects, the procedure for issuance of Certificate shall replace the procedure for inspection and certification of completion of environment protection works. The Certificate shall replace confirmation of completion of environment protection works.

Regarding hazardous waste treatment facilities and projects having the phase of production, recycling, reuse of scrap as production materials, the procedure for issuance of the Certificate shall be combined with the procedure for issuance of the license for hazardous waste treatment. The licensing agency shall issue both Certificate and license for hazardous waste treatment.

4. Procedures for inspection, time limit for issuance of Certificate in case of projects of commissioning of waste treatment works

a) The importer of scrap used as production materials shall prepare e-documents (application for issuance of Certificate prescribed in Points a, b, c, d, dd, h, and I Clause 2 of this Article) and send them to the Ministry of Natural Resources and Environment via national single-window system. Procedures for

initiation, receipt, exchange, response, and giving of processing administrative procedure results in this Clause shall be carried out in accordance with Point a Clause 3 of this Article;

b) Within 15 working days, from the day on which the valid and complete application is received, the competent authority shall consider issuing a Certificate; if the application is unsatisfactory, the receiving body shall notify the applicant of completion and fulfill the eligibility conditions for environment protection; in case of necessity, the competent authority shall conduct an inspection visit to waste treatment works before issuing the Certificate;

c) The Certificate is valid for 1 year in order for the project of commission of waste treatment works using Form No. 04 Appendix VI Section III issued herewith.

5. 90 days before the expiry date of the Certificate, the applicant must submit the application prescribed in Points a, b, c, d, g, h and I Clause 2 hereof for reissuance of the Certificate. Procedures for inspection, reissuance of Certificate shall be carried out as prescribed in Clause 3 of this Article.

6. If the Certificate is lost or damaged, the applicant shall request the issuing authority in writing to issue a copy of Certificate.

7. Certificate shall be revoked in the following cases:

a) A violation against regulations on environment protection is so serious that the Certificate may be suspended or the operation may be mandatorily suspended as prescribed by the Government on penalties for administrative violations in environment protection and has not completed the rectification of violation consequences;

b) The importer of scrap must terminate the import of scrap as production materials or goes bankrupt and is dissolved.

8. The licensing agency of a Certificate shall issue a decision on revocation of such Certificate, specifying the name of importer whose Certificate is revoked, bases and reasons for revocation and remedial measures enclosed if the importer has not fulfilled responsibilities as prescribed in Article 63 hereof.

9. The agency which issues, reissues or revokes a Certificate and the competent person who impose a decision on penalty for administrative violation on the importer of scrap in form of suspension of the Certificate or mandatory suspension of operation shall publish such information on their website, and send the original of Certificate, revocation decision and penalty decision to:

a) National single-window system;

b) The Ministry of Finance (the General Department of Customs);

c) The environmental protection authority of province where the manufacturer using imported scrap as production materials is located;

d) The licensing agency of Certificate in case of penalty for violation;

dd) The holder of Certificate.

10. The Ministry of Natural Resources and Environment shall provide guidelines for inspection and issuance of Certificates; regulations on environment monitoring techniques prescribed in this Article.”

31. Article 57 shall be amended as follows:

“Article 57. Posting bonds on imported scrap

1. Purposes and methods of posting bonds on imported scrap:

a) Posting a bond on imported scrap is to ensure that the importer of imported scrap shall be responsible for dealing with risks of environmental pollution possibly generating from the consignment of imported scrap;

b) The importer of scrap shall post a bond at the credit institution where the importer opens the trading account (hereinafter referred to as posting bonds). The posting bonds shall apply to each consignment or each contract specifying information and value of the consignment of imported scrap;

c) The bond shall be paid or refunded in VND and earn interests as agreed as per the law from the date of posting the bond.

2. Amount of bond posted on imported scrap

a) The importer of scrap iron and steel shall post a bond on imported scrap with amounts as follows:

- Regarding import volume of under 500 tonnes, it is required to post a bond of 10% of total value of imported scrap consignment;

- Regarding import volume of from 500 tonnes to under 1,000 tonnes, it is required to post a bond of 15% of total value of imported scrap consignment;

- Regarding import volume of at least 1.000 tonnes, it is required to post a bond of 20% of total value of imported scrap consignment.

b) The importer of scrap paper and plastic shall post a bond on imported scrap with amounts as follows:

- Regarding import volume of under 100 tonnes, it is required to post a bond of 15% of total value of imported scrap consignment;

- Regarding import volume of from 100 tonnes to under 500 tonnes, it is required to post a bond of 18% of total value of imported scrap consignment;

- Regarding import volume of at least 500 tonnes, it is required to post a bond of 20% of total value of imported scrap consignment.

c) An importer of scrap not specified in Clause 1 and Clause 2 hereof shall post a bond on imported scrap with the amount of 10% of total value of imported scrap consignment.

3. Procedures for posting a bond of imported scrap

a) The importer of scrap shall post a bond before the scrap is unloaded in case of import through seaway checkpoint or import to Vietnam's territory in other cases;

b) As soon as possible after receiving the bond, the credit institution shall certify the bond posted by the importer of scrap in the request for posting bond. The certification of posting bond shall at least contain: name of the blocked account; total bond calculated as prescribed in this Decree; time limit for refund of the bond after the goods are granted customs clearance; and time limit for blocking account (if any).

The credit institution shall send the importer of scrap 2 originals of certification of bond posted on imported scrap. The importer of scrap shall send a certification of bond (scan of original certified by the e-signature of the importer) to the national single-window system and send 1 original to the customs authority where the customs clearance is conducted.

4. Management and use of the bond posted on imported scrap

a) The credit institution receiving the bond on imported scrap shall block the bond as per the law;

b) The credit institution receiving the bond shall refund the bond to the importer of scrap after receiving the request of such importer enclosed with information about number of customs declaration associated with the imported scrap consignment which is granted customs clearance or information about cancellation of import customs declaration by the customs authority or certification of finishing abiding by the decision on re-export or disposal of as prescribed in law on waste management;

c) If the imported scrap is not granted customs clearance and cannot be re-exported, the bond shall be used to pay the cost incurred in treatment and disposal of violating scrap. If the bond posted on imported scrap has not enough to fully pay the cost incurred in treatment and disposal of violating scrap, such cost shall be at the importer's expense. Any value generated from the product after treatment and disposal of imported scrap shall be confiscated as per the law (excluding the product made from materials, additives or other scrap mixed under production process of the unit assigned to treat the violating imported scrap) and such value may not be accounted for as cost incurred in treatment and disposal of violating imported scrap.

The treatment and disposal of violating imported scrap shall be carried out as prescribed in regulations on waste management. The cost incurred in treatment and disposal of scrap associated with violation shall be agreed upon between the violating importer and the organization qualified for treatment of waste and scrap; if the violating importer is unidentifiable, the cost incurred in treatment and disposal of scrap associated with violation shall be covered by the state as per the law. The organization in charge of treatment and disposal of scrap associated with violation shall be specified in the penalty decision issued by the People's Committee of province or the competent person in penalties for administrative violations

affiliated to the Ministry of Natural Resources and Environment, accompanied by remedial measures as per the law;

d) If the bond posted on imported scrap is greater than the payment for treatment of imported scrap associated with violation, within 5 working days from receipt of a written document certifying the treatment and disposal of scrap process issued by the authority competent to impose penalty as per the law on penalties for administrative violations in environment protection, the credit institution shall refund the remaining bond to the scrap importer."

32. Article 58 shall be replaced as follows:

"Article 58. Import of scrap not under the list of scrap permitted to be imported for testing as production materials

1. An entity wishing to import scrap not under list of scrap permitted to be imported for testing as production materials shall send an application to the Ministry of Natural Resources and Environment via national single-window system for consideration. Procedures for initiation, receipt, exchange, response, and giving of processing administrative procedure results in this Clause shall be carried out in accordance with Point a Clause 3 Article 56b hereof.

2. The application for import of scrap for testing includes:

a) An application form using form No. 05 Appendix VI Section III issued herewith;

b) The documents prescribed in Points b, c, d, dd, e, g and Point h Clause 2 Article 56b hereof;

c) A copy of written evaluation of need to use every kind of scrap as local production materials and the use of imported scrap used as production materials of specialized ministry;

d) A copy of analysis result of environmental parameters of the sample of scrap proposed for import for testing registered or recognized by the certification body as per the law or result given by the international testing, appraisal or certification body in accordance with international standards;

dd) International regulations and standards on quality of imported scrap and relevant documents (if any).

3. Within 25 working days after receiving a duly completed application, the Ministry of Natural Resources and Environment shall:

a) Verify the application as prescribed in Clause 1 hereof;

b) Solicit comments of relevant agencies in necessary case; and

c) Inspect the eligibility for environmental protection at the facilities intended to test imported scrap.

4. According to the result prescribed in Clause 3 hereof, if the application is satisfactory, the Ministry of Natural Resources and Environment shall report on kind, quantity, environment protection requirements for imported scrap for testing and testing duration to the Prime Minister.

5. Upon approval of the Prime Minister, the Ministry of Natural Resources and Environment shall issue a Certificate using form No. 04 Appendix VI Section III issued herewith. The Certificate is the basis for the importer to test the imported scrap as production materials. The issuing authority of Certificate shall publish the issued Certificate on its website and send the original of Certificate to:

a) National single-window system;

b) The Ministry of Finance (the General Department of Customs);

c) The environmental protection authority of province where the manufacturer using imported scrap as production materials for testing is located;

d) The holder of Certificate.

6. Regulations on scrap for testing imported from overseas to Vietnam; procedures for inspection and appraisal of quality of imported scrap and customs clearance of imported scrap for testing as production materials shall conform with regulations in Article 55 and Article 60 hereof. The inspection and appraisal of quality of imported scrap for testing as production materials shall be carried out as similarly as Clause 7 hereof.

7. The imported scrap for testing as production materials may not be mixed with the following impurities:

a) Flammable chemicals or substances, explosive substances, hazardous biomedical waste;

b) Weapons, bombs, mines, ammunition, closed containers, gas tanks which have not been disabled or defused overseas or exporting countries to eliminate risks of fire and explosion;

c) Materials containing or contaminated with radioactive substances exceeding the permit limits as prescribed in law on radiation safety and control;

d) Hazardous impurities separated from imported scrap for testing under national technical regulations on hazardous waste threshold levels;

dd) For metal scrap imported for testing as production materials, apart from requirements prescribed in Points a, b, c and d hereof, it must conform to regulations and laws on management of radioactive waste and used radioactive sources.

8. Within 1 year from commissioning date of imported scrap used as production materials, the Ministry of Natural Resources and Environment shall evaluate the eligibility for environment protection of plants and manufacturers using imported scrap for testing. If the testing result shows the eligibility for environment protection, the Ministry of Natural Resources and Environment shall request the Prime Minister to add extra items to the list of scrap permitted to be imported as production materials; if the testing result shows non-eligibility for environment protection, the importer shall be notified and provided with explanation."

33. Article 59 shall be replaced as follows:

"Article 59. Conformity assessment of technical regulations on environment associated with imported scrap used as production materials

1. Conformity assessment bodies of technical regulations on environment associated with imported scrap used as production materials include:

a) Appointed appraisal bodies as per the law;

b) Accredited foreign appraisal bodies as per the law in case of the case prescribed in Clause 6 Article 60 hereof.

2. The conformity assessment body of technical regulations on environment is entitled to provide services within Vietnam's territory upon its eligibility as prescribed in Clause 5 Article 25 of the Law on Quality of Products and Goods, Government's Decree No. 74/2018/ND-CP dated May 15, 2018 on amendments to the Government's Decree No. 132/2008/ND-CP dated December 31, 2008, detailing the implementation of a number of articles of the Law on Quality of Products and Goods, the Government's Decree No. 107/2016/ND-CP July 1, 2016 on conditions for provision of conformity assessment services and Government's Decree No. 154/2018/ND-CP dated November 9, 2018 on amendments and annulment of certain regulations on investment and business conditions in state management of the Ministry of Science and Technology and certain regulations on specialized inspection.

3. The Ministry of Natural Resources and Environment shall provide guidelines for conformity assessment practices and certification, accreditation of conformity assessment bodies of technical regulations on environment associated with imported scrap used as production materials as prescribed in this Article."

34. Article 60 shall be replaced as follows:

"Article 60. Procedures for inspection and appraisal of quality and customs clearance of imported scrap used as production materials

1. The importer of scrap used as production materials shall declare and submit an e-dossier of imported scrap to conduct customs procedures via national single-window system. The dossier of imported scrap includes:

a) A manifest of imported scrap consignment using form No. 06 Appendix VI Section III issued herewith;

b) Documents on imported scrap: copy of contract; list of scrap; copies (certified by e-signature of the importer) of bill of lading, invoice, declaration of imported goods; certificate of quality of exporting country (if any); certificate of origin (if any); photos or description of scrap;

c) A document certifying the bond posted on imported scrap (a scan from the original bearing e-signature of the importer).

2. Responsibilities of the customs authority:

a) Verify the dossier of imported scrap (including quantity, imported scrap quota according to the unexpired Certificate) and allow the importer to bring imported scrap to the storage area for quality inspection chosen by the importer as prescribed in law on environment protection and customs;

b) Conduct physical inspection of the imported scrap consignment as prescribed in law on customs; and do not take samples and conduct quality assessment of imported scrap consignment as prescribed in technical regulations on environment.

3. The appointed appraisal body shall inspect and assess the quality of the imported scrap consignment as per the law. The sampling for assessment and physical inspection of imported scrap consignment of the appointed appraisal body shall be carried out under the control of the customs authority where customs clearance is conducted.

The inspection and assessment of quality of imported scrap shall be carried out in accordance with national technical regulations on environment. The random check rate of imported scrap consignment shall depend on the risk management level as per the law, but not less than 10% of quantity or weight of the consignment. The inspection result shall be recorded in a report using form No. 07 Appendix VI Section III issued herewith.

Upon completion of the inspection, the appointed appraisal body shall issue an assessment certificate of quality of imported scrap consignment using Form No. 08 Appendix VI Section III issued herewith and take legal responsibility for such assessment result. The appraisal body shall send the report on inspection and appraisal of quality of imported scrap and assessment certificate of quality of imported scrap consignment (e-document which is digitally signed or a scan from the original certified by the e-signature of the appraisal body) to the national single-window system and send the originals to the importer.

4. The customs authority shall carry out the customs clearance for the imported scrap consignment as per the law upon receipt of the assessment certificate of quality of imported scrap consignment in accordance with technical regulations on environment.

If the importer makes any claim or shows any sign of violation in import and appraisal of quality of imported scrap consignment, the customs authority shall cooperate with the issuing authority of Certificate and provincial environmental protection authority where the manufacturer using imported scrap is located in soliciting appointed appraisal body to conduct a re-assessment of such imported scrap consignment. The re-assessment certificate of imported scrap consignment is the final legal basis for carrying out customs procedures or imposing penalties for administrative violations as per the law.

The customs authority shall share information about kind, quantity and quality of imported scrap consignments or importers of scrap used as production materials granted the customs clearance with issuing authority of Certificate and the environmental protection authority of province where the manufacturer using imported scrap is located via national single-window system.

5. The issuing authority of Certificate, the provincial environmental protection authority is entitled to carry out surprise inspection of import and use of imported scrap and inspection and appraisal of quality of imported scrap consignment as per the law aside from the annual inspection plan upon detection any sign of violation or at the request of handling of complaints and denunciation or as assigned by the head of competent authority.

If the imported scrap has an assessment certificate not in conformity with technical regulations on environment, customs authority shall take charge and cooperate with the provincial environmental protection authority and the issuing authority of Certificate (if necessary) to consider imposing penalties for administrative violations as per the law.

6. Application of exemption from quality inspection of imported scrap used as production materials

a) If the importer of scrap as production materials meets the following conditions, the importer shall be exempt from quality inspection of imported scrap within the validity period of the Certificate:

- The imported scrap has the same description, type, specifications and origin from a supplier in the exporting country or the imported scrap obtains a quality certification or assessment of a foreign accredited certification body as per the law;

- After 5 consecutive times that imported scrap has obtained assessment certificates of quality of imported scrap consignments in accordance with technical regulations on environment, the Ministry of

Natural Resources and Environment shall issue the importer with a certificate of exemption from quality inspection of imported scrap;

b) The entity prescribed in Point a hereof shall send an e-application for exemption from quality inspection of imported scrap to the Ministry of Natural Resources and Environment via national single-window system, including:

- An application form for exemption from quality inspection of imported scrap using form No. 09 Appendix VI Section III issued herewith;

- Assessment certificates of quality of imported scrap in accordance with technical regulations on environment of the last 5 consecutive imports (scans from originals certified by e-signature of the importer).

Procedures for initiation, receipt, exchange, response, and giving of processing administrative procedure results in this Clause shall be carried out in accordance with Point a Clause 3 Article 56b hereof;

c) Within 5 working days after receiving the application, if the application is unsatisfactory, the Ministry of Natural Resources and Environment or the authorized body shall require the importer to complete the application and provide explanation in writing.

Within 15 working days after receiving the satisfactory application, the Ministry of Natural Resources and Environment or the authorized body shall consider granting a certificate of exemption from or reduction in quality inspection of imported scrap using form No. 10 Appendix VI Section III issued herewith. If the application is rejected, the competent certification body shall provide explanation in writing. The certification body shall publish the certificate of exemption from quality inspection of imported scrap on its website and send the original hereof to the national single-window system; the General Department of Customs affiliated to the Ministry of Finance; the environmental protection authority of province where the manufacturer using imported scrap used as production materials and the holder of certificate of exemption from quality inspection;

d) The certificate of exemption from quality inspection of imported scrap is the basis for the customs authority to grant customs clearance to the consignment;

dd) During the exemption period from quality inspection of imported scrap:

- Every 3 months, the importer of scrap used as production materials shall send a report on import enclosed with result whether imported scrap conforms with technical regulations on environment using form No. 12 Appendix VI Section III of Appendix issued herewith to the issuing authority of the Certificate and environmental protection authority of province where the manufacturer is located for monitoring and post-inspection purposes;

- The Ministry of Natural Resources and Environment or the authorized body and environmental protection authority of province where the manufacturer is located has power to carry out surprise inspection of imported scrap upon detection of any violation or any claim on quality of imported scrap;

e) During the exemption period, if the imported scrap used as production materials is found not conformity with technical regulations on environment, or any claim on the conformity assessment is substantiated with credible evidence, or any surprise inspection shows the non-conformity result, the Ministry of Natural Resources and Environment or the authorized body shall give a notice of suspension of exemption.

Any entity committing violations against regulations on environment protection in import of scrap used as production materials shall incur a penalty as per the law and be not eligible for exemption from inspection for 1 year from the date on which the entity finishes abiding by the penalty decision.”

35. Article 61 shall be amended as follows:

“Article 61. Responsibilities of ministries or ministerial-level agencies

1. Responsibilities of Ministry of Natural Resources and Environment

a) Take charge and cooperate with relevant agencies in implementing this Decree; inspect and take actions against violations in import activities and use of imported scrap used as production materials as per the law;

b) Request the Prime Minister to consider approving import of scrap for testing and deciding amendments to list of scrap permitted to be imported from overseas to use as production materials;

c) Publish the following on the website of the Ministry of Natural Resources and Environment and its affiliated entities: the list of certified conformity assessment bodies, the list of registered or recognized certification bodies and the list of appointed certification or appraisal bodies to conduct conformity assessment of technical regulations on environment related to imported scrap; the list of entities that are issued or reissued with certificates of eligibility for environmental protection in import of scrap used as production materials or have these certificates revoked; the list of importers of scrap who commit violations against regulations on environment protection;

d) Formulate and promulgate national technical regulations on environment associated with imported scrap used as production materials in accordance with this Decree; provide guidance on regulations which are referred to in this Decree and upon amendments or replacement of these regulations.

2. Responsibilities of the Ministry of Science and Technology:

a) Publish on the website of the Ministry the list of conformity assessment bodies which are issued with certificates of conformity assessment registration by the Ministry of Science and Technology as per the law on business requirements for conformity assessment;

b) Appraise national technical regulations on environment, imported scrap as per the law;

c) Cooperate with the Ministry of Natural Resources and Environment in inspecting and taking actions against violations (if any) committed by entities involved in import of scrap as per the law.

3. Responsibilities of the Ministry of Finance:

a) Direct the General Department of Customs to guide shipping lines, shipping agents and relevant agencies to, upon preparation of E-Manifest concerning imported scrap, declare sufficient information and provide documents as prescribed in this Decree. Update the consolidated report on import of scrap used as production materials of importers to national single-window system by type, quantity, unused import quota, scrap quality, etc. after granting customs clearance to each imported scrap consignment;

b) Promptly discover and cooperate with the Ministry of Natural Resources and Environment and relevant ministries in preventing import of scrap not conformity with environmental protection requirements to Vietnam's territory; guide and direct customs authorities to treat and dispose of imported scrap associated with violations of environment protection within their competence; take actions against violations of environment protection in import of scrap within their competence and scope of management;

c) Cooperate with the Ministry of Natural Resources and Environment and People's Committees of provinces in guiding, inspecting and taking actions as per the law against importers which import scrap paper and plastic for pre-processing and resale or manufacture of commercial recycled pulp, commercial recycled plastic against this Decree.

