

CIRCULAR

MANAGEMENT OF HAZARDOUS WASTES

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

Pursuant to the Government's Decree No. 19/2015/ND-CP dated February 14, 2015 on guidelines for some Articles of the Law on Environment protection;

Pursuant to the Government's Decree No. 38/2015/ND-CP dated April 24, 2015 on management of wastes and scrap;

Pursuant to the Government's Decree No. 21/2013/ND-CP dated March 04, 2013 defining the functions, tasks, entitlements and organizational structure of the Ministry of Natural Resources and Environment;

At the request of Director of Vietnam Environment Administration and Director of the Legal Department,

The Minister of Natural Resources and Environment promulgates a Circular on management of hazardous wastes

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular elaborates Clause 3 Article 90 and Clause 6 Article 141 of the Law on Environment protection; Clause 3 Article 8, Clause 11 Article 9, Clause 7 Article 10, Clause 5 Article 11, Clause 1 Article 13, Clause 6 Article 49, and Clause 1 Article 65 of the Government's Decree No. 38/2015/ND-CP dated April 24, 2015 on management of wastes and scrap (hereinafter referred to as Decree No. 38/2015/ND-CP).

Article 2. Regulated entities

This Circular applies to regulatory bodies, Vietnamese or foreign organizations and individuals (hereinafter referred to as entities) whose activities involve hazardous wastes.

Article 3. Unit of measurement of hazardous wastes

The amount of hazardous wastes in licenses, reports, and other documents mentioned in this Circular shall be expressed as kilogram (kg).

Article 4. Authentication of documents and authorization

1. Authentication of copies of documents in the dossiers, plans, and reports mentioned in this Circular are not required. However, each page must bear the issuer's seal and the issuer is responsible for their authenticity before they are submitted to competent authorities.
2. Each page of the documents, plans, and reports issued by organizations and individuals as prescribed in this Circular must bear the seal of the issuer for authentication before they are submitted to competent authorities.
3. The authorization to sign, seal documents, contracts, plans, and reports mentioned in this Circular shall be given as follows:
 - a) Hazardous waste source owner may only authorize the facilities producing hazardous wastes written in the register of hazardous waste source owners;
 - b) Owners of hazardous waste treatment facilities may only authorize the facilities written on the License for hazardous waste treatment prescribed by this Circular;
 - c) Owners of hazardous waste management establishments may only authorize the facilities and hazardous waste transport agents written on the License for hazardous waste management issued before the effective date of this Circular;

d) Owners of hazardous waste transport establishments or hazardous waste treatment/destruction establishments may only authorize the establishments written on the License for hazardous waste transport/treatment/destruction issued before the effective date of this Circular.

Chapter II

LIST OF HAZARDOUS WASTES, TECHNICAL REQUIREMENTS AND PROCEDURES FOR HAZARDOUS WASTE MANAGEMENT

Article 5. List of hazardous wastes, codes of hazardous wastes, and hazardous waste management numbers

1. The list of hazardous wastes and codes of hazardous wastes are provided in Appendix 1 enclosed herewith.
2. Hazardous waste management numbers are registration numbers of the registers of hazardous waste source owners, licenses for hazardous waste treatment, licenses for hazardous waste management (common name of licenses of management/transport/treatment/destruction of hazardous wastes issued before the issuance date of this Circular).

Article 6. Identification and classification of hazardous wastes

1. Hazardous wastes shall be identified according to Appendix 1 enclosed herewith and environmental standards on limits of hazardous wastes.
2. Hazardous wastes must be classified by the source owner when:
 - a) Hazardous wastes are moved to storage at the same establishment where hazardous wastes are produced;
 - b) Hazardous wastes are moved an external establishment for treatment other than storage of the establishment where hazardous wastes are produced.
3. In case hazardous wastes are reused, recycled, treated, or used for energy production at the generating facility, the source owner may decide whether to classify hazardous wastes depending on available technologies.

Article 7. Technical requirements and procedures for hazardous waste management

1. Hazardous waste source owners shall fulfill the duties prescribed in Article 7 of Decree No. 38/2015/ND-CP with regard to the technical requirements and procedures prescribed in Clauses 2 to 9 of this Article.
2. Prepare an area for storage of hazardous wastes; store hazardous wastes in packages or storing devices that satisfy technical requirements and management procedures in Appendix 2 (A) enclosed herewith.
3. Requirements for transfer of hazardous wastes:
 - A) Only sign contract to transfer hazardous wastes to entities having legitimate licenses for hazardous waste treatment or hazardous waste management;
 - b) When exporting hazardous wastes for overseas treatment, the source owner must comply with Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (hereinafter referred to as Basel Convention) according to Article 23 of this Circular.
4. Use the documents provided in Appendix 3 enclosed herewith for every transfer of hazardous wastes, except for the following cases:
 - a) Reuse, treatment, recycling of hazardous wastes within the premises of the facility;
 - b) The case mentioned in Clause 4 Article 24 of this Circular.
5. Within 06 months from the transfer date, if the last two copies of the documents are not received without acceptable explanation in writing from the transferee, the hazardous waste source owner shall send a report to the Department of Natural Resources and Environment of the province or Vietnam Environment Administration as prescribed by law.
6. Making and submitting reports:
 - a) Make annual reports on hazardous waste management (the reporting period is from January 01 to December 31) using the form provided in Appendix 4 (A) enclosed herewith and submit them to the Department of Natural Resources and Environment by January 31 of the succeeding year. In the case mentioned in Point a Clause 3 Article 12 of this Circular, the hazardous waste source owner shall only submit one report within one month from the day on which the facility is shut down;

b) Submit extraordinary reports at the request of competent authorities.

