

**MINISTRY OF NATURAL  
RESOURCES AND  
ENVIRONMENT**

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No. 02/2022/TT-BTNMT

**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence – Freedom – Happiness**

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*Hanoi, January 10, 2022*

**CIRCULAR**

**DETAILING A NUMBER OF ARTICLES OF LAW ON ENVIRONMENTAL PROTECTION**

*Pursuant to the Law on Environmental Protection dated November 17, 2020;*

*Pursuant to the Government's Decree No. 36/2017/ND-CP dated April 04, 2017 defining the functions, tasks, entitlements and organizational structure of the Ministry of Natural Resources and Environment*

*Pursuant to the Government's Decree No. 08/2022/ND-CP dated January 10, 2022 on elaboration of the Law on Environmental Protection;*

*Pursuant to the Government's Decree No. 47/2020/ND-CP dated April 09, 2020 on management, connection and sharing of digital data of regulatory agencies*

*At requests of the Director General of Vietnam Environment Administration and Director General of Legal Affairs*

*The Minister of Natural Resources and Environment promulgates Circular detailing a number of articles of Law on Environmental Protection*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Circular details a number of articles of Law on Environmental Protection and the Government's Decree No. 08/2022/ND-CP dated January 10, 2022 detailing a number of articles of Law on Environmental Protection (hereinafter referred to as "Decree No. 08/2022/ND-CP").

1. This Circular details Point a Clause 2 and Point b Clause 3 Article 8; Clause 7 Article 10; Point a, Clause 1, Article 19; Clause 2 Article 24; Clause 3 Article 27; Clause 2 Article 32; Clause 11 Article 34; Clause 5 Article 40; Clause 9 Article 49; Clause 4 Article 62; Clause 8 Article 67; Clause 6 Article 72; Clause 2, Article 76; Clause 5, Article 78; Clause 5, Article 79; Clause 4, Article 80; Clause 4, Article 81; Clause 5, Article 83; Clause 4, Article 84; Clause 6 Article 86; Point b, Clause 1, Article 115; Point b, Clause 2, Article 115; Clause 5, Article 118;

Clause 5 Article 119; Clause 5, Article 120; Clause 7 Article 126 and Clause 6 Article 148 of the Law on Environmental Protection.

2. This Circular details Point d Clause 2 Article 15; Point d Clause 2 Article 16; Clause 5 Article 17; Clause 3 Article 18; Clause 7 Article 19; Clause 2 Article 21; Point a Clause 6 and Point a Clause 8 Article 21; Point b, Clause 3, Article 26; Point e, Clause 3, Article 28; Point dd, Clause 5, Article 28; Clause 11 Article 29; Clause 10, Article 30; Point b, Clause 7, Article 31; Clause 12 Article 31; Clause 9 Article 36; Point a, Clause 3, Article 37; Clause 5 Article 40; Clause 10, Article 45; Point b, Clause 2, Point b, Clause 3, Article 54; Point dd Clause 2 Article 58; Points a and c, Clause 4, Article 65; Clauses 1 and 3, Article 66; Clauses 2 and 3, Article 67; Clause 2 Article 69; Clause 4, Article 71; Point c, Clause 2, Article 76; Clause 1 Article 80; Point a, Clause 3, Article 81; Clause 2 Article 82; Clause 1, Article 84; Clause 1 Article 85; Clause 5, Article 93; Clause 6 Article 94; Clause 6, Clause 8, Article 96; Point d Clause 4, Point a Clause 6 and Point c Clause 7 Article 97; point c clause 5, point a clause 7 and point c clause 8 Article 98; Clause 4, Article 104; Clause 6 Article 105; Clause 1, Article 107; Point a, Clause 2, Article 111; Clause 4, Article 125; Clause 7 Article 127; Clause 1, Article 145; Clause 6, Article 147 and Point dd, Clause 5, Article 163 of Decree No. 08/2022/ND-CP.