4. Responsibilities of the Ministry of Industry and Trade:

b) Promulgate the list of scrap and waste suspended from temporary import for re-export or merchanting trade as per the law;

b) Take charge and cooperate with the Ministry of Natural Resources and Environment in evaluating need for use of local scrap as production materials and import of scrap from overseas as the basis for amendments to the list of scrap permitted to be imported from overseas through development stages of the country;

c) Cooperate with the Ministry of Natural Resources and Environment and relevant ministries in inspecting and taking actions against violations of environment protection in import and use of imported scrap as per the law.

5. The Ministry of Transport, the Ministry of Public Security, the Ministry of National Defense and relevant ministries shall, based on their assigned functions and duties, cooperate with the Ministry of Finance, the Ministry of Natural Resources and Environment in implementing this Decree."

36. Article 62 shall be amended as follows:

"Article 62. Responsibilities of the People's Committee of province

1. The People's Committee of province where the plant or manufacturer using scrap as production materials is located shall:

a) Inspect the compliance with laws and regulations on environment protection of importers of scrap used as production materials in the province;

b) Promulgate regulations on interdisciplinary cooperation in import of scrap used as production materials in the province in necessary cases;

c) Send a report on management of import and use of imported scrap used as production materials in the province using form No. 11 Appendix VI Section III issued herewith to the Ministry of Natural Resources and Environment before March 1 of the following year.

2. The People's Committee of province where the import checkpoint is based shall cooperate with the People's Committee of province where the manufacturer using imported scrap is located and the customs authority of checkpoint shall take actions against the imported scrap consignment associated with violations of environment protection as per the law."

37. Article 63 shall be amended as follows:

"Article 63. Responsibilities of importers of scrap

1. Comply with regulations on environment protection in import of scrap.

2. An importer of scrap to use as production materials must:

a) Import scrap with permitted type and quantity specified in the Certificate;

b) Use all of imported scrap used as production materials to manufacture products and goods at their facilities as prescribed in this Decree;

c) Determine and classify waste generated from the use of imported scrap to plan the appropriate waste treatment;

d) Annually, before January 31 of the subsequent year, the importer of scrap used as production materials shall send an annual report on import and use of imported scrap and related environmental issues, using form No. 12 Appendix VI Section III issued herewith, to the Department of Natural Resources and Environment where the manufacturer is located for consolidation; and to the issuing authority of certificate of eligibility for environment protection in import of scrap used as production materials.

3. An importer of scrap for testing as production materials must:

a) Import scrap with permitted type and quantity for testing specified in the Certificate;

b) Use all of quantity and volume of imported scrap for testing as production materials at their facilities;

c) Determine and classify waste generated from the use of imported scrap to plan the appropriate waste treatment;

d) Send a report on import and use of scrap for testing as production materials, using for No. 13 Appendix VI Section III issued herewith, to the Ministry of Natural Resources and Environment.

4. Take legal responsibility for import and use of imported scrap used as production materials; cooperate with industry associations in conduct environmental protection activities as prescribed; pay all costs incurred in treatment or disposal of imported scrap associated with violations as prescribed in this Decree."

38. Article 63a shall be added as follows:

"Article 63a. Regulations on destruction of temporarily imported automobiles, motorcycles, mopeds of owners that enjoy diplomatic immunity and privileges in Vietnam (hereinafter referred to as destruction of vehicles under diplomatic immunity and privileges)

1. The owner who wishes to destroy a vehicle under diplomatic immunity and privileges must enter into an agreement with a licensed hazardous waste treatment facility as per the law.

2. The mentioned owner shall send a request for supervision of vehicle destruction, using form No. 01 Appendix VII Section III issued herewith, to the customs authority and Department of Natural Resources

and Environment of province where the hazardous waste treatment facility is based 10 working days before the supervision is carried out.

3. The supervising authorities of destruction of vehicles under diplomatic immunity and privileges include: representatives of Department of Natural Resources and Environment of province where the hazardous waste treatment facility is based and the customs authority which issued the permit to temporarily import the vehicles under diplomatic immunity and privileges.

4. The process of destruction of a vehicle under diplomatic immunity and privileges comprises destruction of chassis number and engine number, disassembly of the vehicle to separate pieces of waste for discrete treatment purposes (including recycling, co-treatment and energy recovery from the waste). The supervising authorities shall witness the entire process, from cutting of engines (including engine number) to disassembly of chassis (including chassis number) until the engines and chassis cannot be used for its original purpose.

5. Upon completion of the vehicle destruction process prescribed in Clause 4 hereof, the supervising authorities and the owner shall make a report on destruction of vehicles under diplomatic immunity and privileges using form No. 02 Appendix VII Section III issued herewith. The report on destruction of vehicles under diplomatic immunity and privileges is the basis for the customs authority to finalize the document on temporary import of motor vehicles, mopeds as prescribed in regulations on temporary import, re-export, destruction and transfer of motor vehicles, two-wheeled vehicles of entities enjoying diplomatic immunity and privileges in Vietnam.

6. The hazardous waste treatment facility shall continue to destruct the vehicle under diplomatic immunity and privileges and include it in the annual report on management of hazardous waste as prescribed."

39. Article 64 shall be amended as follows:

"Article 64. Transitional provision

1. An entity that is issued with a register book of hazardous waste generator before effective date of this Decree may keep using it.

2. An entity that is issued with a license for hazardous waste management, license for hazardous waste treatment before effective date of this Decree may keep using it until the expiry date of the license. If the license for hazardous waste treatment remains valid for under 12 months from effective date of this Decree and the entity not meeting requirements prescribed in Clause 1 Article 9 of this Decree, the license for hazardous waste treatment shall be renewed or reissued with further 1-year validity period from the expiry date; after this period, the concerned entity shall renovate and upgrade waste treatment works and improve technology more environmentally friendly and comply with this Decree to enable the license for hazardous waste treatment to be issued.

3. Treatment facilities of domestic solid waste or conventional industrial solid waste whose EIA reports were approved must submit applications for inspection and certification of completion of environment protection works instead of procedures for inspection and certification of environmental protection conformity.

4. Any entity directly using imported scrap used as production materials that is issued with the certificate before effective date of this Decree may keep import scrap until the expiry date of the certificate. If the certificate expires or remains valid for under 12 months or the facility submits an application for certificate before effective date of this Decree but fails to provide required additional documents as prescribed in Point b Clause 2 Article 55 of this Decree, the certificate shall be renewed or reissued with further 1-year validity period from the expiry date or a new certificate shall be issued with 1-year validity period. After this period of time, the entity must renovate, upgrade waste treatment works and improve technology more environmentally friendly and comply with this Decree to enable the certificate to be issued as prescribed. The certificate granted to a trustee of scrap import shall expires on effective date of this Decree.

5. Regulations on periodic environmental monitoring in this Decree shall apply from January 1, 2020."

Article 4. Amendments to certain articles of Government's Decree No. 127/2014/ND-CP dated December 31,2 014 on conditions pertaining to environmental monitoring services providers

1. Clause 4 shall be added to Article 8 as follows:

“4. Obtain a certificate of testing registration in conformity with environment sector issued by the competent authority as prescribed in the Government's Decree No. 107/2016/ND-CP dated July 1, 2016 on business requirements for conformity assessment services.”

2. Clause 4 shall be added to Article 9 as follows:

“4. Obtain a certificate of testing registration in conformity with environment sector issued by the competent authority as prescribed in the Government's Decree No. 107/2016/ND-CP dated July 1, 2016 on business requirements for conformity assessment services.”

3. Article 10 shall be amended as follows:

“Article 10. Changes to conditions for environmental monitoring services

1. Before changing any condition prescribed in Clause 2 and Clause 3 Article 8, Clause 2 and Clause 3 Article 9 hereof, the entity shall send a written notice to the Ministry of Natural Resources and Environment.

2. Within 15 working days after receiving the notice, if the Ministry of Natural Resources and Environment disagrees with this notice, it shall provide explanation in writing.”

4. Section IV, Part A form No. 2 of Appendix shall be amended as follows:

“Add the following phrase to the 4th paragraph of Section IV “hoặc bản sao được cấp từ sổ gốc hoặc bản sao kèm bản chính để đối chiếu” (or a copy extracted from the master register or a copy enclosed with the original for comparison):

“IV. Contact person

Address: .....

Phone number: …… Fax number: .....

Email address: .....

An original or certified true copy or copy extracted from the master register or certified copy or copy enclosed with the original for comparison of the decision on functions and duties of organization issued by the competent authority or business registration certificate or investment certificate; or decision on establishment of representative office or branch in Vietnam in case of a foreign enterprise (if the application is submitted in person).”

5. Point 2 Section I Part B form No. 2 of Appendix shall be amended as follows:

“Add the following phrase to 6th paragraph of Point 2 Section I Part B, form No. 02 “hoặc bản sao có công chứng hoặc bản sao được cấp từ sổ gốc hoặc bản sao kèm bản chính để đối chiếu” (or a certified copy or copy extracted from master register or copy enclosed with the original for comparison):

“2. Personnel

List of persons in charge of monitoring at site:

No.	Full name	Year of birth	Gender	Position (in the organization)	Qualifications	Years of experience
1						
…						

“(Bản chính hoặc bản sao có chứng thực hoặc bản sao có công chứng hoặc bản sao được cấp từ sổ gốc hoặc bản sao kèm bản chính để đối chiếu các văn bằng, chứng chỉ và hợp đồng lao động hoặc quyết định tuyển dụng kèm theo).” (Originals or certified copies or notarized copies or copies extracted from master register or copies enclosed with the originals of degrees, diplomas and employment contract or hiring decision enclosed).

6. Point 2 Section II Part B form No. 2 of Appendix shall be amended as follows:

Add the following phrase to 7th paragraph of Point 2 Section II Part B, form No. 02 “hoặc bản sao có công chứng hoặc bản sao được cấp từ sổ gốc hoặc bản sao kèm bản chính để đối chiếu” (or a certified copy or copy extracted from master register or copy enclosed with the original for comparison):

“2. Personnel

List of persons in charge of analysis at laboratories:

No.	Full name	Year of birth	Gender	Position	Qualifications	Years of experience
1						
…						

“(Bản chính hoặc bản sao có chứng thực hoặc bản sao có công chứng hoặc bản sao được cấp từ sổ gốc hoặc bản sao kèm bản chính để đối chiếu các văn bằng, chứng chỉ và hợp đồng lao động hoặc quyết định tuyển dụng kèm theo).” (Originals or certified copies or notarized copies or copies extracted from master register or copies enclosed with the originals of degrees, diplomas and employment contract or hiring decision enclosed).

7. The phrase “Không khí môi trường lao động” (workplace exposure) in Appendix: 2nd dash Point b Section 6 form No. 1; 2nd dash Point b Section 8 form No. 4; 2nd plus, 2nd dash Point b Section 6 of form No. 5.

Article 5. Transitional provision

1. Any application which is received before effective date of this Decree (except for transitional provisions prescribed in Article 22 of Government’s Decree No. 18/2015/ND-CP and Article 64 of Decree No. 38/2015/ND-CP) shall be further processed in accordance with relevant Decrees at the receipt time, unless the applicant requests the application of this Decree.

2. Periodic reports of project or facility owners and industrial parks on: periodic environmental monitoring and supervision, automatic and continuous monitoring, management of domestic solid waste, management of conventional industrial solid waste, management of hazardous waste, management of imported scrap, environmental supervision and remediation result in mineral extraction, environmental monitoring services and other reports shall be consolidated in one single report on environment protection practices. The Ministry of Natural Resources and Environment shall provide guidelines for implementation of this regulation.

Article 6. Entry in force

1. This Decree shall comes into force as of July 1, 2019.

2. This Decree shall repeal: Article 11 of Government’s Decree No. 18/2015/ND-CP dated February 14, 2015 on environment protection planning, strategic environment assessment, environmental impact assessment, environmental protection plan; Article 26, Article 27, Article 28, Article 29, Article 30, Article 34, Article 35, Article 36 and Clauses 3, 4, 5 and 6 Article 55 and Appendix V of Decree No. 19/2015/ND-CP dated February 14, 2015 on guidelines for the Law on Environment Protection; Clause 5 and Clause 9 Article 9, Point a and Point b Clause 1 Article 27, Article 38, Article 41, Point b Clause 1 Article 43, Clause 3 Article 44 of Government's Decree No. 38/2015/ND-CP dated April 24, 2015 on management of waste and scrap.

Article 7. Implementation

1. Ministries, ministerial-level agencies, Governmental agencies, the People’s Committees of provinces shall provide guidance on articles and clauses referred in this Decree and review promulgated documents to amend or replace in accordance with this Decree.

2. Ministers, Heads of ministerial agencies, Heads of Governmental agencies, The Presidents of the People’s Committees and relevant entities shall take responsibility for implementation of this Decree./.

ON BEHALF OF THE GOVERNMENT
PRIME MINISTER

Nguyen Xuan Phuc

APPENDIX
ON AMENDMENTS TO CERTAIN APPENDICES OF THE GOVERNMENT'S DECREE NO. 18/2015/ND-CP DATED FEBRUARY 14, 2015 ON ENVIRONMENTAL PROTECTION PLANNING, STRATEGIC ENVIRONMENT ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL PROTECTION PLANS; THE GOVERNMENT'S DECREE NO. 19/2015/ND-CP DATED FEBRUARY 14, 2015 ON GUIDELINES FOR CERTAIN ARTICLES OF THE LAW ON ENVIRONMENT PROTECTION AND THE GOVERNMENT'S DECREE NO. 38/2015/ND-CP DATED APRIL 24, 2015 ON WASTE AND DISCARDED MATERIALS
(Issued together with the Government's Decree No. 40/2019/ND-CP dated May 13, 2019)
Section I. AMENDMENTS TO APPENDICES OF THE GOVERNMENT'S DECREE NO. 18/2015/NĐ-CP DATED FEBRUARY 14, 2015 ON ENVIRONMENTAL PROTECTION PLANNING, STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL PROTECTION PLANS
1. Appendix I shall be amended as follows:
APPENDIX I
LIST OF STRATEGIES AND PLANNING SUBJECT TO STRATEGIC ENVIRONMENT ASSESSMENT

No.	Strategies and planning
1	Strategies
1.1	National strategies for exploitation and use of natural resources
1.2	National or regional strategies for development of industries and fields having dramatic impacts on the environment, including: electricity (hydroelectricity, thermoelectricity, atomic energy and nuclear power); extraction of oil and gas, refining and petrochemistry; paper; chemical industries, fertilizers, plant protection products; rubber; textile and garment; cement; steel; mineral exploration, exploitation and processing.
2	Planning
2.1	National master planning; national marine spatial planning; national land use planning.
2.2	National industry planning, urban area planning, rural area planning having dramatic impacts on the environment, including:
2.2.1	Planning for road network
2.2.2	Planning for railway network
2.2.3	Master planning for seaport development
2.2.4	Master planning for development of airway and airport system
2.2.5	Planning for infrastructure in inland waterways
2.2.6	Master planning for energy
2.2.7	Planning for electricty development
2.2.8	Planning for system of urban areas and rural areas
2.2.9	Master planning for sustainable exploitation and use of coastal resources
2.2.10	Planning for water resources
2.2.11	Planning for exploration, exploitation, processing and use of radioactive ore
2.2.12	Planning for exploration, exploitation, processing and use of minerals
2.2.13	Planning for exploration, exploitation, processing and use of minerals as building materials
2.3	Specialized planning having dramatic impacts on the environment, including:
2.3.1	Master planning for interprovincial basin and water resources
2.3.2	Planning for protection, exploitation and use of inter-country water resources

2.3.3	Planning for irrigation
2.3.4	Planning for dike maintenance
2.3.5	Planning for infrastructure in road traffic
2.3.6	Detailed planning for seaport groups, wharfs, jetties, floating terminals, waters
2.3.7	Planning for development of system of inland container deports
2.3.8	Planning for railway and railway stations
2.3.9	Overall planning for class I urban areas and higher
2.4	Regional planning
2.5	Provincial planning
2.6	Planning for special economic zones
3	Adjustments to strategies or planning specified in Section 1 and 2 hereof resulting in change of objectives of strategies or planning

2. Appendix IIa shall be added as follows:

APPENDIX IIa

LIST OF TYPES OF MANUFACTURING POSSIBLY CAUSING ENVIRONMENT POLLUTION

Group I

1. Mining and enrichment of toxic mineral ores;
2. Metallurgy; refining and processing of toxic minerals; ship demolition;
3. Manufacture of paper, paper pulp, fiberboard (MDF, HDF);
4. Manufacture of chemicals, chemical fertilizers (except for mixtures); chemical plant protection products;
5. Dyeing (textiles, fibre), denim dry wash process;
6. Leather converting;
7. Refining and petrochemistry;
8. Coal-fired power, manufacture of coke, coal gasification, nuclear power;

Group II

9. Treatment and recycling of waste; use of imported scrap used as production materials;
10. Electroplating or metal finishing and cleaning metal surfaces with chemicals;
11. Manufacture of batteries and accumulators;
12. Manufacture of clinkers;

Group III

13. Processing of rubber latex;
14. Processing of tapioca; monosodium glutamate; beer, liquor, industrial alcohol;
15. Processing of sugarcane;
16. Processing of aquatic animals, slaughtering of livestock and poultry;
17. Manufacture of spare parts, electrical and electronic equipment.

3. Appendix II shall be amended as follows:

APPENDIX II

LIST OF PROJECTS SUBJECT TO ENVIRONMENTAL IMPACT ASSESSMENT OR PLANS FOR BUSINESS SUBJECT TO REGISTRATION OF ENVIRONMENT PROTECTION PLANS

No.	Project	Projects/plans requiring environmental impact assessment reports	Projects/plans in column 3 requiring applications for inspection and certification of	Projects/plans requiring registration of environment protection plans

			completion of environment protection works	
(1)	(2)	(3)	(4)	(5)
1.	Projects under competence to decide investment policies of the National Assembly or the Prime Minister	All	Subject to commissioning of waste treatment works (Clause 2 Article 16b Decree No. 18/2015/ND-CP)	Not requiring
2.	Projects using land or water surface of national parks, wildlife sanctuary, world heritage sites, biosphere reserves, geoparks, Ramsar listed wetlands	All (except for projects for construction of management and project works of national parks, wildlife sanctuary, world heritage sites, biosphere reserves under the planing approved by the competent authority; projects in column 5 hereof in the transition area of biosphere reserves)	Subject to commissioning of waste treatment works	Projects for construction of management and project works of national parks, wildlife sanctuary, world heritage sites, biosphere reserves under the planing approved by the competent authority; projects in this column in the transition area of biosphere reserves
	Projects using land or water surface of national historic-cultural sites or national scenic beauties	All (except for projects for preservation, repair, restoration, renovation of works for the purpose of management and environment hygiene, protection of national historic-cultural sites or national scenic beauties)	Subject to commissioning of waste treatment works	Not requiring
	Projects for use of forest land	All specialized forests, protection forests Natural forest area: at least 10 hectares Other forest area: at least 50 hectares	Subject to commissioning of waste treatment works	Not requiring Natural forest area: under 10 hectares Other forest area: under 50 hectares
	Projects with leveling of ponds, lagoons	Area of urban areas, residential areas: at least 5 hectares, other areas of ponds, lagoons: at least 5	Subject to commissioning of waste treatment works	Area of urban areas, residential areas: under 5 hectares, other areas of ponds, lagoons: under 5

		hectares		hectares
Construction projects				
3.	Construction projects for technical infrastructure of urban areas or residential areas	Area: at least 5 hectares	All (except for project without wastewater treatment plant or station)	Area: under 5 hectares
4.	Projects for new drainage system in urban areas or residential areas	Length of a project for new drainage system in urban areas or residential areas: at least 10 km	All (except for project without wastewater treatment plant or station)	Length of a project for new drainage system in urban areas or residential areas: under 10 km
	Projects for dredging of canals, river or lake beds	Dredged canals, river or lake beds area: at least 10 hectares; total dredging volume: at least 100,000 m^3	No	Dredged canals, river or lake beds area: under 10 hectares; total dredging volume: under 100,000 m^3
5.	Construction projects for infrastructure of industrial parks, hi-tech zones, industrial complexes, export-processing zones, commercial zones, craft villages	All	All	Not requiring
6.	Construction projects for supermarkets, commercial districts or shopping malls	Floor area: at least 20,000 m2	All (except for project without wastewater treatment plant or station)	Floor area: from 10,000 m2 to under 20,000 m2
7.	Construction projects for class 1 or class 2 markets in the cities or towns	All	All (except for project without wastewater treatment plant or station)	Not requiring
8.	Construction projects for medical examination and treatment facilities and other health facilities	Scale: at least 100 hospital beds	All (except for project without wastewater treatment plant or station)	Scale: from 20 to under 100 hospital beds
9.	Construction projects for tourist accommodation establishments or residential areas	Tourist accommodation establishment scale: at least 200 rooms Residential area: at	All (except for project without wastewater treatment plant or station)	Lodging establishment scale: from 50 rooms to under 200 rooms, residential areas: from 1,000 to under 2,000