7. Retain all copies of hazardous waste documents, reports on hazardous waste management, and relevant documents for 5 years in order to provide them for competent authorities on request.

8. Make paper documents simultaneously with online reports on the system of Vietnam Environment Administration or via email at the written request of competent authorities.

9. The reuse, recycle, treatment of hazardous wastes, or use of hazardous wastes for energy production must satisfy the technical requirements and procedures in Appendix 2 (A) enclosed herewith and be registered in the register of hazardous waste source owners.

Article 8. Technical requirements and procedures related to herbal ingredients for licensing hazardous waste management

1. The equipment for storage, transport, and treatment of hazardous wastes (including reuse, recycle, treatment of hazardous wastes) must satisfy the technical requirements and procedures in Appendix 2 (B) enclosed herewith.

2. Means of transport of hazardous wastes must have global positioning systems (GPS) and connected to the online network to find the locations and record the travel of hazardous wastes.

3. Each vehicle, each piece of equipment may only be registered for one License for hazardous waste treatment, except for means of sea, rail, and air transport.

4. Environmental protection works at the hazardous waste treatment facility and transit stations (if any) must satisfy the technical requirements and management procedures in Appendix 2 (B) enclosed herewith.

5. The entities applying for the license for hazardous waste treatment must establish procedures for safe operation of systems, vehicles, equipment; plans for pollution control, environmental protection, occupational safety, health protection, prevention of and response to accidents; annual training, pollution treatment, and environmental protection upon shutdown; programs for environment surveillance, treatment surveillance, and assessment of hazardous waste treatment according to the contents of Appendix 5 (B) enclosed herewith.

6. The entities applying for the license for hazardous waste treatment must make brief instruction sheets or diagrams about safe operation procedures mentioned in Clause 5 of this Article so they can be put up at convenient and noticeable positions on the vehicle, in the treatment facility and transit station (if any).

Article 9. Technical requirements and procedures applied to owners of hazardous waste management facilities

1. Owners of hazardous waste management facilities shall fulfill the duties prescribed in Article 12 of Decree No. 38/2015/ND-CP with regard to the technical requirements and procedures prescribed in clauses 2 to 13 of this Article.

2. Take management measure and responsibility for the operation of borrowed/rented vehicles during the transport of hazardous wastes; submit reports on change, extension, or termination of the contract related to the borrowed/rented vehicles within 15 working days from the date of change, extension, or termination of contract.

3. When participating in the domestic transport of hazardous wastes that are transported across the border, the owner of treatment facility shall cooperate with the hazardous waste source owner or the exporter that represents the hazardous waste source owner in complying with regulations of Basel Convention as prescribed in Article 22 of this Circular.

4. When the treatment facility wishes to use a vehicle that satisfy the technical requirements and management procedures in Appendix 2 (B) enclosed herewith but is not mentioned in the License for hazardous waste treatment, a report shall be submitted to the licensing authority for consideration. Within 15 working days, Vietnam Environment Administration shall make written response. Explanation must be provided if the request is rejected.

5. Making reports:

a) Submit annual reports on hazardous waste management according to the form provided in Appendix 4 (B) enclosed herewith within 01 months from the end of the reporting period;

b) Submit extraordinary reports at the request of competent authorities;

- c) Submit reports to the licensing authority on changes of equipment, personnel (legal representative and the persons mentioned in Point a Clause 5 Article 9 of Decree No. 38/2015/ND-CP) or programs, plans enclosed with the License for hazardous waste treatment.
6. Keep a log of names, quantities, codes of hazardous wastes, transfer time, transferors, transferees of hazardous wastes; a log of operation of systems, vehicles, and equipment serving hazardous waste treatment; a log of quantity, quality, outlets of products obtained from recycling or treatment of hazardous wastes; make online documents to monitor the travel of vehicles by GPS and grant access to the licensing authority; create an automatic continuous monitoring database (if any).
7. If the owner of hazardous waste management facility is also the owner of solid domestic waste treatment facility or common solid industrial waste treatment facility, the reports, documents, and logs related to management of solid domestic wastes or common solid industrial wastes are integrated in the reports, documents, and logs of hazardous waste management.
8. When 02 entities seek a cooperation in which one party is responsible for transport of hazardous wastes while the other is responsible for treatment (including facilities test running their hazardous waste treatment systems), the transferor or transferee must send a written request and the contract to the licensing authority for consideration and approval. If the contract is terminated, changed, or extended, a notice must be sent to the licensing authority for consideration. The licensing authority shall make a written response within 15 working days. Transfer shall be carried out between two parties under the contract approved by the licensing authority. Hazardous wastes must not be transferred to any third party.
9. Make paper documents simultaneously with online reports on the system of Vietnam Environment Administration or via email at the written request of Vietnam Environment Administration.
10. Retain all copies of hazardous waste documents, reports on hazardous waste management, and relevant documents for 5 years.
11. If the person in charge of management or professional training of the hazardous waste treatment facility as prescribed in Point a Clause 5 Article 9 of Decree No. 38/2015/ND-CP, the replacement must obtain the certificate of training in hazardous waste management within 06 months from the date of replacement.
12. After being delivered by the source owner, hazardous wastes must be transported to the treatment facilities in order to be treated with the licensed systems and equipment, unless they are transferred to another hazardous waste treatment facility as prescribed in Clause 3 or Clause 8 of this Article.
13. The licensed systems, vehicles, and equipment for transport and treatment of hazardous wastes, and environmental protection works at the treatment facility and transit station (if any) must satisfy the technical requirements and procedures in Appendix 2 (B) enclosed herewith throughout their operation.