		least 2,000 inhabitants or 400 households		inhabitants or from 200 to under 400 households
10.	Construction projects for tourist resorts; sports, recreational centers or golf courses	Area of tourist resorts, recreational centers: at least 10 hectares. All for golf courses	All (except for project without wastewater treatment plant or station)	Area of tourist resorts, recreational centers: from 5 hectares to under 10 hectares. Environmental protection plan not requiring for golf courses
11.	Construction projects for cemeteries Construction projects for crematoria	Cemetery area: at least 20 hectares All crematoria	No	Cemetery area: under 10 hectares Crematoria: not requiring
12.	Construction projects for military training centers, shooting ranges and defense ports; military depots; military treasures, and defense-economic zones	All	No	Not requiring
13.	Construction projects for sea or river encroachment	Coastal boundary length: at least 5,000 m; or encroachment area: at least 5 hectares. Riverine boundary length: at least 1,000 m; or riverine encroachment area: at least 1 hectares	Subject to commissioning of waste treatment works	Coastal boundary length: from 1,000m to under 5,000 m; or encroachment area: from 1 hectare to under 5 hectares. Riverine boundary length: from 500m to under 1,000 m; or riverine encroachment area: from 0.5 hectare to under 1 hectare
Construction material projects				
14.	Construction projects for cement or clinker plants	All construction projects for cement plants having clinker manufacture stage Capacity of cement grinding plant: at least 100,000 metric tons per year	All	Not requiring environmental protection plans for construction projects for cement plants having clinker manufacture stage. Capacity of cement grinding plant: under 100,000 metric tons

				per year
15.	Construction projects for brick, roofing tile and fibro-cement sheet plants	Capacity: at least 50 million bricks, roofing tiles (except for adobe bricks, roofing tiles) per year or at least 500,000 m2 fibro-cement sheets per year	Subject to commissioning of waste treatment works	Capacity: under 50 million bricks, roofing tiles (except for adobe bricks, roofing tiles) per year or under 500,000 m2 fibro-cement sheets per year
16.	Construction projects for flooring and walling tile manufacturing facilities	Capacity: at least 100,000 m2 per year	Subject to commissioning of waste treatment works	Capacity: under 100,000 m2 per year
17.	Construction projects for other construction material manufacturing facilities	Capacity: at least 50,000 metric tons per year	Subject to commissioning of waste treatment works	Capacity: under 50,000 metric tons per year
18.	Projects for manufacture of asphalt, commercial concrete	Capacity: at least 1,000 metric tons per day	Subject to commissioning of waste treatment works	Capacity: under 1.000 metric tons per day
Transport projects				
19.	Construction projects for underground or cable car traffic works	All	No	Not requiring
20.	Construction projects for automobile roads; railways, overhead railways	All automobile highways, railways, overhead railways; automobile roads class I and II, at least 10 km long Automobile roads class III and IV, at least 30 km long	No	Not requiring Automobile roads class I, II, from 5 km to under 10 km long Automobile roads class III, IV, from 5 km to under 30 km long
21.	Construction projects for airports, airfields (runways, cargo terminals, passenger terminals)	All runways, passenger terminals Capacity of cargo terminals: at least 200,000 metric tons of goods per year	Only requiring for construction projects for passenger terminals (subject to commissioning of waste treatment works)	Not requiring Capacity of cargo terminals: under 200,000 metric tons of goods per year
22.	Construction projects for road bridges or rail	Length: at least 500 m (excluding feeder roads)	No	Length: from 100 m to under 500m (excluding feeder

	bridges			roads)
23.	Construction projects for river and sea ports; asylum harbors; projects for dredging of navigable channels, inland waterway jet	All	Only requiring for construction projects for seaports (subject to commissioning of waste treatment works)	Not requiring
24.	Construction projects for car terminals or railway stations	Land use area: at least 5 hectares	Subject to commissioning of waste treatment works	Land use area: from 1 hectare to under 5 hectares
Projects for electronics, power and radioactivity				
25.	Construction projects for nuclear reactors; construction projects for nuclear power plants, or thermal power plants	All	All	Not requiring
26.	Construction projects for business facilities using radioactive substances or arising radioactive waste	All	All	Not requiring
27.	Construction projects for wind power plants, photo-electric power plants, hydroelectric plants	Wind power plant or photo-electric power plant area: at least 200 hectares Capacity of all hydroelectric plants: at least 2 MW All hydropower plants with interbasin transfer of water	No	Wind power plant or photo-electric power plant area: from 50 hectares to under 200 hectares Capacity of hydroelectric plants: under 2 MW Not requiring
28.	Construction projects for electricity transmission lines	Electricity transmission lines: at least 500 kV Electricity transmission lines of 200 kV, at least 100 km long	No	Not requiring Electricity transmission lines of 200 kV, from 1 km to under 100 km long
29.	Projects for manufacture or processing of	Electronic equipment, electronic components capacity: at least	Subject to commissioning of waste treatment	Electronic equipment, electronic components capacity: from

	electrical or electronic equipment and electronic components	500,000 products per year. Electrical equipment capacity: at least 500 metric tons of products per year	works	100,000 products per year to under 500,000 products per year. Electrical equipment capacity: from 100 to under metric tons of products per year
Projects for irrigation, forest extraction and cultivation				
30.	Construction projects for water reservoirs	Reservoir volume: at least 500,000 m³	No	Reservoir volume: under 500,000 m³
31.	Construction projects for irrigation and water supply and drainage works for agricultural, forestry and fishery production	Irrigation and water supply and drainage work area: at least 500 hectares	No	Irrigation and water supply and drainage work area: from 50 hectares to under 500 hectares
32.	New construction projects for sea or river dykes	Length: at least 1,000 m	No	Length: under 1,000 m
Projects for mineral extraction and processing; exploitation of water resources				
33.	Projects for mineral extraction (including extraction projects with mineral enrichment stage); projects for extraction of sand, gravel, and other minerals on rivers, streams, channels, canals, reservoirs and estuaries and coastal areas and other projects subject to impact assessment to riverbeds, riverbanks and floodplains as prescribed in law on water resources	All	Subject to commissioning of waste treatment works	Not requiring
34.	Projects for processing and refining of toxic	All Capacity: at least 50,000 m³ of products	All	Not requiring Capacity: under 50,000 m³ of products

	minerals, metals; processing of solid minerals using harmful chemicals Projects for processing of refining of other solid minerals	per year		per year
35.	Projects for water exploitation for business and human resumption	Capacity: at least 5,000 m^3 of underground water per day (24 hours) Capacity: at least 100,000 m^3 of surface water per day (24 hours)	No	Capacity: from 500 m^3 to under 5,000 m^3 of underground water per day (24 hours) Capacity: from 5,000 m^3 to under 100,000 m^3 of surface water per day (24 hours)
36.	Projects for sorting and enrichment of rare earth and radioactive minerals	All	All	Not requiring
Projects for oil and gas				
37.	Project for oil and gas extraction	All	All (except for projects for drilling of additional wells at unmanned wellhead platform or reform of unmanned wellhead platform)	Not requiring
38.	Construction projects for oil refineries; manufactures of petrochemical products, drilling fluid, or petrochemistry, processing of gas products; construction projects for oil and gas pipelines; construction projects for oil and gas transit centers	All construction projects for oil refineries plants (except those on LPG filling and lubricant preparation) Petrochemical, gas processing, drilling fluid, or petrochemistry plants with capacity of: at least 500 metric tons of products per year; or construction projects for oil and gas pipelines of: at least 20 km long All construction projects for oil and gas transit centers	Only requiring for oil refineries; petrochemical products, gas processing, drilling fluid, or petrochemistry plants	All projects on LPG filling and lubricant preparation Petrochemical, gas processing, drilling fluid, or petrochemistry plants with capacity of: from 50 to under 500 metric tons of products per year; or construction projects for oil and gas pipelines of: under 20 km long. Not requiring environmental protection plan
39.	Construction	Depot capacity: at	Only requiring for	Depot capacity: under

	projects for petroleum depots and stores	least 5,000 m3 Store capacity: at least 1,000 m3 per store	petroleum deports subject to commissioning of waste treatment works	5,000 m3 Store capacity: under 1,000 m3 per store
Projects for waste treatment and recycling				
40.	Construction projects for recycling and treating solid waste and/or hazardous waste plants	All	All; regarding construction projects for recycling and treating hazardous waste in accordance with laws and regulations on waste management	Not requiring
41.	Construction projects for concentrated urban sewage treatment system; construction projects for concentrated industrial wastewater treatment system with at least 2 facilities	All	All	Not requiring
Projects for engineering and/or metallurgy				
42.	Construction projects for steel mill and metallurgy plants, facilities or complexes	All	All	Not requiring
43.	Construction projects for metal rolling and shaping mills	Capacity: at least 5.000 metric tons of products per year	Subject to commissioning of waste treatment works	Capacity: under 5,000 metric tons of products per year
44.	Construction projects for shipyards	Capable of receiving 1,000 DWT ships or larger	All	Capable of receiving under 1,000 DWT ships
45.	Construction projects for container and trailer manufacturing and repairing plants	Capable for producing at least 500 containers or trailers per year Capable for producing at least 2.500 containers or trailers per year	Subject to commissioning of waste treatment works	Capable for producing under 500 containers or trailers per year Capable for producing under 2,500 containers or trailers per year
46.	Construction projects for	All	Subject to commissioning of	Not requiring

	locomotives and compartments building, repairing and assembling plants		waste treatment works	
47.	Construction projects for motorbike and automobile manufacturing and assembling plants	Capacity: at least 5,000 motorbikes per year Capacity: at least 500 automobiles per year	Subject to commissioning of waste treatment works	Capacity: under 5,000 motorbikes per year Capacity: under 500 automobiles per year
48.	Construction projects for machinery and tool machinery manufacturing plants	Capacity: at least 1.000 metric tons per year	Subject to commissioning of waste treatment works	Capacity: under 1,000 metric tons per year
49.	Construction projects for metal plating, coating and polishing plants	Capacity: at least 500 metric tons of products per year	All	Capacity: under 500 metric tons of products per year
50.	Construction projects for weapon, military supplies and technical equipment manufacturing and repairing plants	All	Subject to commissioning of waste treatment works	Not requiring
Projects on timber processing and glass, ceramic and china manufacture				
51.	Construction projects for timber, woodchips of natural timber processing mills	Capacity: at least 5.000 m^3 of products per year	Subject to commissioning of waste treatment works	Capacity: under 5.000 m^3 of products per year
52.	Construction projects for plywood plants	Capacity: at least 100,000 m2 per year	Subject to commissioning of waste treatment works	Capacity: under 100,000 m2 per year
53.	Construction projects for wood product plants	Depot area: at least 10,000 m2	Subject to commissioning of waste treatment works	Depot area: under 10,000 m2
54.	Construction projects for glass, ceramic and china plants	Capacity: from 1,000 to 10,000 metric tons of products per year	All	Capacity: from 100 to under 1,000 metric tons of products per year or from 1,000 to under 10,000 products per year

55.	Construction projects for bulb and thermos plants	Capacity: at least 1,000,000 metric tons of products per year	All	Capacity: from 100,000 to 1,000,000 metric tons of products per year
Projects for food manufacturing and processing				
56.	Construction projects for slaughterhouses	Capacity: at least 200 head of livestock per day; 3,000 head of poultry per day	All	Capacity: from 50 to under 200 head of livestock per day; from 500 to under 3,000 head of poultry per day
57.	Construction projects for aquatic product, fish paste, aquatic by-product processing establishments	Capacity: at least 1,000 metric tons of products per year	All	Capacity: from 100 to under 1,000 metric tons of products per year
58.	Construction projects for sugar mills	Capacity: at least 10,000 metric tons of sugar per year	All	Capacity: from 500 to under 10,000 metric tons of sugar per year
59.	Construction projects for alcohol and spirit breweries	Capacity: at least 500,000 liters of products per year	All	Capacity: from 100,000 to under 500.000 liters of products per year
60.	Construction projects for beer and beverage breweries	Capacity: at least 1,000,000 liters of products per year	All	Capacity: from 200,000 to under 1,000,000 liters of products per year
61.	Construction projects for monosodium glutamate plants	Capacity: at least 5,000 metric tons of products per year	All	Capacity: under 5,000 metric tons of products per year
62.	Construction projects for milk manufacturing and processing plants	Capacity: at least 10,000 metric tons of products per year	All	Capacity: from 500 to 10,000 metric tons of products per year
63.	Construction projects for oil manufacturing and processing plants	Capacity: at least 10,000 metric tons of products per year	All	Capacity: from 500 to under 10,000 metric tons of products per year
64.	Construction projects for confectionary makers	Capacity: at least 20,000 metric tons of products per year	All	Capacity: from 1,000 to under 20,000 metric tons of products per year
65.	Construction projects for refined water and bottled refined water plants	Capacity: at least 2,000,000 liters of water per year	No	Capacity: from 500,000 to under 2,000,000 liters per year

Projects for farm product processing				
66.	Construction projects for cigarette plants or tobacco ingredients processing plants	All manufacturers of cigarettes Capacity: at least 1,000 metric tons of ingredients per year	Subject to commissioning of waste treatment works	Not requiring environmental protection plan for manufacture of cigarettes Capacity: from 100 to under 1,000 metric tons of ingredients per year
67.	Construction projects for farm product or starch manufacturing and processing establishments	Capacity: at least 10,000 metric tons of products per year	All	Capacity: under 10,000 metric tons of products per year
68.	Construction projects for tea, cashew nut, cocoa, coffee, and/or peppercorn processing establishments	Capacity: at least 5,000 metric tons of products per year	All projects using wet manufacturing and processing technology (subject to commissioning of waste treatment works)	Capacity: from 500 to under 5,000 metric tons of products per year
Groups of projects for animal husbandry and animal feed processing				
69.	Construction projects for animal feed processing establishments	Capacity: at least 1,000 metric tons of products per year	Subject to commissioning of waste treatment works	Capacity: from 200 to under 1,000 metric tons of products per year
70.	Construction projects for aquaculture establishments	Water surface area: at least 10 hectares; extensive farming project area: at least 50 hectares	Subject to commissioning of waste treatment works	Water surface area: from 5 hectares to under 10 hectares; extensive farming project area: from 10 hectares to under 50 hectares
71.	Construction projects for livestock and poultry husbandry establishments; wild animal raising and caring establishments	Barn/battery cage capacity: at least 500 head of livestock or 20,000 head of poultry At least 50 head of wildlife animal	All (except for construction projects for wild animal caring establishments)	Barn/battery cage capacity: from 100 to under 500 head of livestock or from 5,000 to under 20,000 head of poultry From 5 to under 50 head of wildlife animal
Projects for fertilizer and plant protection product production				
72.	Construction projects for fertilizer manufacturing and	All manufacturing facilities Capacity: at least	All (except for projects for packing facilities only)	Not requiring environmental protection plan for

	packing facilities	10,000 metric tons of products per year regarding fertilizer mixing facilities		manufacturing facilities Capacity: under 10,000 metric tons of products per year regarding fertilizer mixing facilities
73.	Projects for plant protection product warehouses	Capacity: at least 500 metric tons	No	Capacity: under 500 metric tons
74.	Projects for plant protection product manufacturing and packing facilities	All manufacturing facilities; capacity of at least 300 metric tons of products per year regarding bottling and packing facilities	All (except for projects for packing facilities only)	Not requiring environmental protection plan for manufacturing facilities Capacity: under 300 metric tons of products per year regarding bottling and packing facilities
75.	Construction projects for organic or micro-biofertilizer plants	Capacity: at least 10,000 metric tons of products per year	All (except for projects for packing and mixing facilities only)	Capacity: from 2,000 to under 10,000 metric tons of products per year
Projects for chemicals, pharmaceuticals, cosmetics, plastics				
76.	Construction projects for vaccine, pharmaceutical or veterinary drug plants; production projects for medicinal materials (including medicinal chemistry and excipient materials)	All vaccine manufacturers Veterinary drugs, medicinal materials capacity (including medicinal chemistry and excipient materials): at least 5,000 metric tons of products per year	Subject to commissioning of waste treatment works	Not requiring environmental protection plan for vaccine manufacturers; veterinary drugs, medicinal materials capacity (including medicinal chemistry and excipient materials): at least 5,000 metric tons of products per year
77.	Construction projects for cosmetics plants	Capacity: at least 50 metric tons of products per year	Subject to commissioning of waste treatment works	Capacity: under 50 metric tons of products per year
78.	Construction projects for chemical, plastic, plastic-based product or paint-based product plants	All hazardous chemical and paint-based product plants Capacity: at least 100 metric tons of products per year regarding	All	Not requiring Capacity: under 100 metric tons of products per year regarding other plants

		other plants		
79.	Construction projects for plastic product or plastic bead plants	All plants using recycled plastic scrap or materials Capacity: at least 1,000 metric tons of products per year for other plastic materials	All	Not requiring Capacity: under 1,000 metric tons of products per year for other plastic materials
80.	Construction projects for detergent and additive plants	Capacity: at least 1,000 metric tons of products per year	All	Capacity: under 1,000 metric tons of products per year
81.	Projects for plant protection discharge substance, explosive and fire device plants	All	Subject to commissioning of waste treatment works	Not requiring
82.	Construction projects for industrial explosive plants; fixed explosive warehouses; chemical warehouses	All industrial explosive plants; explosive warehouses capable for storing at least 5 metric tons of products Chemical warehouse capacity: at least 500 metric tons	Only requiring for construction projects for industrial explosive plants (subject to commissioning of waste treatment works)	Not requiring Explosive warehouse capacity: under 5 metric tons Chemical warehouse capacity: under 500 metric tons
83.	Construction projects for salterns	Area: at least 100 hectares	No	Area: from 10 hectare to under 100 hectares
Projects for paper and stationery production				
84.	Construction projects for paper pulp and paper from scrap paper plants	All	All	Not requiring
85.	Construction projects for paper or carton packaging from paper pulp plants	Capacity: at least 5,000 metric tons of products per year	All	Capacity: under 5,000 metric tons of products per year
86.	Construction projects for stationery plants	Capacity: at least 1,000 metric tons of products per year	Subject to commissioning of waste treatment works	Capacity: under 1,000 metric tons of products per year
Projects for textiles, dyeing and garment				
87.	Construction projects for weaving establishments	Capacity: at least 1,000,000 m2 per year or at least 200 metric tons of products per year	All	Capacity: under 1,000,000 m2 per year or under 200 metric tons of products per year

88.	Construction projects for non-dye weaving establishments	Capacity: at least 20,000,000 m2 of fabrics per year or at least 4,000 metric tons of fabrics per year	Subject to commissioning of waste treatment works	Capacity: under 20,000,000 m2 of fabrics per year or under 4,000 metric tons of fabrics per year
89.	Construction projects for textile and garment manufacturing and processing plants	Capacity: at least 100,000 products per year for those involving the washing and bleaching process Capacity: at least 10,000,000 products per year for those not involving the washing and bleaching process	Only requiring for projects involving the washing and bleaching process	Capacity: under 100,000 products per year for those involving the washing and bleaching process Capacity: from 1,000,000 to under 10,000,000 products per year for those not involving the washing and bleaching process
90.	Construction projects for industrial washing and laundering	Capacity: at least 100,000 metric tons of products per year	All	Capacity: under 100,000 metric tons of products per year
91.	Production projects for silk and synthetic fibers	Capacity: at least 5,000 metric tons of products per year	Subject to commissioning of waste treatment works	Capacity: from 500 to under 5,000 metric tons of products per year
Other projects				
92.	Construction projects for old ship demolition	All	All	Not requiring
93.	Construction projects for rubber and latex processing plants	All and latex processing plants Capacity: at least 100,000 metric tons of products per year regarding rubber processing plants	All	Not requiring environmental protection plan for latex processing facilities; Capacity: under 100,000 metric tons of products per year regarding rubber processing plants
94.	Construction projects for medical product and equipment from medical plastics and rubber plants	Capacity: at least 100,000 metric tons of products per year	Subject to commissioning of waste treatment works	Capacity: under 100,000 metric tons of products per year
95.	Construction projects for footwear plants	Capacity: at least 1,000,000 pairs per year	Subject to commissioning of waste treatment	Capacity: from 100,000 to under 1,000,000 pairs per

			works	year
96.	Construction projects for rubber tires and tubes plants	Capacity of rubber tires and tubes of automobiles or tractors: at least 50,000 products per year; capacity of rubber tires and tubes of bikes or motorbikes: at least 500,000 products per year	Subject to commissioning of waste treatment works	Capacity of rubber tires and tubes of automobiles or tractors: under 50,000 products per year; capacity of rubber tires and tubes of bikes or motorbikes: under 500,000 products per year
97.	Construction projects for printing ink and other printing material plants	Printing ink capacity: at least 500 metric tons of per year and printing material capacity: at least 1,000 products per year	Subject to commissioning of waste treatment works	Printing ink capacity: under 500 metric tons of per year and printing material capacity: under 1,000 products per year
98.	Construction projects for battery and cell factories	Capacity: at least 50,000 kWh per year or at least 100 metric tons of products per year	All	Capacity: under 50,000 kWh per year or under 100 metric tons of products per year
99.	Construction projects for tanning establishments	Capacity: at least 10,000 metric tons of products per year	All	Capacity: under 10,000 metric tons of products per year
100.	Construction projects for manufacturing CO2 gas, and filling and liquefying gases, manufacturing industrial gas	Capacity: at least 3,000 metric tons of products per year	No	Capacity: under 3,000 metric tons of products per year
101.	Projects for yards of raw materials and fuel; yards of domestic scrap	Projects for yards of domestic scrap with area of at least 1 hectare	Subject to commissioning of waste treatment works	Projects for yards of domestic scrap with area of at least 1 hectare and projects for yards of raw materials and fuel
102.	Projects for ocean dumping and disposal of dredged materials	All	No	Not requiring
103.	Projects using imported scrap as production materials	All	All	Not requiring
104.	Projects not listed from Nos.1 thru 100 and 105, at least 500	All	All	Not requiring

	m^3 of industrial wastewater per day (24 hours) or at least 20,000 m^3 of exhaust per hour or at least 10 metric tons of solid waste per day (24 hours)			
105.	Projects for renovation, expansion, upgrading, capacity increase or technological change (production and treatment of waste) of existing business facilities; projects for expansion, change of production type of existing industrial parks	Total scale and capacity (total existing facilities and industrial parks and expansion and upgrade parts) equivalent to the projects of column 3 from Nos. 1 thru 104 hereof	Subject to commissioning of waste treatment works	Total scale and capacity (total existing facilities and industrial parks and expansion and upgrade parts) equivalent to the projects of column 4 subject to registration of environment protection plans from Nos. 1 thru 104 hereof
106.	Projects for ocean disposal of dredged materials	All	No	Not requiring
107.	Projects having work items with size and capacity up to the level of projects listed from Nos. 1 thru 106 of this Appendix.	Projects having work items with size and capacity up to the level of projects listed from Nos. 1 thru 106 subject to environmental impact assessment.	Projects having work items with size and capacity up to the level of projects listed from Nos. 1 thru 106 subject to inspection and certification of completion of environment protection works.	Projects having work items with size and capacity up to the level of projects listed from Nos. 1 thru 106 subject to registration of environment protection plans.

4b. Structures and contents of environmental impact assessment (EIA) report

Appendix

Glossary and abbreviations

Lists of tables and figures, etc.

Opening

1. Project origins

1.1. The general information of the project, which specifies the types of project (new, scale expansion, capacity upgrade, technological change or other).

1.2. The authorities competent to approve the investment policies (for projects requiring the investment policy decision), feasibility study report, economic-technical report, investment project or similar dossier.
1.3. The connection between the project and other projects and development planning approved by the competent authorities.
1.4. If the project is located in an industrial park, export-processing zone, hi-tech zone, industrial clusters (hereinafter referred to as "industrial park"), specify the name of the industrial park and explain the project's conformity to industrial planning and functional zones. Attach the copy of the decision to approve the EIA report, a confirmation of completion of the environmental protection works or similar documents of the project on investment in industrial park infrastructure construction.
2. Legal and technical basis of EIA report preparation:
2.1. Only relevant legislative documents, technical regulations, standards and guidelines on environment to serve as the basis for the EIA.
2.2. Fully list the legislative documents, decisions or written document of the competent authorities on the project.
2.3. List the documents and data gathered by the project owner which will be used during the implementation of environmental impact assessment.
3. Implementation of environmental impact assessment: Summarize the implementation of EIA and EIA report preparation of the project owner and consultancy unit and attach a list (bearing signatures) of individuals who participate in the EIA.
4. Methods of environmental impact assessment: Fully list the used methods and specify the contents for which the methods were used during the implementation of EIA.
Chapter 1
brief Project description
1.1. General project information:
- Project name (according to the investment project, construction project).
- Name of the project owner, address and methods of communication with the project owner; the legal representative of the project owner; the source of funding and progress of the project.
- The geographical location (the landmark coordinates according to the current standards, regulations, border, etc.) of the project location. Describe accurately the natural, socio-economy entities and other entities potentially influenced by the project.
- The goal; the scale; the capacity; the technology and type of the project.
1.2. Project work items
Fully and descriptively list the amount and scale of the project work items, which are categorized into 3 types:
- The primary work items: the main product production lines, main project construction items.
- The project auxiliary work items.
- Waste treatment and environmental protection works: rainwater collector and drainage; wastewater collector and drainage; wastewater treatment (domestic, industrial, etc.); dust and emission treatment; solid waste storage and management; works for prevention and response to environmental emergencies caused by wastewater, emission; oil spill, fire and explosion response, and other environmental protection works.
For projects to expand the scale, upgrade the capacity or change the technology of an operating facility or industrial park, additional information required to be specified within this Chapter includes the business operation facts of the existing facility and industrial park; the works, machinery, work items and technology which will still be used further in the scale expansion, capacity upgrade or technology change projects; the works and machinery which will be

changed, adjusted, added; the connection, relation between the existing works and the new invested works.
- Describe in detail the land use and management facts where the project takes place; the conformance of the project location to regulations and law, and relevant development plans.
1.3. Materials, fuel and chemicals used in project; sources of power, water and products of project
List the types of material, fuel and chemical used in the project; sources of power, water and products of the project If the project utilizes imported scrap as manufacturing materials, specify the need, the efficiency of scrap materials; the rate and weight of used scrap materials that are imported and domestically obtained, propose the amount of scrap to be imported when the project operates as the design capacity.
1.4. Manufacturing and operation technology
Describe in detail the manufacturing and operation technology which potentially have negative impact on the environment and the basis for the technology selection and attach the illustrative graphs.
1.5. Construction methods
Describe in detail the methods and technology of construction which is based on to construct the project work items which potentially have negative impact on the environment and the basis for method and technology selection.
1.6. Progress, capital investment, project management and implementation organization.
Chapter 2
Natural, socio-economic and current conditions environment in location where project takes place
2.1. Natural and socio-economic conditions (not obligatory for investment project in the industrial parks already have environmental procedures).
- Collect data (specify the sources of used figures) on natural conditions of the location where the project takes place, which include: geography, geodesy; climate, meteorology; hydrography and oceanography statistics at least within the latest 03 years.
- Summarize socio-economic conditions of the location where the project takes place, which include: economic activities (industry, agriculture, transport, mining, travel, commerce, services and others); population, medical, culture and education conditions, living standards, households poverty rate; cultural, social, and religious works, historical sites, residential areas, urban areas and other relevant works influenced by the project. Assess the conformity of the location selected for the project to the socio-economic features of that location.
2.2. Current conditions of environment and biotic resources of project location
2.2.1. The data on the current conditions of environment and biotic resources of project location
Collect data (specify the sources of used figures) on the current conditions of the environment and biotic resources of the project location, which clarify: the quality of environmental components that potentially withstands the direct impacts of the project such as the air that receives direct emission of the project, the water environment that receives directly the wastewater of the project; statistics, information on land biodiversity that is potentially impacted by the project; the distance between the project and the nearest sensitive ecoregion; the area of different types of forest (if any); the list and current conditions of different types of plants, wild animals, which include the endangered and rare species that should be highly protected, endemic species living in potentially impacted area due to the project; the figures, information on ocean biodiversity and coastal wetlands that are potentially impacted by the project (the data on biotic resources is not obligatory for projects in the industrial parks that already have environmental procedures).
2.2.2. The current conditions of environment components such as soil, water, air, etc.

The results of measurements, sample analysis, condition assessment of the area which receives project wastes should be collected in at least 03 surveys. The measuring, analyzing and collecting samples must comply with the technical procedures on environmental monitoring. Process the results to assess the conformity of the selected location to the natural environment conditions of that location; assess the current conditions of the environment components of the project location before construction.

For projects that involve radiation, this Section should include the results of the radiation monitoring, current conditions assessment and brief cause analysis. If the wastewater of the project is led to the concentrated wastewater treatment of the industrial park, surface water and sediment assessment are not necessary. The assessment of the air is only necessary if the project produces dust, emission which pollutes the environment or if the project uses the atmospheric dispersion modeling (if any).

2.2.3. The current conditions of the biotic resources

The current conditions of biodiversity, biotic resources in the project location which will be impacted by the project (not obligatory for projects in the industrial parks that already have environmental procedures), including:

- The figures and information on terrestrial biodiversity that is potentially impacted by the project such as: nests, sensitive ecoregion (inland wetlands, wildlife sanctuary, biosphere reserves, international natural sites within and adjacent to the project location); the distance between the project area and the nearest sensitive ecoregion; the area of different types of forest (if any); the list and current conditions of plants, wild animals, which include endangered and rare species that should be highly protected, endemic species living in area potentially impacted by the project (if any);
- The figures and information on aquatic biodiversity in bodies of water which receive the or direct impact of the project (rivers, lakes, ocean, coastal wetlands, etc.) that is potentially impacted by the project, which include: characteristics features of aquatic ecosystem (if any), marine ecosystem and coastal wetland ecosystem, the list and current conditions of different types of plankton, bottom feeders, fish and other aquatic resources (if any).

Chapter 3

Assessment and prediction of the project environmental impact, proposal of measures and works to protect the environment and to respond to environmental emergencies

General principles:

- The environmental impact assessment of the project shall be conducted during the project construction and operation (commissioning and commercial operations) and must be specified according to each source of impact, each impacted entity. The proposed measures and works to protect the environment must be appropriate and able to satisfy the environmental protection requirements of each assessed impact.
- For scale expansion, capacity upgrade or technology change projects, the existing industrial park must carry out consolidated evaluation for the environmental impact of the old facility, industrial park and of the scale expansion, capacity upgrade and technology change projects.

3.1. Assess impacts and propose measures and works to protect the environment during project construction

3.1.1. Assess and predict the impacts

The environmental impact assessment and prediction in this phase mainly focus on the following activities:

- The impact assessment of land expropriation, migration, relocation, etc.;
- The impact assessment of land clearance;
- The utilization of construction materials to serve the project (if within the project scope);
- The transportation of construction materials, machinery and equipment;

- The construction of the project work items or the project implementation activities (with respect to projects that do not have construction works);
- The cleaning of the project pipelines, manufacturing equipment and environmental protection works (such as: chemical cleaning, water cleaning, steam cleaning,…)

The requirements: With respect to source of impact relating wastes, must specify the amount of waste, loading rate and concentration of all of the typical project waste parameters and compare to the current technical standards and regulations, specify the time and place in which the wastes are produced.

3.1.2. The proposed measures and works to protect the environment

- With respect to wastewater: Explain in detail the scale, capacity and technology of the wastewater collection and treatment works for domestic wastewater and industrial wastewater (if any):

+ The domestic wastewater collection and treatment works of each project construction contractor must meet the technical standards on environment.
+ The works that collect and treat other kinds of liquid waste such as chemical wastes, pipelines cleaning chemicals… must meet the technical standards on environment.

- With respect to domestic wastes, construction wastes, regular solid industrial wastes and hazardous wastes: Describe the scale, position and environmental protection measures of the temporary wastes storage areas.
- With respect to dust and emissions: The works and measures to reduce the amount of dust and emissions during the project construction must meet the technical standards on environment.
- Other environmental protection measures (if any).

3.2. Assess impact and propose measures and works to protect the environment during project operation

3.2.1. Assess and predict the impacts

The impact assessment at this point must focus on 02 phases of commissioning and commercial operation. To be specific:

- Assess and predict the impact of sources that produce wastes (solid wastes, hazardous wastes, dust, emissions, industrial wastewater, domestic wastewater, other types of liquid wastes, noises, vibration,…). With respect to each source of impact, specify the amount of waste, loading rate and concentration of all of the typical project waste parameters and compare to the current technical standards and regulations, specify the time and place in which the wastes are produced.
- Assess and predict the impact of sources not relating to wastes.
- With respect to projects investing in industrial parks, carry out additional impact assessment on the project wastewater production compared to the existing wastewater collection and treatment of the industrial parks; assess the abilities to collect and process of the active wastewater treatment works of the industrial parks compared to the largest amount of wastewater produced by the project activities.

3.2.2. The proposed measures and works to protect the environment

General requirements: Based on the impact assessment results of Section 3.2.1 mentioned above, the project owner must propose the selection of suitable waste treatment equipment and technology (by listing in detail the equipment and technology that are being used) according to each type of produced waste (with flow rate and concentration of notable pollution indicators), and ensure compliance with regulated environmental protection requirements.

a) With respect to wastewater treatment works (including: treatment works for domestic wastewater, industrial wastewater and other types of liquid wastes):

- Explain in detail the scale, capacity, operation procedures, chemicals and catalysts used in each of the wastewater treatment work;

- The basic specifications of each work item and of the whole wastewater treatment works, attach a draft basic design drawing or a draft construction drawing which apply to the project requiring one-step design (hereinafter referred to as “draft drawing”). The details are specified in the Appendix 2 of the report.
- Propose the position and specification for the installation of automatic and continuous wastewater monitoring equipment (if required by law).
b) With respect to dust and emission treatment works:
- Explain in detail the scale, capacity, operation procedures, chemicals and catalysts used in each of the dust and emission treatment works;
- The basic specifications of each work item and of the whole dust and emission treatment works, attach the design drawings (the details are specified in the Appendix 2 of the report);
- Propose the position and specification for the installation of automatic and continuous emission monitoring equipment (if required by law).
c) With respect to the solid waste storage and treatment works (solid wastes include: domestic wastes, regular industrial wastes, hazardous wastes):
- Explain in detail the scale, capacity, operation procedures, chemicals and catalysts used in each of the waste treatment and management works;
- The basic specifications of each work item and of the whole waste treatment and management works, attach the design drawings (the details are specified in the Appendix 2 of the report);
d) The environmental emergency prevention and response works for wastewater and emissions (if required by law):
- Explain in detail the scale, capacity, operation procedures, chemicals and catalysts used in each of the environmental emergency prevention and response works;
- The basic specifications of each work item and of the whole environmental emergency prevention and response works, attach the design drawings (the details are specified in the Appendix 2 of the report).
dd) The environmental protection works and measures.
3.3. The implementation of measures and works to protect the environment
- The list of environmental protection works and measures of the project.
- The construction plans for environmental protection works, waste treatment equipment, automatic and continuous wastewater and emission monitoring equipment.
- The implementation plans of other measures and works to protect the environment
- Summary of expenditure estimates of each environmental protection work and measure.
- The operation and management structures of the environmental protection works.
3.4. Remarks on detailedness and reliability of assessment and prediction results:
Objectively remark on the reliability and detailedness of the assessment and prediction results of the possible environmental impacts during the launching of the project. With respect to issues lacking the necessary reliability, specify both the subjective and objective reasons (such as lack of information and data; current figures and data have been obsolete; the gathered figures and data lack the accuracy and reliability; the reliability of the assessment project is poor or limited; the specialized knowledge of the officials in charge of EIA is limited; other causes).
Chapter 4
Environmental remediation and improvement measures
(Only required for mineral extraction)
4.1. Selecting environmental remediation and improvement measures
- Based on the practical situations of each mining technique, the mining influence on the environment and surrounding inhabitants; based on the geological structures, mineral compositions and environment quality of the location; based on the land use planning after

extraction (if any), the organizations and individuals must prepare at least 02 environmental remediation and improvement measures.
- With respect to each presented environmental remediation and improvement measure, specify the solutions, works and workload which improve and remediate the environment. Prepare a mine reclamation map and show environmental remediation and improvement works
- Assess the impact on the environment, the persistence and safety of the environmental remediation and improvement works of the project (impacts such as: subsidence, landslide, waterproof, groundwater decline, cracking, environmental emergencies, etc.).
- Calculate the “land restoration index” for each of the chosen measure. Based on the assessment and comparison between the “land restoration index” and advantages, disadvantages of the projects, choose the most optimal environmental remediation and improvement measure.

4.2. Environmental remediation and improvement details

Based on the chosen environmental remediation and improvement measures, develop the contents, list and amount of environmental remediation and improvement work items. To be specific:
- Design and calculate the workload of the primary environmental remediation and improvement works.
- Design and calculate the environmental remediation and improvement workload so as to meet the given goals and fit the current situation.
- Design the works to prevent and respond to environmental emergencies in each phase of the environmental remediation and improvement process.
- List the environmental remediation and improvement works; the workload for each phase and for the whole environmental remediation and improvement process.
- List the equipment, machinery, materials, soil and trees used during each phase and in the whole environmental remediation and improvement process.

4.3. Implementation plan
- The chart for the organization and implementation of environmental remediation and improvement.
- The environmental remediation and improvement progress and works quality monitoring plans.
- The plans to organize and certify the environmental remediation and improvement works which are meant to examine and confirm the completion of the contents of environmental remediation and improvement measures.
- The measures to manage and protect the environmental remediation and improvement works after they have been examined and confirmed.

Compile the environmental remediation and improvement progress table according to the following form:

No.	Name of the works	Workload/unit	Unit price	Amount	Launch date:	Completion date	Note
I	Extraction sites						
1	Reform the slopes, pits of site A						
2	Plant trees in site A						
...	....						

4.4. Estimates of environmental remediation and improvement cost

a) Estimates of the environmental remediation and improvement cost
Compile the consolidated cost and progress table for the environmental remediation and improvement implementation; the amount; unit price of each work item of each phase and the total environmental remediation and improvement cost based on the latest quota or unit price of the local or based on the respective ministries and market price if the local government has not had quota or unit price.
b) Calculate the deposit payment amount and the deposit payment time:
Specify the amount and time of first-time deposit payment and so on.
c) The deposit receiver:
The organizations and individuals shall choose the units and organizations to receive the environmental remediation and improvement deposits as per law.
Chapter 5
Environmental management and supervision programme
5.1. Environmental management programme of the project owner
The environmental management programme shall be developed based on the consolidated results of Chapter 1 and 3 in the form of a table as follows:

The project phases	The project activities	The environmental impacts	The environmental protection measures and works	The cost for the implementation of environmental protection measures and works	Launch date and completion date	The implementation responsibilities
1	2	3	4	5	6	7
Construction						
Commissioning						
Commercial operations						

5.2. Environmental supervision programme of the project owner
The environmental supervision programme must be developed for the project implementation and designed for: (1) Construction phase; (2) Commissioning phase and (3) Estimated commercial operations phase, to be specific:
- Supervise wastewater and emissions: monitor and supervise the waste flow rate and typical parameters of wastewater and emission sources before and after treatment at least once every 03 months; the supervision locations must be specified.
- Supervise solid wastes: supervise the amount of produced solid waste; identify and classify different types of produced waste to manage as per law, etc.
- Supervise the wastewater and emissions automatically and continuously, and transfer the data directly to the local Department of Natural Resources and Environment (if the installation is required by law).

- Supervise the surrounding environment: only supervise the operation phases of projects that emit radiation or some particular methods of extraction at the request of the approval authorities at least once every 06 months; the supervision locations must be selected in a manner that they represent the area and must be specified.
- Supervise other environmental issues (if the project may cause): landslide, subsidence, erosion, sedimentation; the change in surface water level, groundwater level, salt-water intrusion, acid sulfate soil, endangered and rare species that must be highly protected so as to monitor the change in space and time of these issues at least once every 06 months.

Chapter 6
Consultation results

I. Community consultation

6.1. Summary of the organization of community consultation implementation:

Summarize the organization of written consultation implementation of the Commune-level People's Committee and organizations under the direct impact of the project and the organization of consultation with the local community under the direct impact of the project in the form of community meeting as follows:

6.1.1. Summarize the process of organizing the consultation with the Commune-level People's Committee and organizations under the direct impact of the project: Describe in detail the process of organizing the implemented community consultation and specify the number and date of promulgation of the documents sent by the project owner to the Commune-level People's Committee where the project is carried out and organizations under the direct impact of the project; the number and date of promulgation of the reply documents prepared by the Commune-level People's Committee and organizations under the direct impact of the project. If the written replies of some impacted Commune-level People's Committees and organizations are not received, the project owner must prove that he/she has sent the documents but not received any replies.

6.1.2. Summarize the process of organizing the consultation with the local community under the direct impact of the project: Specify the collaboration between the project owner and the Commune-level People's Committee where the project is carried out which concerns taking charge of the meeting that consults the local community directly impacted by the project. Specify the compositions of the meeting.

6.2. Community consultation results

6.2.1. The consultation response of the Commune-level People's Committee and organizations under the direct impact of the project: Specify the consultation responses made by the Commune-level People's Committee and organizations that will be directly influenced by the contents of EIA reports and other propositions (if any).

6.2.2. The consultation responses of the representatives of the local community under the direct impact of the project: Summarize the consultation responses and presentation of the project owner about the EIA report contents of the project at the local community consultation; the propositions of the local community.

6.2.3. The replies and guarantees of the project owner to the request, propositions and comments of the consulted agencies, organizations and local community: Specify the accepted consultation responses and explain the unaccepted consultation responses with respect to the request, propositions and comments of the consulted agencies, organizations and local community; guarantees provided by the project owner to satisfy the acknowledge remarks.

Note: Copy of consultation request of the project owner, consultation responses of the requested agencies, organizations; copy of the Consultation record of the local community under the direct impact of the project must be attached in the Appendix of the EIA report.

II. Consulting experts and scientists (with respect to projects mentioned in Appendix IIa): Describe in detail the process of consulting scientists and experts in the project fields and environmental experts in the form of conferences, seminars; the assessment of each scientist and expert; the explained, acknowledged and implementation guaranteed remarks of the project owner.
III. Consulting specialized agencies about accuracy of the model: Describe the process of consulting the specialized agencies about the accuracy of the model; the comments of the specialized agencies; the explained, acknowledged and implementation guaranteed remarks of the project owner.
Conclusion, propositions and commitment
1. Conclusion: Must provide conclusions on issues such as: whether or not the impacts have been fully identified and assessed, what issues are not yet predicted; overall assess the level and scale of the identified impacts; the feasibility of the measures to reduce negative impacts and prevent, respond to environmental emergencies; what negative impacts cannot be reduced because such measures are beyond the capability of the project owner and specify the reasons.
2. Propositions: Propose the assistance of relevant ministries in tackling issues beyond the capability of the project.
3. Commitment to the environment protection.