Article 10. Responsibility of Vietnam Environment Administration

1. Manage, inspect the fulfillment of conditions, the operation, contracts, reports, and documents relevant to the entities having the licenses for hazardous waste treatment or hazardous waste management issued by the Ministry of Natural Resources and Environment.
2. Send copies of licenses for hazardous waste treatment or Decisions on revocation of license issued by the Ministry of Natural Resources and Environment to People's Committees of central-affiliated cities and provinces (hereinafter referred to as the People's Committee of the province), Departments of Natural Resources and Environment of provinces where the licensed treatment facilities are located, and post them on the website of Vietnam Environment Administration.
3. Develop and operate the national database and information system about hazardous wastes; organize, provide guidance on registration of hazardous waste source owners, declaration of hazardous waste documents, and online submission of reports on hazardous waste management; organize the enhancement of information system or emails to send notices, instructions, and discussion with other entities during the process of issuance of licenses for hazardous waste treatment.

Article 11. Responsibility of Departments of Natural Resources and Environment

1. Perform the duties mentioned in Clause 1 and Clause 2 Article 14 of Decree No. 38/2015/ND-CP.
2. Manage the operation, contracts, reports, and documents related to the entities having licenses for hazardous waste management issued by the provincial governments.
3. Publish information about registers of hazardous waste source owners they issue on the web portal (if any).

4. Make the following reports:

a) Submit annual reports hazardous waste management (the form is provided in Appendix 4 (C) enclosed herewith) within 03 months from the end of the reporting period, including collection, transport, and treatment of hazardous wastes under the plans approved by the People's Committees of provinces according to Article 23 and Article 24 of this Circular (if any);

b) Submit extraordinary reports on hazardous waste management at the request of the Minister of Natural Resources and Environment.

5. Offer opinions about issuance of licenses for hazardous waste treatment according to Clause 5 Article 17, Point b Clause 3 Article 18, and Clause 3 Article 19 of this Circular.

Chapter III

REGISTRATION OF HAZARDOUS WASTE SOURCE OWNER; PROCEDURES FOR ISSUANCE, REISSUANCE, AND ADJUSTMENT OF LICENSE FOR HAZARDOUS WASTE TREATMENT

Section 1: REGISTRATION OF HAZARDOUS WASTE SOURCE OWNER

Article 12. Applicants for registration of hazardous waste source owner

1. Any business establishment that generates hazardous wastes must apply for registration of hazardous waste source owner with the Department of Natural Resources and Environment of the province where hazardous wastes are generated.

2. Rules for identification of hazardous waste source owners:

a) The identification of the hazardous waste source owner for registration and management of hazardous wastes depends on the place where hazardous wastes are generated;

b) Any business establishment that generates hazardous wastes outside its premises shall have an agreement with the entity in charge of the place where hazardous wastes are generated on which of them will apply for registration of hazardous waste source owner, unless hazardous wastes are generated because of an accident or force majeure event;

c) The hazardous waste source owner may register all facilities that generate hazardous wastes he/she owns or manage within a province, or select a point to register linear facilities that generate hazardous wastes within a province.

3. The following entities are only required to submit periodic reports on hazardous waste management instead of applying for the register of hazardous waste source owner:

a) Facilities that have operated for less than 01 year;

b) Facilities whose regular or annual production of hazardous wastes does not exceed 600 kg/year, except for hazardous wastes on the list of persistent organic pollutants (POP) in Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as Stockholm Convention)

c) Offshore oilrigs.

Article 13. Documents for registration of hazardous waste source owner

1. Documents for registration of hazardous waste source owner include:

a) The application form provided in Appendix 6 (A) enclosed herewith;

b) 01 copy of the Certificate of Business registration or an equivalent paper;

c) Documents for registration of reuse, recycle, treatment of hazardous wastes, or use of hazardous wastes for energy production are specified in Point 5.1; the application form is provided in Appendix 6 (A) of this Circular.

2. Documents in the case of registration of hazardous waste source owner mentioned in Clause 3 of Article 12 are replaced with reports (the form is provided in Appendix 4 (A) enclosed herewith).

Article 14. Procedures for registration of hazardous waste source owner

1. Documents for registration of hazardous waste source owner include:

a) Hazardous waste source owner (except for the entities mentioned in Clause 3 Article 12 of this Circular) shall compile 01 application and submit it to Departments of Natural Resources and Environment of the province where hazardous wastes are generated, whether directly or by post;

b) The Department of Natural Resources and Environment shall examine the completeness and legitimacy of the application. If the application is not complete or not legitimate, within 05 working days, the Department of Natural Resources and Environment shall request the hazardous waste source owner to complete the application;

c) After submitting the application as prescribed in Point a of this Clause, the registration is considered completed when the applicant receives a confirmation from the Department of Natural Resources and Environment or a postal unit (in case the application is sent by post), unless the Department of Natural Resources and Environment makes a request for completion of the application according to Point b of this Clause. The confirmation mentioned can be temporarily used instead of the register of hazardous waste source owner while awaiting the issuance of the register.