Appendix I
The following documents must be attached in Appendix I of the EIA report: Copies of the legislative documents relating to the project; results of the implemented environmental monitoring; copy of the documents relating to community consultation; copy of the documents relating to consultation in the form of conference and seminar (if any); copy of the remarks of the relevant specialized agencies about the accuracy of the model (if any); images of the project location (if any).
With respect to the mineral extraction projects, the following drawings are obligatory: The map of mining site location (scale of 1/5,000 or 1/10,000); the topography map displaying (or not) the blanket deposits (scale of 1/1,000 or 1/2,000); the map at the end of every extraction phase; The detailed mining site map (scale of 1/2,000 or 1/5,000) displaying every work item and technical network; The post-mining map (scale of 1/2,000 or 1/5,000); the detailed mining site condition map (scale of 1/2,000 or 1/5,000) displaying every work item and technical network; The map of environmental remediation and improvement site location (scale of 1/5,000 or 1/10,000); the map of environmental remediation and improvement in each phase, each year; The mine reclamation map (scale of 1/1,000 or 1/2,000).

Appendix II
Attached in Appendix II of the EIA report is the basic design or the construction design of the waste treatment works (with respect to projects requiring one-step design); environmental remediation and improvement works (if any).

Note: Depending on each specific project, the details of the EIA report can be added with specialized details or removed from which the details that are unnecessary, unrelated to the environmental protection of the project but the general details and requirements of the EIA report mentioned above must be guaranteed.

Form No. 07
Application for change requested by the project owner regarding projects to expand, increase capacity and scale, change technology or supplement investment sectors to industrial park under construction phase

(1)	THE SOCIALIST REPUBLIC OF VIETNAM
	Independence - Freedom - Happiness
No.	
Re: change… of (2)	[Location]….., [date]……..

To: (3)

We are: (1), project owner of (2), our EIA report is approved by (3) in the Decision No. ….; location of project…;
Address of (1):……..;
Telephone:……; Fax:……; Email:……..
We send to (3) three (03) copies of report of the change: expand, increase capacity and scale, change technology or supplement investment sectors to industrial park of (2).
We hereby declare that all information provided for above is true and correct; if not, we shall take all responsibility before Vietnamese law.
Request (3) to consider approving the above changes.

(4)
(Signature, full name, position, seal)

Notes:
(1) Project owner;
(2) Full name and correct name of the project whose EIA report is approved;
(3) Authority which approved the EIA report of the project;
(4) Duly authorized representative of the project owner.

Form No. 08
Report on changes made by the project owner regarding projects to expand, increase capacity and scale, change technology or supplement investment sectors to industrial zone under construction phase

(1) _____	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness
No. Re: change… of (2)	[Location]…..,[date]……..

To: (3)

Pursuant to decision on approval for EIA report No….dated……..of (2); we are the investor of (2), request the following changes: expand, increase capacity and scale, change technology or supplement investment sectors to industrial park of (2), in specific:
1. Details on proposed changes:
1.1. Approved details (specify scale, capacity, technology, industries which are approved).
1.2. Details on proposed changes (specify scale, capacity, technology, industries proposed for changes).
2. Evaluation of the impacts due to the changes as provided in Section 1.2 (clarify the environmental impacts and waste arising out of changes).
3. Impact minimizing and waste treatment solutions
3.1. Environmental impact minimizing solutions
3.2. Waste treatment solutions
4. Changes in environmental management and supervision

(4)
(Signature, full name, position, seal)

Notes:
(1) Project owner;
(2) Full name and correct name of the project whose EIA report is approved;
(3) Authority which approved the EIA report of the project;
(4) Duly authorized representative of (1).

Form No. 09
Notice of plan for commissioning of waste treatment work of the project

(1) _____	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness
No. RE: Notice of plan for commissioning of waste treatment work of the project	[Location]…..,[date]……..

To: (2)

We are (1), investor of project (3) (hereinafter referred to as Project), whose (modified) EIA report is approved by (4) in the Decision No. …dated….
Pursuant to Clause 9 Article 1 of the Government's Decree No. …/2019/ND-CP dated …. on amendments to certain articles of decrees on guidelines for the Law on Environment Protection, we hereby send to (2) a plan for commissioning of waste treatment works of the Project (attached detailed plan).
We hereby declares that all information provided for above is true and correct; if not, we shall take all responsibility before Vietnamese law.
We hereby undertake to strictly comply with Vietnamese regulations on environment protection, and stop the commissioning as quickly as possible in case of any environmental incident or environment pollution; adopt solutions to prevent, respond to, and eliminate pollution and make restitution as per the law.
Kindly request (2) to inspect waste treatment works of the project in order for (1) to put (3) into commissioning as planed based on legitimate basis./.

(5)
(Signature, full name, position, seal)

PLAN
for commissioning of waste treatment work of the project…(3)…
(or of item/investment phase of the project …(3)…)
(Enclosed with Document No….dated……of (1))

1. Name and location of Project:…
2. Decision on approval for (modified) EIA report of the Project: No….dated…….of…
3. Project owner: .....
- Address: …….....
- Telephone:……; Fax:……; Email:……..
- Contact details of the representative of project owner, staff member in charge of environmental affairs:
4. General information about execution of the Project:
Preliminary report on construction and completion of main works/items of the Project, commencement date, completion dates of each work/item.
5. Result of environment protection work/solution completion under decision on approval for (modified) EIA report:
5.1. Waste treatment works requiring construction and installation as required under decision on approval for (modified) EIA report:
List all environment protection works requiring construction and installation in details as required under decision on approval for (modified) EIA report, clarifying scale, capacity, technology, basic specifications, operation process of each work item; environment incident prevention and response works; other environmental protection solutions, etc.
5.2. Completed waste treatment works under the commissioning phase (including all items and each item):
a) Regarding wastewater collection and system works:
- Rainwater and wastewater collection and drainage works which have been built: a report on basic specifications such as: structure, size, materials, functions, drainage routes (attached diagram, layout drawing of drainage system).

- A detailed report of wastewater treatment work and/or equipment which has been constructed or installed, primarily containing: scale, capacity, treatment technology; basic specifications enclosed with block diagram and detailed notes of operation process; all kinds of chemicals, biological preparations acquired for use in the conduct of operating the treatment system; a report on installation of separate electricity meters to monitor the power consumption during the operation of the work and equipment.
- Expected water balance table during the operation phase of the project: Clarify each source of wastewater and respective flow, plan for collection and treatment of each source of wastewater at the completed wastewater treatment works and equipment.
- As-built documents of wastewater treatment work, and transfer note, taking-over certificate in accordance with law on construction. Regarding packaged wastewater treatment equipment, installation documents accompanied with CO/CQ (if the equipment is imported as fully finished/assembled unit) are required.
b) Dust and emission treatment works and equipment:
- A detailed report of dust and emission treatment work and/or equipment which has been constructed or installed, primarily containing: scale, capacity, treatment technology; basic specifications enclosed with block diagram and detailed notes of operation process and incident response of dust and emission system and equipment; all kinds of materials, chemicals, catalysts acquired for use in the conduct of operation.
- As-built documents of dust and emission treatment work, and transfer note, taking-over certificate in accordance with law on construction. Regarding synchronous and complete built-up equipment, installation documents accompanied with CO/CQ (if the equipment is imported as fully finished/assembled unit) are required.
c) Works and equipment intended for storage and treatment of conventional solid waste, hazardous waste:
- Waste storage works: scale, structure, basic specifications of the work; as-built documents accompanied with transfer note, taking-over certificate in accordance with law on construction.
- Waste treatment works and equipment: A detailed report of each work and equipment intended for storage and treatment of conventional solid waste, hazardous waste which has been constructed or installed, primarily containing: scale, capacity; basic specifications enclosed with block diagram and detailed notes of operation process; all kinds of materials and chemicals acquired for use in the conduct of operation. As-built documents of waste storage and treatment work, and transfer note, taking-over certificate in accordance with law on construction.
d) Other waste management works:
The waste treatment and storage works which have been constructed; scale, capacity, basic specifications enclosed with operation process. As-built documents enclosed with transfer note, taking-over certificate as per the law on construction.
dd) Automatic and continuous waste monitoring equipment and system (if requiring installation as prescribed):
- Describe every automatic and continuous waste monitoring equipment and system which has been installed, including: installation location, parameters; category and CO/CQ of every piece of equipment.
- Connection of automatic and continuous monitoring database to the Department of Natural Resources and Environment of the province for supervision.
e) Environmental incident prevention and response works:
- Describe every work and equipment or plan for prevention and response to environmental incidents concerning wastewater, emissions, conventional solid waste and hazardous waste during the commissioning phase. Explain every process to respond to incidents meeting environment protection requirements.

- As-built documents and transfer note, taking-over certificate of works and equipment in accordance with law on construction if requiring construction and installation of works to respond to environmental incidents.

g) Other environmental protection works and solutions.

6. Scheduled time of commissioning:

Prepare a detailed schedule of commissioning of completed waste treatment works of the project, including: commencement time, completion time. Expected capacity of every item or of the entire project upon the completion of the commissioning phase.

7. Plan for waste monitoring, performance assessment of waste treatment works and equipment:

- A detailed plan for scheduled time to take samples of waste before being discharged into the environment or outside the treatment works and equipment.
- A plan for measuring, taking and analyzing waste samples to assess performance of waste treatment works and equipment: The assessment shall be carried out through every stage or all stages of the treatment system (composite sampling); time and frequency to take samples shall conform to statutory standards and regulations.
- Proposed entity(ies) eligible for rendering environmental monitoring services to cooperate in implementing the Plan.

8. Proposals (if any):

(5)
(Signature, full name, position, seal)

Notes:

(1) Project owner;
(2) Environmental protection authority of province where the project is based:;
(3) Full and accurate name of project or item/investment phase of the project (3);
(4) Head of the authority which approved the EIA report of the project;
(5) Duly authorized representative of the project owner.

Form No. 10
Notice of completed waste treatment works for commissioning

(1)	THE SOCIALIST REPUBLIC OF VIETNAM
_____	Independence - Freedom - Happiness
No.	
Re: Notice of completed waste treatment works for commissioning	[Location]…..,[date]……..

To: (2)

Pursuant to the Government's Decree No. .../2019/ND-CP dated .....2019 on guidelines for certain articles of decrees on guidelines for the Law on Environment Protection; inspection result of waste treatment works for commissioning concerning the Project (3) (or item/investment phase of the Project (3)) of the Inspectorate established under the Decision No. …dated…….of (4), (1) hereby notify the results below:

1. Wastewater treatment system: (This part assesses the completion of wastewater treatment works as required in the decision on approval for EIA report, including: quantity, scale, capacity, operation process; assess if the operation process meets technical requirements, if complete as-built documents of waste treatment works have been transferred and accepted as per the law on construction)
2. Dust and emission treatment system: (This part assesses the completion of dust and emission treatment works as required in the decision on approval for EIA report, including: quantity, category, scale, capacity, operation process; assess if the operation process meets technical requirements, if complete as-built documents of waste treatment works have been transferred and accepted as per the law on construction)
3. Conventional industrial solid waste treatment and storage works: (This part assesses the completion of conventional industrial solid waste treatment and storage works of the project (if any), primarily containing: quantity, scale, capacity, operation process of every waste treatment work; assess if the operation process meets technical requirements, inspect quantity and scale of the waste storage works; assess if complete as-built documents of waste treatment works have been transferred and accepted as per the law on construction)
4. Hazardous waste treatment and storage works: (This part assesses the completion of hazardous waste treatment works of the project (if any), primarily containing: quantity, scale, capacity, operation process of every waste treatment work; assess if the operation process meets technical requirements, inspect quantity and scale of the waste storage works; assess if complete as-built documents of waste treatment works have been transferred and accepted as per the law on construction)
5. Other waste management works (domestic garbage, etc.): (This part assesses the completion of other waste management works of the project (if any), primarily containing: quantity, scale, capacity, operation process of every waste treatment work; assess if the operation process meets technical requirements, inspect quantity and scale of the waste storage works; assess if complete as-built documents of waste treatment works have been transferred and accepted as per the law on construction)
6. Environmental incident prevention and response works: (This part assesses the completion of environmental incident prevention and response works of the project, primarily containing: quantity, scale, capacity, operation process of every waste treatment work; assess if the incident

prevention and response meets technical requirements, inspect quantity and scale of the waste storage works; assess if complete as-built documents of waste treatment works have been transferred and accepted as per the law on construction) The installation of automatic and continuous wastewater and emission monitoring equipment and connection of database to the Department of Natural Resources and Environment as per the law)
The inspection results of waste treatment works for commissioning of project show that the Project is eligible for (or ineligible for) commissioning (provide explanation and give the project owner required time to correct objectionable conditions in case of ineligibility).
(1) hereby notify (2) for taking further steps in accordance with regulations on environment protection./.

(4)
(Signature, full name, position, seal)

Notes:
(1) Environmental protection authority of province where the project is based;
(2) Project owner;
(3) Full and accurate name of project or item/investment phase of the project;
(4) Head of environmental protection authority of province where the project is based.

Form No. 11

Notice of inspection results of commissioning of waste treatment works

(1) _____ No. Re: Notice of inspection results of commissioning of waste treatment works	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness [Location]…..,[date]……..

To: (2)

Pursuant to the Government's Decree No. .../2019/ND-CP dated .....2019 on guidelines for certain articles of decrees on guidelines for the Law on Environment Protection; inspection result of waste treatment works for commissioning concerning the Project (3) (or item/investment phase of the Project (3)) of the Inspectorate established under the Decision No. …dated…….of (4), (1) hereby notify the inspection results of commissioning of waste treatment works below:

1. Wastewater treatment system:

(This part assesses the commissioning phase of each wastewater treatment system of the Project, primarily containing: quantity, scale, capacity, operation process; used chemicals; assess if the system operates stably, if the analysis results of post-treatment wastewater samples meet technical environmental regulations and standards, and evaluate the automatic and continuous wastewater monitoring parameters transmitted by (2) (if any))

2. Dust and emission treatment system:

(This part assesses the operation phase of each dust and emission treatment system of the Project, primarily containing: quantity, scale, capacity, operation process of each dust and emission treatment system; used chemicals; assess if the system operates stably, if the analysis results of post-treatment dust and emission samples meet technical environmental regulations and standards, and evaluate the automatic and continuous wastewater monitoring parameters transmitted by (2) (if any))

3. Conventional industrial solid waste treatment and storage works:

(This part assesses the operation phase of waste treatment works of the Project (if any), primarily containing: quantity, scale, capacity, operation process of each waste treatment work; assess if the treatment work operates stably, if the analysis results of post-treatment waste samples meet technical environmental regulations and standards, evaluate if the construction of waste storage works of the Project meets environment protection requirements)

4. Hazardous waste treatment and storage works:

(This part assesses the operation phase of waste treatment works of the Project (if any), primarily containing: quantity, scale, capacity, operation process of each waste treatment work; assess if the treatment work operates stably, if the analysis results of post-treatment waste samples meet technical environmental regulations and standards, evaluate if the construction of waste storage works of the Project meets environment protection requirements)

5. Other waste management works (domestic garbage, etc.):

(This part assesses the operation phase of waste treatment works of the Project (if any), primarily containing: quantity, scale, capacity, operation process of each waste treatment work; assess if the treatment work operates stably, if the analysis results of post-treatment waste samples meet technical environmental regulations and standards, evaluate if the construction of waste storage works of the Project meets environment protection requirements)

6. Environmental incident prevention and response works:
(This part assesses the operation of environmental incident prevention and response works of the project, primarily containing: quantity, scale, capacity, operation process of each work; assess if the system operates stably, basic specifications of each work, evaluate if these works meets environment incident prevention and response requirements)
The inspection results of commissioning of environment protection works of the Project show that the Project is eligible for (or ineligible for) inspection and certification of completion of environment protection works.
(1) hereby notify (2) for taking further steps in accordance with regulations on environment protection./.

(4)
(Signature, full name, position, seal)

Notes:
(1) Environmental protection authority of province where the project is based;
(2) Project owner;
(3) Full and accurate name of project or item/investment phase of the project;
(4) Head of environmental protection authority of province where the project is based.

Form No. 12

Application for inspection and confirmation of completion of environment protection works

(1) _____	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness
No. Re: Application for inspection and confirmation of completion of environment protection works serving the operation phase	[Location]…..,[date]……..

To: (2)

We are (1), investor of Project (3), whose EIA report is approved by (4) in the Decision No. …dated….

- Office address of (1):
- Location of Project (3):
- Address of (1):

Telephone:……; Fax:……; Email:……..

We hereby send to (2):

- Seven (07) copies of report on performance of environment protection works of the Project.
- One (01) copy of decision on approval for (modified) EIA report and copy of EIA report of the approved project.
- One (01) notice of inspection result of commissioning of waste treatment works of the project issued by the environmental protection authority of province.

We hereby declare that all information provided for above is true and correct; if not, we shall take all responsibility before Vietnamese law.

Request (2) to inspect and confirm completion of environment protection works of the Project./.

(5)
(Signature, full name, position, seal)

Notes:

(1) Project owner;
(2) Authority which approved the EIA report of the project;
(3) Full and accurate name of project or item/investment phase of the project (3);
(4) Head of the authority which approved the EIA report of the project;
(5) Duly authorized representative of the project owner.

Form No. 13
Report on performance of environment protection works of the Project

(1) _____	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness
No.	[Location]…..,[date]……..

REPORT
Report on performance of environment protection works
of the Project (3)
_____

To: (2)

1. General information about the Project:
- Project owner: .....
- Address: …….....
- Telephone:……; Fax:……; Email:……..
- Location of Project:
- Decision on approval for (modified) EIA report of the Project:
.....
- Notice of inspection result of commissioning of waste treatment works of the project issued by the environmental protection authority of province:
.....
2. Completed environment protection works of the Project (or item/investment phase of the Project)
2.1. Rainwater collection and drainage works, wastewater collection and treatment works
2.1.1. Rainwater collection and drainage network: Detailed specifications of surface rainwater collection and drainage network; quantity and location of every rainwater points of discharge into the environment enclosed with operation process of each point of discharge (such as: auto-flow, overflow dam, stop valve, etc.) and illustration diagram.
2.1.2. Wastewater collection and drainage network:
- Wastewater collection network: Description of functions and basic specifications (structure, size, length, etc.) of each route of wastewater collection to wastewater treatment works.
- Wastewater drainage network: Description of functions and basic specifications (structure, size, length, etc.) of each route of wastewater drainage before released to the environment, discharged outside the waste treatment work.
- Points of post-treatment wastewater discharge: Detailed description of points of wastewater discharge, operation process; assess if points of wastewater discharge/points of wastewater connection meet technical requirements; wastewater receiving sources.
- Illustration diagram of overall wastewater collection and drainage network.
2.1.3. Wastewater treatment works:
- Detailed description of each wastewater treatment work which has been constructed or installed (name of designer, executor, supervisor; construction contractor, etc.), clarifying: functions of the work; scale, capacity, technology, operation process and operation mode of the work; kinds of used chemicals and biological preparations; amount of required energy consumption and chemicals used for operation phase; requirements, regulations, standards (if any) applicable to post-treatment wastewater.

- Automatic and continuous wastewater monitoring equipment and system which has been installed enclosed with technical specification description, CO/CQ and certificate of verification, calibration and testing of equipment, system; the online monitoring data connection and transmission to the Department of Natural Resources and Environment for inspection.

2.1.4. Performance assessment of wastewater treatment work (specifying name and address of the unit in charge of environmental monitoring: time, frequency, method, results of measurement, taking and analyzing samples; used equipment and methods of measurement, taking and analyzing samples)

Performance assessment of wastewater treatment work shall be carried out through the wastewater monitoring results (measurement results from rapid measurement instruments on construction site, taking and analyzing samples in laboratories) and automatic and continuous wastewater monitoring data (if any) in every stage and the entire treatment system (program and methods of composite sampling for assessment), including:

- Productivity assessment of every treatment stage shall be carried out through evaluation of wastewater monitoring regarding certain main pollution parameters which have been used to calculate design for every stage of wastewater treatment system and presented as follows:

Measurement, sample taking for analysis; treatment productivity	Wastewater flow (unit)	Main pollution parameters at stage… (Unit)					
		Parameter A		Parameter B		etc.	
		Before treatment	After treatment	Before treatment	After treatment	Before treatment	After treatment
First time							
Second time							
nth time,…							
Treatment productivity of every wastewater treatment stage (%)							

- Conformity assessment results of the entire wastewater treatment system shall be carried out through the evaluation of wastewater monitoring (measurement results from rapid measurement instruments on construction site, taking and analyzing samples in laboratories) of environmental parameters in accordance with national technical regulations, local technical regulations on wastewater (domestic, industrial). Particular industries require monitoring of environmental parameters as decided by the approval authority of EIA report and shall be presented as follows:

Measurement, sample taking for analysis; applied technical regulations on wastewater	Wastewater flow (unit)	Environmental parameters of project					
		Parameter A (unit)		Parameter B (unit)		etc.	
		Before treatment	After treatment	Before treatment	After treatment	Before treatment	After treatment
First time							
Second time							
nth time,…							
National Technical Regulation (corresponding to each type of manufacture)							

- Performance assessment of wastewater treatment system through automatic and continuous wastewater monitoring data (if requiring installation) collected from the days on which wastewater samples are taken and analyzed in laboratories. The automatic and continuous monitoring results shall be compared with rapid measurement results from construction site and sample taking and analysis in laboratories. Daily average value of automatic and continuous wastewater monitoring results shall be compared with maximum permissible limits of environmental parameters of respective technical regulations on environment to carry out conformity assessment (irrespective of methods of measurement and sample taking and analysis in technical regulations).