2. Within 15 working days from the receipt of the complete and legitimate application, the Department of Natural Resources and Environment shall consider issuing the register of hazardous waste source owner, except for the case in Clause 3 of this Article.

3. If the hazardous waste source owner reuses, recycles, treats hazardous wastes, or use hazardous wastes for energy production within the facility where hazardous wastes are generated, the time limit for issuing the register is 30 working days from the day on which the complete and legitimate application is received.

a) The Department of Natural Resources and Environment shall carry out an inspection at the facility within 15 working days from the receipt of the complete and legitimate application. The maximum duration of the an inspection is 02 working days;

b) Within 15 working days from the end of the inspection, the Department of Natural Resources and Environment shall issue the register of hazardous waste source owner (the form is provided in Appendix 6 (B) enclosed herewith) with 01 registration number according to Appendix 7 enclosed herewith. If conditions for issuance of the register of hazardous waste source owner are not satisfied, the Department of Natural Resources and Environment shall make a written notice and provide explanation. The hazardous waste source owner shall revise and resubmit the application according to the notice of the Department of Natural Resources and Environment. The time for revision of the application is not included in the time limit for issuing the register.

4. In case of exemption from registration for the register of hazardous waste source owner mentioned in Clause 3 Article 12 of this Circular:

a) The hazardous waste source owner shall make the first report on hazardous waste management (the form is provided in Appendix 4 (A) enclosed herewith) and submit it to the Department of Natural Resources and Environment, whether directly or by post;

b) The Department of Natural Resources and Environment shall issue a confirmation as soon as the report is received. This confirmation (or a confirmation of the postal unit) and a copy of the first report on hazardous waste management has the same value as the register of hazardous waste source owner.

Article 15. Reissuance of register of hazardous waste source owner

1. The hazardous waste source owner mentioned in Clause 2 Article 6 of Decree No. 38/2015/ND-CP must apply for reissuance of the register of hazardous waste source owner.

2. An application for reissuance of the register consists of:

a) The application form provided in Appendix 6 (A) enclosed herewith;

b) Documents related to the changes compared to the first application.

3. Procedures for reissuance of the register of hazardous waste source owner are the same as those prescribed in Clauses 1 to 3 are 14 of this Circular.

4. The ordinance number of the reissued register will follow the previous register.

Section 2: PROCEDURES FOR ISSUANCE, REISSUANCE, AND ADJUSTMENT OF LICENSE FOR HAZARDOUS WASTE TREATMENT; REVOCATION OF LICENSE FOR HAZARDOUS WASTE TREATMENT OR LICENSE FOR HAZARDOUS WASTE MANAGEMENT

Article 16. Application for the license for hazardous waste treatment

1. An application form provided in Appendix 5 (A.1) enclosed herewith.

2. 01 copy of the report on assessment of environmental impact of the waste treatment facility project that is approved by the Ministry of Natural Resources and Environment, or substitute documents mentioned in Appendix 5 (B.1) enclosed herewith.

3. 01 copy of the document about planning for management and treatment of wastes approved by a provincial agency.
4. Legal documents about the transit station (if any) in Appendix 5 (B.1) enclosed herewith.
5. Descriptions and documents in Appendix 5 (B.1) enclosed herewith.
6. The plan for test running the hazardous waste treatment facility (hereinafter referred to as test run plan) in Appendix 5 (C) enclosed herewith. The test run plan shall be bound into a book and filed in the application.

Article 17. Procedures for issuance of license for hazardous waste treatment

1. Each applicant shall submit 02 sets of application prescribed in Article 16 of this Circular to the licensing authority. The applicant may decide whether to submit 02 copies of the test run plan when submitting the application or later. If the application is not complete or not legitimate, within 10 working days, the competent agencies shall request the applicant in writing to complete the application.
2. Within 20 working days from the receipt of the complete and legitimate application, the licensing authority shall consider and issue a written approval for the test run plan in the following order:
 - a) Within 10 working days from the day on which the application is examined as prescribed in Clause 1 of this Article (or from the receipt of the test run plan if it is submitted after the deadline for examining the application), the licensing authority shall send the applicant a notice if the documents are not complete or not appropriate for the hazardous waste treatment facility;
 - b) Within 10 working days from the day on which the test run plan is examined, the licensing authority shall issue a written approval (the form is provided in Appendix 5 (D) enclosed herewith) for an test run period not exceeding 06 months (enclosed with 01 copy of the test run plan bearing the seal of the licensing authority).
3. After receiving the approval from the licensing authority, the applicant shall test run the hazardous waste treatment system as follows:
 - a) Start collecting, transporting, or receiving hazardous wastes to test run the hazardous waste treatment system;
 - b) Take samples for environmental monitoring at least 03 different times. Only take samples for environmental monitoring when the systems and equipment are running at their peak. If necessary, the licensing authority shall carry out a surprise inspection at the facility and take samples during the test run of the hazardous waste treatment system;
 - c) If the test run period needs to be extended, the applicant shall sent an explanation to the licensing authority within 15 working days before the expiration date written on the written approval. Only 01 extension shall be granted except for force majeure events;
 - d) If environmental pollution is likely to exceed technical regulations without remedial measures, the systems and equipment must be suspended to work out a solution and submit a report to the licensing authority before the plan can be resumed.
4. After the test run is completed, the applicant shall submit a report on test run result as follows:
 - a) Submit 02 copies of the report on test run result (the form is provided in Appendix 5 (D) enclosed herewith) to the licensing authority. If no report, request for extension, or explanation is sent to the licensing authority within 06 months from the day on which the written request is issued, the applicant must register the test run again;If the test run result does not meet technical regulations or the report is not complete, within 10 days from the receipt of the report on test run result, the licensing authority shall request the applicant to complete the report or test run again.
5. Seeking opinions from the Department of Natural Resources and Environment of the province where the hazardous waste treatment facility is located:
 - a) The licensing authority shall seek opinions from the Department of Natural Resources and Environment of the province where the hazardous waste treatment facility is located not later than the time the approval for test run is issued by the licensing authority;
 - b) The Department of Natural Resources and Environment shall make a written response within 30 days from the day on which the licensing authority's request is received; provide explanation for disapproval (if any).
6. Within 25 working days from the receipt of the report on test run result and the response from the Department of Natural Resources and Environment, the licensing authority shall carry out an

inspection at the hazardous waste treatment facility and transit station (if any), then perform on one of the tasks below to assess fulfillment of conditions and issue the license for hazardous waste treatment:

- a) Establish an engineering consultancy group which consists of experts in the environment field and relevant fields;
- b) Seek opinions from experts or relevant entities.

7. If the conditions, technical requirements, and management procedures are not satisfied, the licensing authority shall send a written notice (separately or written on the inspection record prescribed in Clause 6 of this Article) to the applicant for the applicant to make changes or provide explanation.

8. Within 20 working days from the receipt of the satisfactory application, the licensing authority shall consider issuing the license for hazardous waste treatment.

9. License for hazardous waste treatment:

a) There will be 02 copies of the license for hazardous waste treatment (the template is provided in Appendix 5 (E) enclosed herewith): 01 copy is submitted to the owner of hazardous waste treatment facility report, whether directly or by post; the other is kept by the licensing authority;

b) The license for hazardous waste treatment is effective for 03 years from the issuance date, provided it is kept together with the application bearing the seal of the licensing authority.

c) Each license for hazardous waste treatment has 01 number according to Appendix 7 enclosed herewith.

10. While following procedures, if the applicant does not return the application or does not provide an acceptable explanation in writing as prescribed within 06 months, the application shall be processed again.

Article 18. Issuance of license for hazardous waste treatment

1. Cases of reissuance of the license for hazardous waste treatment prescribed in Clause 1 Article 11 of Decree No. 38/2015/ND-CP.

2. An application for reissuance of the license for hazardous waste treatment consists of:

- a) An application form provided in Appendix 5 (A.2) enclosed herewith;
- b) Reports, copies of inspection records according to Appendix 5 (B.2) enclosed herewith).

3. Procedures for reissuance of the license for hazardous waste treatment

a) The application for reissuance of the license for hazardous waste treatment shall be submitted at least 03 months before the expiration date of the license or within 01 months from the day on which the license is found damaged or lost;

b) Within 20 working days from the receipt of the satisfactory application prescribed in Clause 2 of this Article, the licensing authority shall consider reissuing the license for hazardous waste treatment. If necessary, the licensing authority shall seek opinions from the Department of Natural Resources and Environment of the province where the hazardous waste treatment facility is located as prescribed in Clause 5 Article 18 of this Circular and carry out an inspection at the facility.

4. If adjustments are made, documents and procedures shall comply with regulations on license adjustment in Article 19 of this Circular. In case of reissuance prescribed in Point b Clause 1 Article 13 of Decree No. 38/2015/ND-CP when adjustments are made, documents and procedures shall comply with Article 17 of this Circular.

Article 19. Adjustments to the license for hazardous waste treatment

1. Cases of adjustments to the license for hazardous waste treatment are prescribed in Clause 2 Article 11 of Decree No. 38/2015/ND-CP.

2. An application for adjustments to the license for hazardous waste treatment consists of:

- a) An application form provided in Appendix 5 (A.1) enclosed herewith;
- b) Documents about the adjustments (if any);
- c) Explanation for the adjustments, reports, copies of inspection records according to Appendix 5 (B.3) enclosed herewith;
- d) The test run plan according to Appendix 5 (C) enclosed herewith if there are additional systems or equipment that need test running.

3. Licenses for hazardous waste treatment shall be adjusted under the procedures in Article 17 of this Circular. If necessary, the licensing authority shall seek opinions from the Department of Natural Resources and Environment prescribed Clause 5 Article 17 of this Circular.

4. Cases in which test run is not required:

a) Change or addition of operating area (not including relocation of the treatment facility);

b) Change of locations, quantity of transit stations;

c) Changes/addition of: systems, vehicles, equipment serving the packaging, preservation, storage, transport, transit, preliminary treatment of hazardous wastes; systems, equipment for treatment of hazardous wastes without causing negative impact to the environment;

d) Addition of hazardous wastes with similar characteristics and treatment methods to the hazardous wastes or groups hazardous wastes that have been tested and licensed.

e) Increase of quantity, volume of licensed hazardous wastes.