Daily average value (24 hours) of measurement results compared with maximum permissible limits of technical regulations on waste	Wastewater flow (unit)	Automatic and continuous monitoring parameters					
		Parameter A (unit)		Parameter B (unit)		etc.	
		Before treatment	After treatment	Before treatment	After treatment	Before treatment	After treatment
First day							
Second day							
nth day (assessment results from sampling date for analysis)							
Vietnam's regulations (corresponding to each type of manufacture)							

2.2. Dust and emission treatment works:

- Detailed description of each dust treatment work which has been constructed or installed (name of designer, executor, supervisor; construction contractor, etc.), clarifying: functions of the work; scale, capacity, technology, operation process and operation mode of the work; kinds of used chemicals and catalysts; amount of required energy consumption and chemicals used for operation phase; requirements, regulations, standards (if any) applicable to post-treatment dust and emission.
- Automatic and continuous emission monitoring equipment and system which has been installed enclosed with technical specification description, CO/CQ and certificate of verification, calibration and testing of equipment, system; the online monitoring data connection and transmission to the Department of Natural Resources and Environment for inspection.
- Performance assessment of dust and emission treatment equipment and works: Performance assessment of emission treatment work shall be carried out through the wastewater monitoring results (measurement results from rapid measurement instruments on construction site, taking and analyzing samples in laboratories) and automatic and continuous emission monitoring data (if any) in every phase and the entire treatment system. The project owner shall release statistics in form of the table similarly to the table of wastewater indicated in Section 2.1.4.

2.3. Conventional industrial solid waste treatment and storage works:

- Waste storage works which have been constructed or installed, including: Description of functions and basic specifications enclosed with operation process meeting environment protection requirements.
- Waste treatment works: Description of functions, scale, capacity, basic specifications enclosed with operation process; performance assessment of waste treatment work.

2.4. Hazardous waste treatment and storage works:

- Hazardous waste storage works which have been constructed or installed, including: Description of functions and basic specifications enclosed with operation process meeting environment protection requirements.
- Hazardous waste treatment works: Description of functions, scale, capacity, basic specifications enclosed with operation process; performance assessment of hazardous waste treatment work.

2.5. Environmental incident prevention and response works:

- Detailed description of each environmental incident prevention and response work and equipment concerning every kind of waste, clarifying scale, capacity, basic specifications, and operation process of the work.
- Performance assessment of completed incident prevention and response works, equipment; proposed plan for improvement and commit completion roadmap on the basis of commissioning result.

2.6. Other environmental protection works and solutions:

Description of other waste storage works which have been constructed or installed enclosed with basic specifications. Particularly for waste treatment works, extra details of scale, capacity, and operation process, performance assessment are also required.

3. Environment protection works with modifications as compared with the approved EIA report (Description in form of a table enclosed with notes, clarifying modifications and decision on approval for modified EIA report of the approval authority of EIA report; other modifications having positive impact and no negative impact on the environment)

No.	Name of environment protection work	Proposed plan in EIA report	Modified plan	Decision on approval for modified EIA report (if any)
1	...	...	...	
2...	...	...	...	

4. Environmental monitoring program in operation phase (when the project is put into commercial operation):

Based on the commissioning results of environment protection works of the project, the project owner shall review it by their own to propose modifications to the environment monitoring and supervision program in operation phase to ensure the conformity with reality and environment protection requirements.

We hereby declare that all information provided for above is true and correct; if not, we shall take all responsibility before law./.

(4)
(Signature, full name, position, seal)

Notes:

(1) Project owner;
(2) Name of authority which inspects and confirms completion of environment protection works;
(3) Full and accurate name of project or item/investment phase of the project (3);
(4) Duly authorized representative of the project owner.

* Appendix enclosed with report of performance assessment of environment protection works of the project, including the following documents (required documents depend on the type of project and the specific project):

- As-built documents enclosed with the notes of operation process of environment protection works;

- Certificates, recognition of environmental treatment equipment import components of which have been imported at the same time or have been commercialized;
- Certificates of measurement results, sample analysis of commissioning of waste treatment works;
- Documents on approval for modified EIA report of competent authorities;
- Taking-over certificates, transfer notes of environment protection works or other documents related to environment protection works.

Form No. 14
Certificate of completion of environment protection works

(1) _____ THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. /GXN-… [Location]…..,[date]……..

CERTIFICATE
OF COMPLETION OF ENVIRONMENT PROTECTION WORKS
of the Project (2)
_____
(1) HEREBY CERTIFY
I. GENERAL INFORMATION ABOUT THE PROJECT:
Project owner's name: .....
Office address:…….....
Operation location:…….....
Telephone:……. Fax: .....
Business registration certificate No. … Date of issue: … Place of issue: ……..
Decision on approval for EIA report No. ……
II. CERTIFICATION
Certify the completion of environment protection works of the Project (2) (as specified in attached Appendix).
III. RESPONSIBILITIES OF PROJECT OWNER
Strictly comply with laws and regulations on environment protection; regularly operate and keep operation logs of waste treatment works, environment protection works set forth in Section… Appendix is enclosed with this Certificate; carry out environmental monitoring program and send regular and irregular reports on environment protection as per the law.
IV. IMPLEMENTATION
The project owner has completed environment protection works as per the law. This Certificate prevails as a basis for the competent authority to inspect environment protection matters during the operation process or make modifications to environment protection works as per the law./.

(3)
(Signature, full name and seal)

Appendix
(Issued together with Certificate No. /GXN-[date].....of (1))

1. Wastewater collection and system works: (List completed wastewater treatment works serving operation phase of the project or facility (hereinafter referred to as project); describe capacity, process, operation mode of wastewater treatment works; chemicals, biological preparations used for wastewater treatment; automatic and continuous monitoring parameters (if any); standards and regulations on post-treatment wastewater quality assessment).
2. Dust and emission treatment works and equipment: (List completed dust and emission treatment works serving operation phase of the project; describe capacity, process, operation mode of wastewater treatment works; chemicals, catalysts used for wastewater treatment; automatic and continuous monitoring parameters (if any); standards and regulations on post-treatment emission quality assessment).
3. Conventional industrial solid waste treatment and storage works: (List completed conventional industrial solid waste treatment and storage works serving operation phase of the project; describe scale, capacity and operation process of waste treatment works; basic specifications of the waste storage work).
4. Hazardous waste treatment and storage works and equipment: (List completed hazardous waste treatment and storage works and equipment serving operation phase of the project; describe scale, capacity and operation process of waste treatment works; basic specifications of the waste storage work).
5. Environmental incident prevention and response works: (List environmental incident prevention and response works of the project or item/investment phase of the project); describe scale, capacity and operation process of these works; basic specifications).
6. Other environmental protection works and solutions: (List completed other waste treatment and storage works and equipment (or items/investment phases of the project); describe scale, capacity and operation process of waste treatment works; basic specifications of the waste storage work). Other environmental protection solutions of the project).
7. Environmental monitoring programs (describe periodic and automatic and continuous environmental monitoring programs; specify frequency, location, monitoring parameters and applicable technical regulations).
8. Other environmental protection requirements: (specify environment protection requirements and laws and regulations on environment protection which the project owner must comply with).

Notes:
(1) Name of authority which inspects and confirms completion of environment protection works;
(2) Full and accurate name of project or item/investment phase of the project;
(3) Head of authority which inspects and confirms completion of environment protection works;
(4) Project owner.

Section II
ON AMENDMENTS TO APPENDIXES OF THE GOVERNMENT'S DECREE
NO. 19/2015/ND-CP DATED FEBRUARY 14, 2015
ON GUIDELINES FOR
CERTAIN ARTICLES OF THE LAW ON ENVIRONMENT PROTECTION

1. Appendix II shall be replaced as follows:

Appendix II
LIST OF ACTIVITIES SUBJECT TO ENVIRONMENTAL LIABILITY INSURANCE

No.	Lines of business	Activities subject to environmental liability insurance
1	Oil and gas activities (including oil and gas exploration and extraction)	All
2	Operation of seagoing ships specialized for shipment of petroleum, petroleum preparations and other dangerous goods in seaport waters and territorial sea of Vietnam	Ships over 1,000 gross tonnage (GT)
3	Manufacture and trade in chemicals, petrol and oil	
3.1	Manufacture of basic chemicals	Capacity of at least 10,000 tonnes of product/year
3.2	Manufacture of chemical fertilizers (except mixed fertilizers)	Capacity of at least 200,000 tonnes of product/year
3.3	Manufacture of plant protection products	Capacity of at least 10,000 tonnes of product/year
3.4	Manufacture of accumulators	Capacity of at least 300,000 kWh/year or at least 600 tonnes of product/year
3.5	Refining and petrochemistry	Capacity of at least 10,000,000 tonnes of product/year
4	Storage, transportation and treatment of hazardous waste	All

2. Appendix III shall be replaced as follows:

Appendix III
LIST OF ENVIRONMENT PROTECTION ACTIVITIES
RECEIVING INCENTIVES AND ASSISTANCE

1. Treatment of concentrated domestic wastewater with design capacity of at least 2,500m3/day (24 hours) for urban areas of grade IV or more.
2. Collection, transport and treatment of concentrated conventional solid waste.
3. Treatment of hazardous waste, co-treatment of hazardous waste.
4. Treatment and renovation of polluted environmental areas in public areas.
5. Rescue and handling of oil spill, chemical incidents and other environmental incidents.

6. Development of environmental protection technical infrastructure in industrial parks, industrial complexes, trade villages.
7. Relocation and conversion of operation of the facilities causing severe environment pollution.
8. Environmental monitoring.
9. Cremation and electric cremation.
10. Inspection of damage to environment; inspection of environmental health; environmental inspection for the goods, imported scrap, machinery, equipment, and technologies.
11. Production and application of environment protection invention under the state protection in the form of issuing the patent or patent for utility solutions.
12. Production of eco-friendly products carrying Vietnam Green Label of the Ministry of Natural Resources and Environment; products from the recycling and treatment of solid waste of waste treatment facilities (domestic, industrial, hazardous waste).
13. Production of gasoline, diesel, and biological energy certification of conformity; biochar; energy from the use of wind power, sunlight, tidal, geothermal energy and other forms of renewable energy.
14. Manufacturing and importing of machinery, equipment, and special-use means for direct use in collection, transport, treatment of waste; automatic and continuous wastewater and emission monitoring equipment; instruments used for measurement, sample taking and analysis; production of renewable energy; environment pollution treatment; environmental incident responses and handling.
15. Business of eco-friendly facilities which have been certified with ecology label by the Ministry of Natural Resources and Environment.

Section III

ON AMENDMENTS TO APPENDIX OF THE GOVERNMENT'S DECREE NO. 38/2015/ND-CP DATED APRIL 24, 2015 ON MANAGEMENT OF WASTE AND SCRAP

1. Appendix shall be replaced with Appendix I as follows:

Appendix I

LIST OF EMISSION SOURCES WITH GREAT FLOW

No.	Type	Capacity
1	Steel production	At least 200,000 tonnes/year
2	Thermoelectric	All, except for thermal power plants entirely using gas fuel
3	Manufacture of clinkers and cements	All
4	Manufacture of chemicals and chemical fertilizers	At least 10,000 tonnes/year
5	Refining and petrochemistry	All
6	Facilities using steam boiler	At least 20 tonnes/hour (for total capacity of boilers), unless entirely using gases and diesel oil

7	Manufacture of glass	At least 10,000 tonnes of product/year, unless entirely using gas fuel
8	Manufacture of bricks, roofing tiles	Total capacity of at least 100 million of bricks, roofing tiles, unless entirely using gas fuel
9	Incineration of domestic solid waste, conventional industrial solid waste	At least 3 tonnes/hour
10	Incineration of hazardous waste; healthcare waste	At least 0,5 tonnes/hour
11	Facilities using thermal oil heater	At least 3,5 million kcal/hour (for total capacity of heaters), except for entirely using gas fuel

2. Appendix II shall be added as follows:

Appendix II
TECHNICAL REQUIREMENTS AND PROCEDURES FOR MANAGEMENT OF DOMESTIC SOLID WASTE

_____

A. STORING EQUIPMENT, COLLECTING POINTS, TRANSFER STATIONS, STORAGE AREAS (if any)

1. Domestic solid waste storing equipment must meet the following requirements:
1.1. Ensure safe storage, protect cover from being damaged, torn or broken.
1.2. Prevent leakage of leachate, prevent waste dispersal because of wind.
1.3. Obtain capacity and size suitable with the storage time.
2. The domestic solid waste collecting point must meet the following requirements:
2.1. The base height ensures no flooding.
2.2. The floor ensures tightness, no crack or leakage.
3. The temporary storage area or transfer station of domestic solid waste is not required to be built as a warehouse but it must meet the following requirements:
3.1. The base height ensures no flooding, the floor surface in the storage area is designed to prevent rainwater from flowing in from outside.
3.2. The floor ensures tightness, no crack or leakage.
3.3. The roof ensures complete coverage against sun and rain for the entire storage area. If there is no roof, measures for collection, storage and treatment of leachate meeting national technical regulations on environment are required.

Means of transportation

1. Specialized means of transportation of domestic solid waste must meet technical safety and environment protection requirements as per the law.
2. Domestic solid waste storing equipment may be mounted fixed or detachable on the means of transportation and must meet the requirements prescribed in Section A.1.
3. Opened trucks must be covered with canvas against sun and rain while containing domestic solid waste.
4. Ensure no spill of domestic solid waste, leakage of leachate during the transport of domestic solid waste.

C. DOMESTIC SOLID WASTE TREATMENT WORKS AND EQUIPMENT

1. Domestic solid waste works or equipment must have treatment technology conformable with chemical, physical and biological properties; and have capacity suitable for the domestic solid waste concerned.

2. Particular requirements pertaining to certain domestic solid waste works or equipment:
2.1. Incinerators of domestic solid waste must conform to national technical regulations on domestic solid waste incinerators.
2.2. Waste generated from composting must be treated in accordance with national technical regulations (if any). Products from composting used in agriculture must be licensed for circulation on market or approved for use by the fertilizer management authority.
2.3. Domestic solid waste landfills must meet the following requirements:
2.3.1. The design, construction and operation of domestic solid waste landfills must meet respective standards and regulations and conform to EIA report and decision on approval for EIA report.
2.3.2. The leachate treatment system must meet the following requirements:
- The leachate collection and treatment system must have suitable capacity, meet environmental technical regulations on wastewater of solid waste landfill sites as prescribed.
- Leachate pond must have sturdy wall and bottom, capable of bearing loads, no cracks, ensuring prevention of the penetration of garbage water into the soil, groundwater and beneath the pond.
3. The area where domestic solid waste systems and equipment are installed must be equipped with:
3.1. Fire safety equipment in accordance with law on fire safety.
3.2. First aid kit.
3.3. Communications devices (landline phones)
3.4. Alarm devices (horns, gongs, speakers).
3.5. Escape diagram, escape instruction symbols (exit or escape symbols) placed at all exit locations.

3. Appendix III shall be added as follows:

Appendix III
TECHNICAL REQUIREMENTS AND PROCEDURES FOR MANAGEMENT OF CONVENTIONAL INDUSTRIAL SOLID WASTE
A. STORING EQUIPMENT, TRANSFER STATIONS, STORAGE AREAS (IF ANY)
1. Conventional industrial solid waste storing equipment must meet the following requirements:
1.1. Ensure safe storage, protect cover from being damaged, torn or broken.
1.2. Soft package is tied tight and hard package is covered tight to prevent leakage or spill of waste to environment.
1.3. The structure is hard enough to bear collision, no damage, deformation, or breakage because of waste weight under normal use.
2. Transfer stations, storage areas (if any) are not required to be built as warehouses but they must meet the following requirements:
2.1. The base height ensures no flooding;
2.2. The floor surface ensures tightness, no leakage and prevent rainwater from flowing in from outside.
2.3. The roof ensures complete coverage against sun and rain for the entire storage area.
2.4. Temporary warehouses or transfer stations as warehouses shall meet technical standards and regulations as prescribed.
3. Outdoor conventional industrial solid waste storing areas must meet the following requirements:
3.1. There is a system to collect and treat rainwater overflowing and wastewater generated during the storage of conventional industrial solid waste meeting technical regulations on environment.
3.2. The base height ensures no flooding, the floor surface ensures tightness, no crack or leakage, and is hard enough to bear the weight of vehicle and stored conventional industrial solid waste.
3.3. There are measures to reduce dust generated from conventional industrial solid waste storage yard (if the waste generates dust).
B. MEANS OF TRANSPORTATION
1. Specialized means of transportation of conventional industrial solid waste must meet technical safety and environment protection requirements as per the law.
2. Conventional industrial solid waste storing equipment may be mounted fixed or detachable on the means of transportation and must meet the requirements prescribed in Section A.1.
3. Particular requirements pertaining to certain means of transportation of conventional industrial solid waste:
3.1. Opened trucks must be covered with canvas while containing conventional industrial solid waste.
3.2. Motorcycles, mopeds must have containers fitted with rear luggage racks. The size of container fitted with the motorbike, moped must comply with requirements of the Ministry of Transport on vehicular weight, loading gauge on road; operation of overload vehicles, oversized vehicles, tracked vehicles on road; transportation of oversize load goods; loading limits on means of transport on road.

4. Means of transportation of conventional industrial solid waste must:
4.1. Carry the phrase “Vận chuyển chất thải” (Transportation of waste) on the two sides of vehicle with the height of at least 15 cm enclosed with name of the facility, address, phone number.
4.2. Have simplified manuals of safety operation process, incident response procedure (enclosed with the list of phone numbers of local authorities in charge of environment, police, emergency, fire safety), regulations on occupational safety and healthcare (enclosed with personal protective equipment requirements) located in cabin or operation area as per the law, which are clearly and readably printed.
C. CONVENTIONAL INDUSTRIAL SOLID WASTE TREATMENT WORKS AND EQUIPMENT
1. Conventional industrial solid waste treatment works and equipment must meet the following general requirements:
1.1. There is treatment technology suitable with chemical, physical and biological properties; capacity in conformity with domestic solid waste quantity to be treated.
1.2. Conventional industrial solid waste needs to be classified, inspected and put through conventional industrial solid waste processing system or equipment (where appropriate) to ensure the size and physical state before treatment.
1.3. Conventional industrial solid waste after final treatment and waste generated from treatment must meet National Technical Regulations on environment or adopt management measures as per the law.
2. Particular requirements pertaining to certain conventional industrial solid waste treatment systems or equipment:
2.1. Incinerators of conventional industrial solid waste must conform to national technical regulations on industrial waste incinerators.
2.2. The conventional industrial solid waste landfills must be built and operated in accordance with respective standards and regulations and conform to EIA report and decision on approval for EIA report.
3. The installation area of conventional industrial solid waste treatment systems and equipment must be equipped with:
3.1. Fire safety equipment as prescribed.
3.2. First aid kit.
3.3. Communications devices (landline phones).
3.4. Alarm devices (horns, gongs, speakers).
3.5. Escape diagram, escape symbols (exit or escape way) placed at every exit locations.

4. Appendix IV shall be added as follows:

Appendix IV
TRANSFER NOTE OF DOMESTIC SOLID WASTE, CONVENTIONAL INDUSTRIAL SOLID WASTE

I. SAMPLE OF TRANSFER NOTE OF DOMESTIC SOLID WASTE, CONVENTIONAL INDUSTRIAL SOLID WASTE

<table>
<tr><td colspan="4">PROVINCE/CITY TRANSFER NOTE OF DOMESTIC SOLID WASTE, CONVENTIONAL INDUSTRIAL SOLID WASTE
..... No……..</td></tr>
<tr><td colspan="4">1. Transferor (waste generator, waste collector/transporter):…….
Office address:……..... Phone number:…….
Address: ……..... Phone number:…….</td></tr>
<tr><td colspan="4">2. Transferee (waste collector/transporter or treater):…….
Office address:……..... Phone number:…….
Treatment address: …….....Phone number:……..</td></tr>
<tr><td colspan="4">3. Weight: Transferred domestic solid waste, conventional industrial solid waste</td></tr>
<tr><td>No.</td><td>Types of waste</td><td>Transferred domestic solid waste, conventional industrial solid waste (kg)</td><td>Notes</td></tr>
<tr><td>1</td><td>.....</td><td></td><td></td></tr>
<tr><td>2</td><td>.....</td><td></td><td></td></tr>
<tr><td></td><td>Total weight</td><td></td><td></td></tr>
<tr><td colspan="4">4. Transferor and transferee certify that the information provided in 1-3 is accurate</td></tr>
<tr><td colspan="2">[Location]…….[date]……..
Transferor (Signature, full name and seal, if any)</td><td colspan="2">[Location]…….[date]……..
Transferee (Signature, full name and seal, if any)</td></tr>
</table>

II. DIRECTIONS TO USE TRANSFER NOTE OF DOMESTIC SOLID WASTE, CONVENTIONAL INDUSTRIAL SOLID WASTE

1. The transfer note shall be made between the waste generator, waste collector/transporter and treater.

2. Implementation:

- The transferor of domestic solid waste, conventional industrial solid waste must agree with the transferee to fill complete information in the transfer note in accordance with the transfer agreement.
- The transfer note shall be made every transfer of domestic solid waste, conventional industrial solid waste corresponding to each transferee.
- In case of collection, transportation, treatment of domestic solid waste, conventional industrial solid waste without specific waste generator (such as generated from households and individuals or environmental incidents) or unidentifiable waste generator (such as seized illegal transport of conventional industrial solid waste), competent authority shall be the transferor (waste generator).

3. Procedures for declaration, storage and transfer of transfer note of domestic solid waste, conventional industrial solid waste

a) Section 1, 2: The transferor and transferee shall declare complete name, address, phone number.
b) Section 3: The transferor shall declare type of waste and quantity in every transfer.
c) Section 4: The authorized person shall certify information from Section 1 to 3 before transfer on behalf of transferor and transferee (full name). If there is no waste generator, the authority which assigns the transportation shall be replaced.
Notes: Certain information may be modified when making transfer note of domestic solid waste or conventional industrial solid waste in conformity with reality.

5. Appendix V shall be added as follows:

Appendix V
FORMS OF REPORT OF MANAGEMENT OF DOMESTIC SOLID WASTE AND CONVENTIONAL INDUSTRIAL SOLID WASTE

Form No. 01
Report on collection and transportation of domestic solid waste of waste collectors, transporters

(1) THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. [Location]…..,[date]……..

REPORT
Collection and transportation of domestic solid waste (from January 1….to December 31…)

To: (2)

1. General information:
We are (1):. .....
Office address:……. Telephone:……. Fax:……..
Email:…….
The contract concluded with qualified domestic solid waste treater:……
2. Collection and transportation of domestic solid waste:
a) Weight of collected and transported domestic solid waste:
b) Information of organizations having domestic solid waste transferred:

No.	Name of organization	Weight (kg)	Notes
1			
2			
	Total weight		

c) Information about domestic solid waste treaters:

No.	Name of domestic solid waste treater	Weight (kg)	Notes
1			
2			
	Total weight		

3. Other issues (repair, maintenance and cleaning of collection and transportation equipment and vehicles; training provided for collection and transportation administrative officers and workers; medical examination and treatment and personal protective equipment for administrative officers and workers; management and operation of GPS system (if any))

DULY AUTHORIZED REPRESENTATIVE OF (1)

(Signature, full name, position, seal)

Notes:
(1) Name of domestic solid waste collector, transporter;
(2) Department of Natural Resources and Environment and the People's Committee of district where domestic solid waste is collected and transported.

Form No. 02
Report on treatment of domestic solid waste of treater

(1) _____ THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. [Location]…..,[date]……..

REPORT
Treatment of domestic solid waste (from January 1….to December 31…)

To: (2)
1. General information:
We are (1):…….Office address:……. Telephone:……. Fax:……..
Email:…….
2. Treatment of domestic solid
waste:……..
3. Performance result of environmental supervision program, supervision of operation and performance assessment of domestic solid waste treatment:
.....
4. Operation plan in next reporting period: .....
5. Statistics on waste
a) Treated quantity of domestic solid waste

Description of waste	Weight (kg)	Treatment method	Notes
			(specify corresponding treater in case of more than one treater; or export, reuse…; or untreatment)
Total			

b) Information about domestic solid waste generator, collector, transporter:

No.	Name of waste generator, collector, transporter	Amount (kg)	Notes
1			
..	Total quantity		

6. Analysis result of environmental supervision program, supervision of operation and performance assessment of domestic solid waste treatment in the reporting period.
7. Other issues (pollution control and environment protection; incident prevention and response; labor safety and healthcare; periodic training, etc.).
8. Attached transfer note of domestic solid waste

DULY AUTHORIZED REPRESENTATIVE
OF (1)
(Signature, full name, position, seal)

Notes:
(1) Name of domestic solid waste treater;

(2) Local environment protection authority and the Ministry of Natural Resources and Environment (if the EIA report is approved by the Ministry of Natural Resources and Environment).

Form No. 03

Report on management of domestic solid waste and conventional industrial solid waste of waste generator

(1) _____ THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. [Location]…..,[date]……..

REPORT
on management of domestic solid waste and conventional industrial solid waste (from January 1…to December 31…)

To: (2)

1. General information:

1.1. We are (1):…….Address:…… Telephone:……. Fax:…….. Email:…….

1.2. Waste generator: (Name, address, phone number, fax, email)

2. Generation, management of domestic solid waste, conventional industrial solid waste in the reporting period:……..

3. Plan for management of domestic solid waste, conventional industrial solid waste in the next reporting period (except waste generator whose operation duration in under 1 year):……..

4. Statistics on generated waste (in case of more than one generator of domestic solid waste, conventional industrial solid waste, keep them separately)

a) Statistics on domestic solid waste:

No.	Group of domestic solid waste	Amount (kg)	Recipient of domestic solid waste	Notes
1				
3	Total weight			

b) Statistics on conventional industrial solid waste (including regularly or irregularly generated waste):

No.	Group of conventional industrial solid waste	Amount (kg)	Recipient of domestic solid waste	Notes
1	Being directly used as materials for production			
2	To be treated			
3				

5. The transfer note and copy of agreement on transfer of domestic solid waste, conventional industrial solid waste with waste collector, transporter, treater used in the previous reporting period and other issues (documents shall be arranged in sets, including copy of the agreement and respective transfer notes, in the order of the number).

DULY AUTHORIZED REPRESENTATIVE
OF (1)
(Signature, full name, position, seal)

Notes:
(1) Name of waste generator of domestic solid waste, conventional industrial solid waste;
(2) Department of Natural Resources and Environment.

Form No. 04

Report on collection and transportation of conventional industrial solid waste of waste collector, transporter

(1) _____ THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. [Location]…..,[date]……..

REPORT
on collection and transportation of conventional industrial solid waste (from January 1….to December 31…)

To: (2)

1. General information:
We are (1):…….Address:…… Telephone:……. Fax:……..
Email:…….
The contract concluded with qualified conventional industrial solid waste treater.
2. Collection and transportation of conventional industrial solid waste:
a) Weight of collected and transported conventional industrial solid waste:…….
b) Information of organizations having conventional industrial solid waste transferred:……..

No.	Name of organizations	Weight (kg)	Notes
1			
2			
	Total weight		

c) Information about conventional industrial solid waste treaters:

No.	Name of conventional industrial solid waste treater	Weight (kg)	Notes
1			
2			
	Total weight		

3. Other issues (repair, maintenance and cleaning of collection and transportation equipment and vehicles; training provided for collection and transportation administrative officers and workers; medical examination and treatment and personal protective equipment for administrative officers and workers; management and operation of GPS system (if any))
4. Attached transfer notes of conventional industrial solid waste

DULY AUTHORIZED REPRESENTATIVE
OF (1)
(Signature, full name, position, seal)

Notes:
(1) Name of conventional industrial solid waste collector, transporter;
(2) Department of Natural Resources and Environment.

Form No. 05
Report on treatment of conventional industrial solid waste of treater

(1) _____

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.

[Location]…..,[date]……..

REPORT
Treatment of conventional industrial solid waste (from January 1….to December 31…)

To: (2)

1. General information: We are (1):…….Address:……
Telephone:……. Fax:…….. Email:……
2. Treatment of conventional industrial solid waste in the reporting period:……..
3. Performance result of environmental supervision program, supervision of operation and performance assessment of conventional industrial solid waste treatment in the reporting period: .....
4. Operation plan in next reporting period: .....
5. Statistics on waste
a) Quantity of conventional industrial solid waste to be managed:

No.	Group of conventional industrial solid waste	Amount (kg)	Treatment method	Notes
1	Being directly used as materials for production			To be transferred to the qualified producer
2	Being processed to serve as materials or co-treatment			Being classified, processed, recycled, reused, treated…
3	To be treated……..			To be dumped or burnt

b) Information about waste generators of conventional industrial solid waste which have been collected:

No.	Name of waste generator	Amount (kg)	Notes
1			
	Total quantity		

c) Information about waste collectors, transporters which transfer conventional industrial solid waste (if any):

No.	Name of organizations	Weight (kg)	Notes
1			
	Total weight		

6. Results of environmental supervision, operation supervision and performance assessment of conventional industrial solid waste treatment and other issues (pollution control and environment protection; incident prevention and response; labor safety and healthcare; periodic training):
7. Attached transfer notes of conventional industrial solid waste

DULY AUTHORIZED REPRESENTATIVE
OF (1)
(Signature, full name, position, seal)

Notes:
(1) Name of conventional industrial solid waste treater;
(2) Department of Natural Resources and Environment and the People's Committee of district where the conventional industrial solid waste is based.

6. Appendix VI shall be added as follows:

Appendix VI
FORMS OF DOCUMENTS ON IMPORTED SCRAP USED AS PRODUCTION MATERIALS

Form No. 01
Application for issuance/reissuance of certificate of eligibility for environment protection in import of scrap used as production materials

(1)	THE SOCIALIST REPUBLIC OF VIETNAM
	Independence - Freedom - Happiness
No.	
Re: Application for issuance/reissuance of certificate of eligibility for environment protection in import of scrap used as production materials	[Location]…..,[date]……..

To: The Ministry of Natural Resources and Environment

1. We are (1):
Certificate of investment/certificate of business No. …; date of issue:…; place of issue:
2. Address of head office:
3. Address of scrap user:
4. Full name of duly authorized representative of (1):
Telephone:……; Fax:……; Email:……..
5. We hereby enclose with this application the following:
- A report on conditions pertaining to environment protection in import of scrap used as production materials;
- A copy of business registration certificate or enterprise registration certificate; TIN registration certificate;
- A copy of decision on approval for EIA report by the Ministry of Natural Resources and Environment;
- A copy of inspection result of waste treatment works for the project owner to carry out commissioning issued by the provincial environment protection authority (applies solely to projects going into commissioning);
- A copy of inspection result of waste treatment works for the project owner to carry out commissioning issued by the provincial environment protection authority (applies solely to new projects or projects completing commissioning);
- A copy of one of the following documents: confirmation of completion of environment protection works or license for hazardous waste treatment or certificate of eligibility for environment protection in import of scrap used as production materials;

- A copy of contract for transfer of treatment of impurities and waste with a qualified organization (if the facility has no technology or equipment to treat impurities accompanying imported scrap and waste);
- A guarantee for re-export or treatment and disposal of violating imported scrap.

6. Weight of imported scrap:

No.	Type of imported scrap		Weight of scrap (tonnes/year)	
	Description	HS code	To be used based on design capacity	Proposed for import
1				
2				
...				

7. We hereby declare to fulfill our responsibilities, comply with environment protection requirements in import of scrap used as production materials.

Request the Ministry of Natural Resources and Environment to consider issuing/reissuing revoke certificate of eligibility for environment protection in import of scrap used as production materials to (1)./.

DULY AUTHORIZED REPRESENTATIVE OF (1)
(Signature, full name and seal; digital signature or electronic signature in case of scan from original)

Notes:
(1) Importer of scrap.

Form No. 02

Report on conditions pertaining to environment protection in import of scrap used as production materials

2a. Form of cover page and supplementary cover page of the report

(NAME OF SCRAP IMPORTER)
_____

REPORT ON CONDITIONS PERTAINING TO ENVIRONMENT PROTECTION IN IMPORT OF SCRAP USED AS PRODUCTION MATERIALS

SCRAP IMPORTER (*)
(Signature, full name and seal; digital signature or electronic signature in case of scrap from original)

[Month, year]…….

Notes:
(*) Only written on supplementary cover page.
2b. Structure and content of report

INDEX
List of abbreviated words and symbols

List of tables, figures, etc.

OPENING

Chapter I
CONDITIONS PERTAINING TO ENVIRONMENT PROTECTION IN IMPORT OF SCRAP USED AS PRODUCTION MATERIALS

I. INFORMATION ABOUT IMPORTER
1. Name of importer:.....
Certificate of investment/certificate of business No. …; date of issue:…; place of issue:…….
2. Address of head office:
…….....
3. Name and address of producer using scrap: (producer directly using imported scrap as production materials).
4. Name of contact person:……; Position:..... Phone number:.....Fax:……; Email:……..
5. Certificate of eligibility for environment protection in import of scrap used as production materials (Certificate) No. ….dated……of…… (if any).
II. SUMMARY OF FACILITY AND CONDITIONS PERTAINING TO ENVIRONMENT PROTECTION IN IMPORT OF SCRAP USED AS PRODUCTION MATERIALS
1. Summary of operation and environment protection activities:
2. Detailed description of type of production, production technology; technology used to recycle and reuse scrap; capacity; demand for input materials (classify materials into non-scrap and scrap).
3. Description of imported scrap:
a) Scrap in the list of scrap permitted to be imported as production materials: Type of scrap, HS code, intended quantity of scrap to be imported, type of waste and analysis result of waste accompanied by scrap.
b) If the importer requests import of scrap not under the list of scrap permitted to be imported for testing as production materials, the following information must be provided: type of scrap; type of production generating scrap: describe in detail type of production and stage generating that type of scrap; analysis result of composition and properties of scrap; impurities and hazardous substances likely stuck to scrap; describe in detail purpose of import of scrap as production materials; socio-economic benefits when using the intended scrap.
4. Conditions pertaining to environment protection in import and use of scrap:
a) Warehouse of imported scrap: Conditions of warehouse; total area of scrap warehouse; rainwater collection system; system to collect and treat kinds of wastewater generated during the storage of scrap meeting technical regulations on environment; base, floor, wall, partitions, roof of the scrap storage area; compliance with fire safety requirements; contiguity of scrap warehouse and surrounding area and potential impact, if any; method to isolate impact factors.

b) Storage yard of imported scrap: Conditions of storage yard; total area of scrap yard; system to collect rainwater flowing over imported scrap yard and kinds of wastewater generated during scrap storage; base, floor, wall, partitions, roof of the scrap storage area; measures to reduce dust generated from the scrap yard; compliance with fire safety requirements; contiguity of scrap warehouse and surrounding area and potential impact, if any; method to isolate impact factors.

c) Measures to collect, store, and treat waste generated during the processing and preparation of waste before being put into production and recycling line. Describe in detail: Measures to collect waste generated from imported scrap; waste storage area; instruments and equipment used to store waste (conventional solid waste and hazardous waste); vehicles used to transport scrap within the production establishment; measures to treat waste generated during preparation and processing of imported scrap.

d) Waste treatment works and equipment in the course of production, recycling, and reuse of scrap. Describe in detail: Waste treatment technology and equipment (capacity, treatment performance, etc.); certain specifications, particular requirements pertaining to technology, waste treatment equipment (if any); installation area of waste treatment system, equipment; environment protection works, measures during the treatment and recycling of generating waste (emission, wastewater, etc.); environmental quality supervision and monitoring system (if any).

dd) Plan for signing a contract to engage an entity providing treatment of waste generated from the use of scrap (enclosed with the waste treatment contract).

III. PLAN FOR TREATMENT AND DISPOSAL OF CONSIGNMENT OF IMPORTED SCRAP VIOLATING REGULATIONS ON ENVIRONMENT PROTECTION AND BANNED FROM RE-EXPORT

1. Technology plan applied to treat (or engagement of qualified treater): Specify plan for treatment of violating consignment of imported scrap.

- Transport method.
- Treatment method suitable with the type of imported scrap concerned.
- Estimated rate of products collected after treatment.
- Other treatment methods (destruction).

2. The treater.

- Functions and capacity of the treater.
- Other information about the treater.

IV. IMPORT AND USE OF IMPORTED SCRAP AS PRODUCTION MATERIALS AND COMPLIANCE WITH LAWS ON ENVIRONMENT PROTECTION OF IMPORTER (NOT REQUIRED REGARDING NEW PROJECT)

1. Import and use of imported scrap as production materials:

- Weight, category of imported scrap with Certificate;
- Weight, category of scrap which has been used in production process; weight of scrap remaining until the reporting time;
- Weight of products manufactured from imported scrap; rate of imported scrap used in the production process.

2. Result of inspection visit to the importer obtaining the Certificate regarding environment protection activities provided by the authority: Detailed report on inspection visit to the importer regarding environment protection activities; inspection result and actions against the violating importer and relevant documents (such as: inspection

record, conclusion; decision on penalties for administrative violations or decision on remedial measures for consequences (if any).
3. Evaluation of demand, capacity of using imported scrap as production materials: demand, capacity of using imported scrap; prospective quantity and quality of domestic scrap which are may be used to replace imported scrap as production materials; implementation plan of the importer.

Chapter 2

ENVIRONMENT PROTECTION WORKS OF PROJECT

1. Regarding application for issuance of Certificate to put the project into commissioning: The importer having project using imported scrap must report completed environment protection works as prescribed (apart from the works reported in Chapter 1); comply with requirements and legal procedures concerning environment protection and enclose documents prescribed in Form No. 09 and 10 Appendix VI Section I issued herewith.
2. Regarding application for issuance of Certificate to put the project into commercial operation (in substitution of confirmation of completion of environment protection work): The importer having project using imported scrap as production materials must comply with environment protection requirements during the commissioning; make adequate and detailed report on completed environment protection works as prescribed (apart from the works reported in Chapter 1); enclose documents prescribed in Form No. 11 and 13 Appendix VI Section I issued herewith.
3. Regarding application for reissuance of Certificate: the importer must review and re-assess the performance and conformity of existing environment protection works; if the environment protection work has been downgraded or has not complied with environment protection requirements, it is required to adopt measures for renovation and upgrade of that work as prescribed. Completed environment protection works (including works which has been renovated, upgraded or capacity of which has been upgraded) must be reported in sufficient detail using Form No. 13 Appendix VI Section I of this Decree. Environment protection works which have been improved for better environment, no further EIA report is required and the modifications to the Certificate are allowed.

CONCLUSION AND DECLARATION

We hereby declare that all information provided for above is true and correct; if not, we shall take all responsibility before law.

Appendix

(Attached relevant appendixes, documents on environment protection)

Form No. 03

Guarantee for re-export or treatment and disposal of violating imported scrap

(1) _____	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness
No.	[Location]…..,[date]……..

GUARANTEE
for re-export or treatment and disposal of violating imported scrap

To: The Ministry of Natural Resources and Environment

I. GENERAL INFORMATION
1. Importer of scrap:……
2. Address of head office: ……..; Phone number: ……; Fax: ……..; Email:…….
3. Name and address of producer using imported scrap:…….
4. Certificate of eligibility for environment protection in import of scrap used as production materials No. ….dated……; issuing authority…. (if any).

II. INFORMATION ABOUT SCRAP TO BE IMPORTED

No.	Type of imported scrap		Weight of scrap proposed to be imported as production materials within the validity period of the Certificate (tonnes)
	Description	HS code	
1			
2			
....			

III. DECLARATION
1. We hereby declare that we will only import scrap when there is clear evidence that origin, composition and content of impurities associated with scrap meet technical regulations on environment.
2. We hereby declare that the sales contract or agreement with the exporter has the term which requires the exporter to receive the scrap if it fails to meet technical regulations on environment and applicable regulations of Vietnam on environment protection.
3. We hereby declare to store and transport scrap in accordance with environment protection requirements in import of scrap as production materials as per the law.
4. We hereby declare that the imported scrap is only used as production materials in our production establishments.
5. If we commits any violation against environment protection in scrap import, we declare to re-export the entire consignment of imported scrap and bear all financial expenses to remedy the consequences.
6. If the imported scrap cannot be re-exported, we shall handle the consignment of imported scrap as follows:
- Comply with regulations on penalties for administrative violations in environment protection regarding imported scrap.
- Send a detailed plan for handling of the consignment of violating imported scrap to the environment authority for consideration.
- Bear total expenses incurred from handling of the consignment of violating imported scrap which cannot be re-exported.

DULY AUTHORIZED REPRESENTATIVE OF (1)
(Signature, full name and seal; digital signature or electronic signature in case of scan from original)

Notes:
(1) Importer of scrap.

Form No. 04

Certificate of eligibility for environment protection in import of scrap used as production materials

(1) THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. /GXN-… [Location]…..,[date]……..

CERTIFICATE OF ELIGIBILITY FOR ENVIRONMENT PROTECTION IN IMPORT OF SCRAP USED AS PRODUCTION MATERIALS

(1) HEREBY CERTIFY

I. GENERAL INFORMATION ABOUT THE PROJECT:

Full name of (2): .....

Address: …….....

Operation location: (of project using imported scrap)

Telephone:……; Fax:……; Email:……..

Certificate of investment/certificate of business: No…….dated……of…….

TIN: .....

Decision on approval for EIA report No. ……

II. CERTIFICATION

Certify that (2) is eligible for environment protection in scrap import…….(3)……as production materials …(4)... (attached Appendix).

III. SCRAP ALLOWED TO BE IMPORTED WITHIN THE VALIDITY PERIOD OF THE CERTIFICATE

No.	Type of imported scrap		Weight of scrap allowed to be imported (tonnes/year)
	Description	HS code	
1			
2			
...			

IV. VALIDITY PERIOD OF THE CERTIFICATE:

From…….to……./.

HEAD OF (1)
(Signature, full name and seal; signature on hardco
and digital signature or electronic signature in case
scan from original on national single window porta

Appendix
(Issued together with Certificate No. /GXN-[date].....of (1))

A. CONDITIONS PERTAINING TO ENVIRONMENT PROTECTION IN IMPORT OF SCRAP USED AS PRODUCTION MATERIALS:

1. Warehouses of imported scrap: (Description of warehouses, basic specifications, assessment of compliance with conditions pertaining to warehouses of imported scrap as production materials).