5. The adjusted license for hazardous waste treatment shall be issued in one of the following manners:

a) Replace the previous license with the effective period of 03 years from the issuance date;

b) Issue an appendix to the existing license for hazardous waste treatment which specifies the adjustments. In this case, the effective period of the existing period shall remain unchanged.

Article 20. Integration and replacement of some procedures for licensing hazardous waste treatment

1. The following procedures are integrated and replaced with procedures for issuance of the license for hazardous waste treatment:

a) Inspection, certification of completion of environmental protection works according to reports; inspection of environmental protection works according to detailed environmental protection plans (or similar documents) of projects having hazardous waste treatment works;

b) Certification of fulfillment of environmental protection requirements facilities treating domestic solid wastes or common industrial solid wastes in case the hazardous waste treatment facility combines treatment of domestic solid wastes and common industrial solid waste (including treatment using shared systems/equipment or separate systems/equipment).

2. With regard to hazardous waste treatment facilities that combine treatment of domestic solid wastes and common industrial solid wastes, obtained licenses according to regulations promulgated before the effective date of this Circular, have undergone inspections, and obtain certification of completion of environmental protection works serving treatment of domestic solid wastes, common industrial solid wastes before June 15, 2015, that wish to obtain certification of environmental safety of the waste treatment facility shall follow procedures in Clause 4 Article 18 of this Circular.

Article 21. Revocation of license for hazardous waste treatment or license for hazardous waste management

1. The license for hazardous waste treatment or license for hazardous waste management shall be revoked in the following cases:

a) Violations against regulations on hazardous waste management, regulations in the license for hazardous waste treatment or license for hazardous waste management that lead to revocation as prescribed by law;

b) The owner of hazardous waste management facility fails to operate after 01 year from the issuance date of the license for hazardous waste treatment, except for force majeure events;

c) The hazardous waste transport/treatment/destruction/management facility shut down hazardous waste operation, goes bankrupt, or is dissolved.

2. The licensing authority shall issue decisions to revoke the licenses they issue and specify the entities whose licenses are revoked, their registration number, date of issue, and reasons for revocation.

Chapter IV

SOME SPECIAL CASES

Article 22. Transboundary movement of hazardous wastes

1. An application for Transboundary movement of hazardous wastes consists of:
 - a) An application form provided in Appendix 8 (A) enclosed herewith;
 - b) 01 copy of the contract for hazardous waste treatment with the hazardous waste treatment unit in the country of import;
 - c) 01 notification document for Transboundary movement in English under Basel Convention (<http://www.basel.int/techmatters/forms-notif-mov/vCOP8.pdf>).
2. An application for Transboundary movement of hazardous wastes consists of:
 - a) The applicant shall submit 02 sets of application prescribed in Clause 1 of this Article to Vietnam Environment Administration, which is the Basel Convention authority in Vietnam (or the national web portal);
 - b) Within 10 working days, Vietnam Environment Administration shall examine the completeness and legitimacy of the application, and request the applicant to complete it if it is not satisfactory;
 - c) Within 10 working days from the receipt of the complete and legitimate application, Vietnam Environment Administration shall send a written notice and 01 notification document of Transboundary movement in English to the Basel Convention authority of the country of import and country of transit (if any) as prescribed by Basel Convention;
 - d) Within 20 working days from the day on which the Basel Convention authority of the country of import and country of transit (if any) gives a response, Vietnam Environment Administration shall issue a written approval (the template is provided in Appendix 8 (B) enclosed with this Circular). If the application is rejected, Vietnam Environment Administration shall give a written response and provide explanation.
3. The movement of hazardous wastes to the border checkpoint must be done by entities having the license for hazardous waste treatment or license for hazardous waste management.
4. After Vietnam Environment Administration issues an approval for export of hazardous wastes, the applicant shall compile at least 02 sets of movement documents in English for each shipment of hazardous wastes that are permitted to be exported (www.basel.int/pub/move.pdf).
5. After hazardous wastes are treated, the entity permitted by Vietnam Environment Administration to export hazardous wastes shall retain 01 set of documents and send 01 set certified by the overseas treatment unit to Vietnam Environment Administration.

Article 23. Collection, transport, and treatment of hazardous medical wastes

1. Packages, storage devices, storage areas, transit areas, means of transport, systems and equipment for treating hazardous medical wastes must satisfy technical requirements and procedures in Appendix 2 (A) and Appendix 2 (B) enclosed herewith.
2. The Department of Natural Resources and Environment shall formulate a plan for collection, transport, and treatment of local hazardous medical wastes according to local conditions and regulations of law on environmental protection, then submit it to the People's Committee of the province; the People's Committee of the province shall submit reports to the Ministry of Health on the approved plan.
3. The plan for collection, transport, and treatment of hazardous medical wastes mentioned in Clause 2 of this Article must contain the following information:
 - a) Location, model of hazardous medical waste treatment;
 - b) Scope, method of collection and transport of hazardous medical wastes;
 - c) Information about entities participating in collection, transport, and treatment of hazardous medical wastes;
 - d) Relevant issues.
4. The logbook of delivery of hazardous medical wastes shall be used instead of hazardous waste documents if permitted in the plan for collection, transport, and treatment of hazardous medical wastes of the People's Committee of the province.
5. The owner of hazardous waste treatment facility or management facility that wishes to participate in the plan mentioned in Clause 2 of this Article but beyond the ambit of the issued license must notify the licensing authority advance.

Article 24. Collection, movement, storage, transit of hazardous wastes by vehicles/equipment not written on license for hazardous waste treatment

1. The Department of Natural Resources and Environment shall formulate a plan for collection, transport, storage, transit of hazardous wastes of hazardous waste source owners that generate less than 600 kg/year or those in remote areas or areas that do not allow them to directly move, store, or transit hazardous wastes by the vehicles/equipment written on the hazardous wastes, then submit it to the People's Committee of the province for approval. Hazardous wastes from the aforementioned hazardous waste source owners must be treated by entities having appropriate licenses for hazardous waste treatment.

2. The People's Committee of the province shall send the approved plan mentioned in Clause 1 of this Article to the Ministry of Natural Resources and Environment.

3. The use of vehicles/equipment not written on the license for hazardous waste treatment to move, store hazardous wastes that cannot be treated in Vietnam or under international agreements to which Socialist Republic of Vietnam is a signatory, it is required to submit a report to the licensing authority for consideration on a case-by-case basis. Within 15 working days, the licensing authority shall make a written response. Explanation shall be provided in case of disapproval.

Article 25. Reuse of hazardous wastes

Hazardous wastes may only be reused within the premises of the facility where they are generated and the reuse must be registered in the register of hazardous waste source owner.

Article 26. Collection, movement of hazardous wastes from offshore petroleum works to the mainland

1. The entities that collect, move hazardous wastes from offshore petroleum works to the mainland by the vehicles not written on their license for hazardous waste treatment prescribed in Clause 3 Article 8 of Decree No. 38/2015/ND-CP must satisfy the following requirements:

- a) The packages, storage devices, storage areas, transit areas, vehicles for moving hazardous wastes must satisfy requirements in Appendix 2 (B) enclosed herewith;
- b) There is a contract to transfer hazardous wastes with a holder of license for hazardous waste treatment or license for hazardous waste management;
- c) There is a plan for collection, transport, movement of hazardous wastes and a list of vehicles.

2. The entities mentioned in Clause 1 of this Article must obtain written approval from the licensing authority in advance. Within 15 working days, the licensing authority shall make a written response. Explanation shall be provided in case of disapproval.

Article 27. Research and development of hazardous waste treatment technologies in the laboratory

1. Entities engaged in research and development that wish to receive hazardous wastes for testing or evaluation of technologies in the laboratory shall submit explanation and test run plans (the same template in Appendix 5 (C) enclosed herewith) to the Ministry of Trade for approval.

2. The aforementioned entity may only receive hazardous wastes suitable for the testing from owners of hazardous waste treatment facilities or hazardous waste management facilities. The vehicles used for movement of hazardous wastes must satisfy requirements in Appendix 2 (B) enclosed herewith and be written on the written approval for the test run plan issued by the Ministry of Natural Resources and Environment. Within 15 working days, the Ministry of Natural Resources and Environment shall make written response. Explanation must be provided in case of disapproval.

3. The test run period shall not exceed 06 months. If the test run period needs to be extended, a report shall be submit to the Ministry of Natural Resources and Environment. Each extension shall exceed 06 months and no more than 03 extensions shall be granted. A report shall be submitted to the Ministry of Natural Resources and Environment after the test run is completed.

Article 28. Other cases

The following activities are note movement, treatment of hazardous wastes and are not subject to issuance of the license for hazardous waste treatment:

1. Movement, maintenance, repair of vehicles, equipment, products that are unexpired and are not classified as wastes by the waste source owner and still serve their initial purposes.
2. Movement of samples of hazardous wastes for analysis.

Chapter V

CERTIFICATE OF TRAINING IN HAZARDOUS WASTE MANAGEMENT

Article 29. Holders of certificates of training in hazardous waste management

Certificates of training in hazardous waste management shall be issued to persons mentioned in Point a Clause 5 Article 9 of Decree No. 38/2015/ND-CP (mandatory) and any person that wishes to receive training and obtain the certificate of training in hazardous waste management.

Article 30. Requirements for providing training in hazardous waste management

1. Any institution that provides training in hazardous waste management must satisfy the following requirements:

- a) The institution is licensed to provide training in environment or relevant fields as prescribed by law;
- b) The person providing training in hazardous waste management must have at least a bachelor's degree and 03 years' experience of hazardous waste management.

2. Training shall be provided at the institution or the learners' premises according to the contents and duration of the training program framework in Appendix 9 (A) enclosed herewith. At least 10 working days before providing training, the training institution must submit a notification of training plan to Vietnam Environment Administration. Vietnam Environment Administration shall carry out inspection of the training where necessary.

Article 31. Entitlement and responsibility to provide training, issue, reissue, and revoke certificates of training in hazardous waste management

1. Vietnam Environment Administration shall issue, reissue, and revoke certificate of training in hazardous waste management.

2. Vietnam Environment Administration has the responsibility to formulate and approve hazardous waste management training program. Certificates of training in hazardous waste management shall be issued without the documents mentioned in Article 32 of this Circular if the program is held by Vietnam Environment Administration.

Article 32. Procedures for issuance of certificates of training in hazardous waste management

1. The training institution shall compile an application issuance of certificates of training in hazardous waste management as prescribed in Clause 3 of this Article and submit it to Vietnam Environment Administration directly or by post.