2. Storage yards of imported scrap (Description of storage yards of scrap, basic specifications, assessment of compliance with conditions pertaining to storage yard of imported scrap).

3. Technology, product, equipment for recycling and reusing imported scrap (Description of technology of recycling and reusing imported scrap; specify capacity, products, operation process of equipment for recycling and reusing imported scrap. List waste treatment works of (if required): dust, emission, wastewater, conventional solid waste, hazardous waste which have been completed to serve the business; imported scrap recycling and reusing activities; describe in detail scale, capacity, operation process, operation mode of waste treatment works; chemicals, catalysts used in waste treatment; automatic and continuous monitoring equipment and parameters as prescribed; applicable technical regulations and standards on environment, etc.).

4. Technology applied and equipment used to treat impurities accompanying imported scrap (if any) or plan for treating impurities accompanying imported scrap: (Describe technology applied to treat impurities accompanying imported scrap; specify scale, capacity, operation process of equipment used to treat impurities accompanying imported scrap. If there is no technology and equipment to dispose of the accompanying impurities, they are required to assign the disposal to the qualified units).

B. OTHER ENVIRONMENT PROTECTION WORKS OF PROJECT This part specifies completed environment protection works of the project using imported scrap as production materials.

1. Wastewater collection and system works: (List completed wastewater treatment works serving operation phase of the project; describe capacity, process, operation mode of wastewater treatment works; chemicals used for wastewater treatment; automatic and continuous monitoring parameters (if any); standards and regulations on post-treatment wastewater quality assessment).

2. Dust and emission treatment works and equipment: (List completed dust and emission treatment works serving operation phase of the project; describe capacity, process, operation mode of wastewater treatment works; chemicals used for wastewater treatment; automatic and continuous monitoring parameters (if any); standards and regulations on post-treatment wastewater quality assessment).

3. Conventional industrial solid waste treatment and storage works: (List completed conventional industrial solid waste treatment and storage works and equipment serving operation phase of the project (or items/investment phases of the project); describe scale, capacity and operation process of waste treatment works; basic specifications of the waste storage work).

4. Hazardous waste treatment and storage works and equipment: (List completed hazardous waste treatment and storage works and equipment serving the operation phase of the project (or items/investment phases of the project); describe scale, capacity and

operation process of waste treatment works; basic specifications of the waste storage work).
5. Environmental incident prevention and response works: (List environmental incident prevention and response works of the project or item/investment phase of the project); describe scale, capacity and operation process of these works; basic specifications).
6. Other environment protection works: (List other completed waste treatment and storage works and equipment serving the operation phase of the project (or items/investment phases of the project); describe scale, capacity and operation process of waste treatment works; basic specifications of the waste storage work).
C. ENVIRONMENTAL MONITORING PROGRAM
(Specify frequency, location, monitoring parameters and applied technical regulations).
D. OTHER REQUIREMENTS ACCOMPANIED BY THE CERTIFICATE
1. Only import a given quantity of scrap matching to the capacity of the warehouse (or yard) of the production establishment; only use the imported scrap as production materials for their own project.
2. Regularly operate and keep operation logs of waste treatment works and environment protection works set forth in Section A and Section B of this Appendix; carry out environmental monitoring program and send regular and irregular reports on environment protection as per the law.
3.....(specify other environment protection requirements and laws and regulations on environment protection which the project owner must comply with).

Notes:
(1) The issuing authority of the Certificate;
(2) Name of importer having project using scrap as production materials;
(3) Regarding the certificate of import of scrap for testing as production materials, the phrase “để thử nghiệm” (for testing) shall be supplemented;
(4) Regarding the certificate of commissioning, the phrase “để vận hành thử nghiệm công trình xử lý chất thải” (for commissioning of waste treatment work) shall be supplemented.

Form No. 05
Application for import of scrap not under the list of scrap permitted to be imported for testing as production materials

(1)	THE SOCIALIST REPUBLIC OF VIETNAM
_____	Independence - Freedom - Happiness
No.	
Re: application for import of scrap not under the list of scrap permitted to be imported for testing as production materials	[Location]…..,[date]……..

To: The Ministry of Natural Resources and Environment

1. Name of importer:. .....
2. Address of head office:
…….....
Telephone:……; Fax:……; Email:……..
3. Full name of legal representative:…….
4. Certificate of eligibility for environment protection in import of scrap used as production materials No. ….dated……; issuing authority…. (if any).
5. We hereby enclose with this application the following:
- A report on conditions pertaining to environment protection in import of scrap used as production materials;
- A copy of business registration certificate or enterprise registration certificate; TIN registration certificate;
- A copy of decision on approval for EIA report by the Ministry of Natural Resources and Environment;
- A copy of inspection result of waste treatment works for the project owner to carry out commissioning issued by the provincial environment protection authority (applies solely to projects going into commissioning);
- A copy of inspection result of waste treatment works for the project owner to carry out commissioning issued by the provincial environment protection authority (applies solely to new projects or projects completing commissioning);
- A copy of one of the following documents: confirmation of completion of environment protection works or license for hazardous waste treatment or certificate of eligibility for environment protection in import of scrap used as production materials (if any);
- A copy of contract for transfer of treatment of impurities and waste with a qualified organization (if the facility has no technology or equipment to treat impurities accompanying imported scrap and waste);
- A copy of written evaluation of need to use every kind of scrap as local production materials and the use of imported scrap used as production materials of specialized ministry;
- A copy of analysis results of the scrap sample for testing provided by the registered or certified accreditation body;

- International regulations and standards on quality of imported scrap and relevant documents (if any).

6. Type, weight of imported scrap:

No.	Description of imported scrap	Weight of scrap proposed to be imported during the testing period (tonnes)
1		
2		
....		

7. We hereby declare to fulfill our responsibilities, comply with environment protection requirements in import of scrap for testing as production materials.

Request the Ministry of Natural Resources and Environment to consider and report the Prime Minister to permit (1) to import (2) for testing as production materials.

DULY AUTHORIZED REPRESENTATIVE
OF (1)
(Signature, full name and seal; digital signature or electronic signature in case of scan from original)

Notes:
(1) Name of importer;
(2) Type of scrap proposed to be imported.

Form No. 06

Manifest of consignment of imported scrap used as production materials

(Importer)
_____

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.

[Location]…..,[date]……..

MANIFEST
of consignment of imported scrap used as production materials

To:……(1).....

Importer:
Legal representative:
Address:
Telephone:……; Fax:……; Email:……..
Customs authority in charge:
Assessing body:

Place of imported scrap quality inspection:
Intended date of imported scrap quality inspection:
Consignment of imported scrap undergoing quality inspection:

No.	Imported scrap (HS code)	Specifications (type, shape, etc.)	Origin (exporting party, country)	Weight of imported scrap (tonnes)				Import date
				In Certificate	Imported	Imported this time	Remain unimported	
1	Scrap plastic …	wrapping/packages, etc.	Company A/Japan	100,000	50,000	20,000	30,000	.....
2	Lot...							

The application for import shall include:
- Contract No. .....
- Packing list: .....
- Certificate/certification/assessment certificate of recognized foreign assessing body as per the law (in case of application of Clause 6 Article 60 of Decree No. 38/2015/ND-CP, amended in Clause 34 Article 3 of this Decree).
- Invoice No. …….....
- Bill of Lading No. .....
- Manifest of imported goods (electronic manifest) No. ……
- Certificate of Origin (if any) No. ……..
- Certificate of quality of exporting country (if any) No. …….. issued by……
- Picture or description of goods.
- Copy of eligibility for environment protection in import of scrap used as production materials.
- Certification of bond posted on imported scrap (original).
- Copy of certification of exemption for imported scrap quality inspection of the Ministry of Natural Resources and Environment or the authorized body (in case of application of Clause 6 Article 60 of Decree No. 38/2015/ND-CP).

We hereby declare that all information provided for above is true and correct; if not, we shall take all legal responsibility, and we declare that quality of imported scrap meets national technical regulations on environment./.

DULY AUTHORIZED REPRESENTATIVE OF IMPORTER
(Signature, full name and seal; digital signature or electronic signature in case of scan from original)

Notes: (1) The issuing authority of certificate of eligibility for environment protection in import of scrap used as production materials, Department of Natural Resources and Environment of province where the production establishment is based and customs authority where the declaration is registered.

Form No. 07
Record of inspection, assessment and sampling of imported scrap

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

RECORD
of inspection, assessment of imported scrap quality

Pursuant to Clause 34 Article 3 of Government's Decree No. …/201…/ND-CP on amendments to Decrees on guidelines for the Law on Environment Protection.
Today, at…[time], on…. [date], at….[place], we carry out inspection, assessment of quality of consignment of imported scrap as follows:
1. Composition
- Assessing body of imported scrap quality: Mr./Mrs. ...., position: ……;
- Importer of scrap: Mr./Mrs. …….., position: ……;
- Under supervision and coordination of customs authority: Mr./Mrs. ...., position: ……;
2. Importer and inspected consignment of scrap:
- Name of importer: …….. Address: ……..
- Certificate No. …. dated……..issued by……..
- Certification of bond posted on imported scrap (reference number of document and details about the bond which has been posted certified by the credit institution);
- Information about the consignment of imported scrap: (Contract No.; Invoice No.; Bill of lading No.; Manifest of imported goods No.; Certificate of Origin (if any) No.; Certificate of quality of exporting country (if any) No.; Photo; Packing list (description and HS code); Quantity: quantity of containers/weight of scrap in bulk, etc.).
3. Content and results of inspection, assessment: On-site inspection and assessment or inspection and assessment via sampling for analysis
3.1. On-site inspection and assessment (with naked eye):
3.1.1. Quantity of containers/mean of transportation (bulk cargo) registered for inspection and assessment: .....;
3.1.2. Quantity of containers/mean of transportation (bulk cargo) which have been inspected or assessed: Inspect at least 10% of containers of consignment of imported scrap or inspect, assess bulk cargo at means of transportation (specify number of each inspected container/mean of transportation);
3.1.3. On-site inspection and assessment result (with naked eye): conclusion of quality of consignment of imported scrap meeting National Technical Regulation:…… (specify if the quality is met or there is a need to take sample for analysis)……;
3.2. Inspection and assessment via sampling for analysis: …….
3.2.1. Method of sampling (specifying method….);
3.2.2. Information about taken samples

Representative symbol	Purpose for sampling	Quantity of taken sample	Weight (kg)	Container/ mean of transportation from	Notes

				which sample is taken	
	Inspect rate of impurities				
	Determine rate of scrap with HS codes different from declared HS codes				Iron, plastic, paper scrap
	Determine rate of parings with size > 10 cm, …….				Plastic scrap
	.....				

4. Others (if any):

The inspection record is made at …..[place], at…..[time], on…..[date], in …. copies with the same legal validity, is read out to participants and bear signatures of participants; each participant shall keep 1 copy and 1 copy shall be sent to Department of Natural Resources and Environment of province where the facility using imported scrap is based./.

REPRESENTATIVE OF GOOD OWNER
(Signature and full name)

REPRESENTATIVE OF ASSESSING ORGANIZATION
(Signature and full name)

REPRESENTATIVE OF CUSTOMS AUTHORITY
(Signature and full name)

Seal sample

SEAL SAMPLE Seal sample bearing partially-covered stamp of the inspecting agency - Description of sample: - Ordinal number (specify ordinal number in the sampling record): - Sampling date: REPRESENTATIVE OF GOOD OWNER REPRESENTATIVE OF ASSESSING BODY (Signature and full name) (Signature and full name)

Form No. 08

Assessment certificate of quality of imported scrap used as production materials

NAME OF APPOINTED ASSESSMENT BODY
(Specify sufficient information about address, phone number, fax, website,…)

_____

No. ……/…….

[Location]…..,[date]……..

ASSESSMENT CERTIFICATE OF IMPORTED SCRAP QUALITY

(The assessment certificate must state complete information about the importer, consignment of imported scrap and assessment result of consignment of imported scrap, including main information below)

1. Importer and consignment of imported scrap:
- Name of importer:
- Address:
- Certificate No. …. dated……..issued by……..
- Certificate of bond posted on imported scrap:
- Place of inspection, assessment:
- Time of inspection, assessment:
- Contract No.
- Packing list (of scrap) No. .....
- Invoice No.
- Bill of lading No.
- Manifest of imported scrap No.
- Category of imported scrap (description and HS code):
- Amount: Quantity of containers/weight of scrap in bulk.

2. Content and inspection, assessment: inspection and assessment of quality of imported scrap shall be carried out in accordance with national technical regulations on environment regarding… (type)…. of imported scrap (specific National Technical Regulation ….).

3. Method of inspection, assessment: with naked eye or take sample for analysis (specify method of inspection, assessment of each consignment).

4. Inspection, assessment result of imported scrap quality

4.1. Impurities allowable in imported scrap:
- Composition of impurities (refer to regulations on impurities allowable in imported scrap in National Technical Regulation).
- Rate of impurities allowable in imported scrap.
- Concentration of radioactivity of consignment of imported scrap.

4.2. Impurities unallowable in imported scrap (refer to regulations on impurities unallowable in imported scrap in National Technical Regulation). If hazardous impurities are mixed, composition of impurities must be specified.

4.3. Rate of HS codes different from declared HS codes in the application for import (applied to scrap): (iron, steel; plastic; paper).
- Not exceeding 20% ☐
- Exceeding 20% ☐

4.4. Rate of plastic parings bigger than 10 Mrs. Men (applied to imported plastic scrap).

4.5. Quality of granulated blast furnace slag under National Technical Regulation No. 16:2017/BXD (applied to imported granulated blast furnace slag).

4.6. Other criteria prescribed in Section 2 of National Technical Regulation

5. Conclusion of quality of consignment of imported scrap: (it is required to assess if the consignment of imported scrap meets environment protection requirements as set out in respective national technical regulation on environment).

... (Name of assessing body)…shall take all legal responsibility for the result of inspection and assessment of quality of the consignment of imported scrap as prescribed in national technical regulation on environment for imported scrap. Documents, samples used to analyze and compare with the re-inspection and re-assessment (if any) if there is

any doubt as to the assessment result or there is any claim, denunciation against violation./.

ASSESSOR (Signature, full name; digital signature or electronic signature in case of scan from original)	ASSESSING ORGANIZATION (Signature, full name and seal; digital signature or electronic signature in case of scan from original)

Form No. 09
Application for exemption from inspection of imported scrap quality

(Importer of scrap)
_____
No.
Re: application for exemption from inspection of imported scrap quality

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

[Location]…..,[date]……..

To: The Ministry of Natural Resources and Environment
(or authorized agency)

Importer:
Legal representative:
Address:
Telephone:……; Fax:……; Email:……..
Information about imported scrap used as production materials proposed to be exempt from inspection of quality: description, type, specifications and origin from a supplier in the exporting country or the imported scrap obtains a quality certification or assessment of a foreign accredited certification body as per the law. Details about imported scrap proposed to be exempt from inspection:

No.	Imported scrap (HS code)	Specifications (type, shape, etc.)	Origin (exporting party, country)	Weight of imported scrap (tonnes)		
				In Certificate	Imported	Remain unimported eligible for inspection exemption
1	Scrap plastic…	wrapping/packages, etc.	Company A/Japan	100.000	50.000	50.000
2	...					

After 5 consecutive imports, our imported scrap has complied with technical regulations on environment. So we are eligible for exemption from inspection of imported scrap quality as prescribed in Clause 6 Article 60 of Government's Decree No. 38/2015/ND-CP, amended in Clause 34 Article 3 of Decree No. ……/201…/ND-CP dated …….. on amendments to certain articles of decrees on guidelines for the Law on Environment Protection.
We hereby enclose the assessment certificate of quality of imported scrap consignment in accordance with technical regulations on environment of 5 last consecutive imports and 1 dossier of imported scrap of the same kind, including:
- Contract No. .....
- Packing list: .....
- Certificate/certification/assessment certificate of recognized foreign assessing body as per the law (in case of application of Clause 6 Article 60 of Decree No. 38/2015/ND-CP, amended in Clause 34 Article 3 of this Decree).
- Invoice No.

- Bill of Lading No.
- Manifest of imported goods (electronic manifest) No. ……
- Certificate of Origin (if any) No. ……..
- Certificate of quality of exporting country (if any) No. …….. issued by……
- Picture or description of goods.
- Copy of eligibility for environment protection in import of scrap used as production materials.
- Certification of bond posted on imported scrap.

Request the Ministry of Natural Resources and Environment (or authorized body) to consider issuing a certification of exemption for imported scrap quality inspection as prescribed in Clause 6 Article 60 of Decree No. 38/2015/ND-CP.

We hereby declare that all information provided for above is true and correct; if not, we shall take all legal responsibility, and we declare that quality of imported scrap used as production materials meets national technical regulations on environment./.

DULY AUTHORIZED REPRESENTATIVE
OF IMPORTER
(Signature, full name and seal; digital signature or electronic signature in case of scan from original)

Form No. 10
Certification of exemption from inspection of imported scrap quality

..... (1)..... THE SOCIALIST REPUBLIC OF VIETNAM
_____ Independence - Freedom - Happiness

[Location]…..,[date]……..

No. ……/…….
CERTIFICATE OF
EXEMPTION FROM INSPECTION OF IMPORTED SCRAP QUALITY
_____

(1) HEREBY CERTIFY
1. General information about importer
Full name of (2):
Address:
Operation location: (of project using imported scrap)
Telephone:……; Fax:……; Email:……..
Certificate: No…….dated……of…….
2. Certification
Certify that (2) is eligible for exemption from inspection of imported scrap quality with regard to the imported scrap which has the same description, type, specifications and origin from a supplier in the exporting country or the imported scrap obtains a quality certification or assessment of a foreign accredited certification body as per the law, in specific:

No.	Imported scrap (HS code)	Specifications (type, shape, etc.)	Origin (exporting party, country)	Weight of imported scrap (tonnes)		
				In Certificate	Imported	Remain unimported eligible for inspection exemption
1	Scrap plastic…	wrapping/packages, etc.	Company A/Japan	100.000	50.000	50.000
2	...					

3. Validity period of the Certificate: From…….to……. (end of validity period of the Certificate)./.

HEAD OF (1)
(Signature, full name and seal. signature on hardcopy and digital signature or electronic signature in case of scan from original on national single-window)

Notes: (1) The competent authority of certification;
(2) Name of importer of facility using imported scrap.
Form No. 11

Periodical report on management of import and use of imported scrap as production materials

THE PEOPLE'S COMMITTEE OF…. PROVINCE/CITY _____	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness [Location]…..,[date]……..

No.

REPORT

On import and use of imported scrap in……..[year]

To: The Ministry of Natural Resources and Environment.

I. STATISTICS ON IMPORTED SCRAP, USE

1. Importer of scrap 01: (certificate of eligibility for environment protection in scrap import No. …..dated….., issuing authority…….)

Consignment of imported scrap	Import time (date….)	Quantity of imported scrap	Import checkpoint	Amount of bond posted on scrap	Refund/use of bond
1. Scrap/HS code					
Lot 1					
Lot 2…					
Total					
Used					
2. Scrap/HS code					

2. Importer of scrap 02: (similar as 01….)

II. ENVIRONMENT PROTECTION IN IMPORT AND USE

- Report on import and use of imported scrap used as production materials in the province/city (environmental issues arising during import, transportation, storage and use); environmental incidents in conjunction with scrap and handling; bond posted on imported scrap and the use thereof, etc.).
- Report on violations against law on environment protection in import of scrap used as production materials and actions against these violations, etc.
- Other issues.

III. CONCLUSION AND PROPOSAL

CH

(Signature, full name and seal)

Form No. 12

Periodic report on import and use of imported scrap

(1) _____	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness
No.	[Location]…..,[date]……..

REPORT

REPORT
On import and use of imported scrap in……..[year/quarter]

To: (2)

I. INFORMATION ABOUT IMPORTER
1. Name (1): (importer, address, production location, legal representative, contact person, position, phone number, fax, email, etc.)
2. Products made from imported scrap:……
3. Certificate No. …. dated……..issued by……..
II. REPORT ON IMPORT AND USE OF IMPORTED SCRAP IN THE YEAR

Consignment of imported scrap	Import time	Quantity of imported scrap	Import checkpoint	Amount of bond posted on scrap	Refund/use of bond
1. Scrap…					
Lot 1					
Lot 2…					
Total					
Used					
2. Scrap…					

III. REPORT ON ENVIRONMENT PROTECTION: (report on: conditions of warehouses, storage yards of imported scrap; collection, storage, management and treatment of waste; operation result of waste treatment works and equipment during production and recycling of scrap; transfer to units qualified for waste treatment; waste monitoring result: automatic and continuous monitoring, periodic monitoring,…; actions against violations in import of scrap used as production materials (if any); other environment protection matters). Assessment certificate of consignments which have been granted customs clearance in case of inspection exemption.
IV. PROPOSALS

DULY AUTHORIZED REPRESENTATIVE
OF (1)
(Signature, full name and seal)

Notes:
This report is included in and becomes a part of the annual report on environment protection of the facility, industrial park;
(1) Importer of scrap;
(2) Department of Natural Resources and Environment of province where the facility or factory using imported scrap is based.