2. Within 15 working days from the day on which the complete and legitimate application is received, Vietnam Environment Administration shall consider issuing certificates of training in hazardous waste management (the form is provided in Appendix 9 (B) of this Circular). Explanation must be provided in case of rejection.

3. Application for issuance of certificates of training in hazardous waste management:

- a) An application form provided in Appendix 9 (C) enclosed herewith;
- b) A sheet of training results (the template is provided in Appendix 9 (D) enclosed herewith);
- c) Copies of ID cards of eligible learners;
- d) Copies or relevant documents prescribed in Article 30 of this Circular.

4. A certificate of training in hazardous waste management is effective for 03 years and shall not be extended. When a certificate expires, its holder must take another training course to obtain a new certificate as prescribed in this Circular, except for the case in Clause 5 of this Article.

5. In case the holder of an expired certificate has worked in the field of hazardous waste management or treatment for at least 02 years prior to the expiration date of the certificate, he/she shall submit an application according to Appendix 9 (D) of this Circular and the confirmation of his/her workplace to Vietnam Environment Administration. Within 07 working days, Vietnam Environment Administration shall consider issuing the certificate of training in hazardous waste management. Explanation must be provided in case of rejection.

Article 33. Reissuance and revocation of certificate of training in hazardous waste management

1. Reissuance of certificate of training in hazardous waste management:

a) If a certificate of training in hazardous waste management is lost or damaged, its holder shall submit 01 application for reissuance of the certificate according to Appendix 9 (E) to Vietnam Environment Administration.

b) Within 07 working days, Vietnam Environment Administration shall reissue the certificate of training in hazardous waste management;

- c) The expiration date of the reissued certificate is the same as that of the lost or damaged certificate.
2. The certificate of training in hazardous waste management shall be revoked if it is falsified or used for illegal purposes.

Article 34. Retention of training documents

The training institution has the responsibility to retain documents of each course for at least 03 years from the ending date of the course, including:

1. Learners' profiles (full names, dates of birth, ID numbers, occupations, addresses) and their training results.
2. List of training providers (full names, years of birth, occupation, qualifications, names and addresses of their workplaces).
3. Teaching materials, documents, test topics, and answer sheets of learners.

Chapter VI

IMPLEMENTATION

Article 35. Transition clauses

1. Registration numbers of hazardous waste source owners issued before the effective date of this Circular are still effective unless they have to be reissued in the case mentioned in Clause 2 Article 6 of Decree No. 38/2015/ND-CP.
2. Licenses for hazardous waste management issued before the effective date of this Circular are still effective until their expiration date. Entities that have licenses for hazardous waste treatment or destruction or licenses for hazardous waste management are considered having completed inspection procedures and environmental protection works for the items related to hazardous waste treatment.
3. Applications for registration of hazardous waste source owner, issuance, extension, adjustment of licenses for hazardous waste management received before the effective date of this Circular are still effective according to regulations of law applicable at the time of receipt.
4. Entities having licenses for hazardous waste management must comply with Article 9 of this Circular (except for Clause 11) and satisfy the following requirements:
 - a) Apply National Standard for environment management system by June 15, 2017;
 - b) Fully, systematically, and uniformly take environment management measures according to documents of the applications bearing the seal of the licensing authority and licenses for hazardous waste management. These documents are the basis for environmental monitoring, management and inspection of owners of hazardous waste management facilities;
 - c) Supervise the operation of hazardous waste transport agents; take responsibility for violations against regulations on environmental protection and hazardous waste management committed by such agents. Send reports of the licensing authority on changes, renewal, or termination of agent contracts within 15 days from the occurrence of such event.
5. Entities having licenses for hazardous waste movement must comply with Article 9 of this Circular (except for Clause 11) and satisfy the following requirements:
 - a) Sign tripartite contracts with the hazardous waste source owners, hazardous waste treatment/management/destruction facility owners for transfer of hazardous wastes, or sign contracts with waste source owners which are witnessed and confirmed by the hazardous waste treatment/management/destruction facility owner;
 - b) Adhere to the application for registration of hazardous waste movement services which bears the seal of the licensing authority and the license for hazardous waste movement services. These documents are the basis for environmental monitoring, management and inspection of owners of hazardous waste movement facilities.
6. Entities having licenses for hazardous waste treatment/destruction must comply with Article 9 of this Circular (except for Clause 11 and technical requirements, management procedures related to hazardous waste movement if they do not have the license for hazardous waste movement services) and adhere to the application for registration of hazardous waste treatment/destruction services which bears the signature of the licensing authority and the license for hazardous waste treatment/destruction. These documents are the basis for environmental monitoring, management, and inspection of owners of hazardous waste treatment/destruction facilities.

Article 36. Effect and responsibility for implementation

1. This Circular comes into force from September 01, 2015; Circular No. 12/2011/TT-BTNMT dated April 14, 2011 of the Minister of Natural Resources and Environment on hazardous waste management is annulled from the effective date of this Circular.

2. Ministers, Heads of ministerial agencies, the People's Committees of provinces, Directors of Departments of Natural Resources and Environment of provinces, and relevant entities are responsible for the implementation of this Circular.

3. Vietnam Environment Administration has the responsibility to provide guidance, inspect, and monitor the implementation of this Circular.

4. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Natural Resources and Environment for consideration./.

MINISTER

Nguyen Minh Quang

ATTACHED FILE



Appendix

Unofficial Translation - For Reference Only