3. This Circular details a number of articles, clauses and points specified in Clauses 1 and 2 of this Article, including: the contents, orders of implementation, forms, documents, decisions and reports regarding water, soil and natural heritage protection; environmental protection contents in provincial planning, strategic environmental assessment, environmental impact assessment (hereinafter referred to as “EIA”), environmental license and environmental registration; domestic solid waste, ordinary industrial solid waste and hazardous waste management; on-site wastewater and specific waste management; assessment of conformity with environmental technical regulations on imported scraps that are used to make production materials; persistent pollutant management; management of raw materials, fuels, products, goods and equipment containing persistent pollutants; environmental monitoring, environmental information, database and environmental report; state of the environment report; environmental remediation after environmental incidents; payments for natural ecosystem services; assessment of products and services that meet Vietnam ecolabel criteria; responsibility for products, packaging recycling and waste treatment of manufacturers, importers; inspection of the observance of the Law on Environmental Protection, statistics, monitoring and announcement about resources for the purpose of environmental protection.

## **Article 2. Regulated entities**

This Circular applies to agencies, organizations, communities, households and individuals that have activities regarding the contents specified in Article 1 of this Circular in the territory of the Socialist Republic of Vietnam, (including the territorial land, islands, sea, underground and airspace).

## **Article 3. Definitions**

For the purposes of this Circular, the terms below are construed as follows:

1. A waste source owner is an organization or individual that owns or is assigned to manage and operate a waste-generating establishment.
2. An owner of waste treatment is an organization or individual that owns or is assigned to manage and operate a waste treatment facility or a landfill.
3. Waste aggregation site is a place where domestic solid waste is transferred from the means of transport of domestic solid waste collection at the waste source, public areas, street cleaning for the purpose of transfer of domestic solid waste to motor vehicles with large loads.
4. Bulky solid waste is a large-sized discarded household item, including cabinet, bed, mattress, table, chair or other similar items; stump, trunk and branch.
5. Concentrated waste treatment zone is an area that is planned for concentrated treatment of one or more types of waste, including domestic solid waste, ordinary industrial solid waste, hazardous waste and other types of solid waste, except for the co-treatment of waste and the treatment of medical waste according to the cluster model. The concentrated waste treatment area shall include one or more waste treatment facilities or landfills.
6. High biodiversity area is a natural area with important or outstanding biological value of province, region, country or international area that is subject to appropriate management for the purpose of sustainable maintenance, development and in situ in order to enhance the existing values and meet the criteria specified at point b, clause 2, Article 20 of the Law on Environmental Protection.
7. Important ecological landscape is an area that is formed from the interaction between natural and man-made factors with a specific or representative natural ecosystem of the local, national and international area, meets the criteria specified at Points a and d, Clause 2, Article 20 of the Law on Environmental Protection.
8. Important natural landscape is an natural area that meets the criteria specified at Point a, Clause 2, Article 20 of the Law on Environmental Protection.

## **Chapter II**

### **ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGE PROTECTION**

#### **Section 1. WATER PROTECTION**

##### **Article 4. Assessment of carrying capacity of surface water environment**

1. The assessment of the carrying capacity of surface water environment of rivers and lakes shall comply with regulations of Circular No. 76/2017/TT-BTNMT dated December 29, 2017 of the Minister of Natural Resources and Environment on assessment of the capacity for wastewater receiving and carrying capacity of water sources of rivers and lakes (hereinafter referred to as “Circular No. 76/2017/TT-BTNMT”) and Article 82 of this Circular.

2. The carrying capacity of the surface water environment is the capacity for receiving wastewater and carrying of water sources of rivers and lakes according to regulations of Circular No. 76/2017/TT-BTNMT.

### **Article 5. Groundwater protection**

1. The groundwater protection in the process of survey and extraction shall be comply with regulations of Circular No. 75/2017/TT-BTNMT dated December 29, 2017 of the Minister of Natural Resources and Environment on groundwater protection in drilling, digging, surveying and extracting groundwater.

2. The monitoring and supervision of groundwater quality in the extraction process shall comply with regulations of Article 13 of the Circular No. 17/2021/TT-BTNMT dated October 14, 2021 of the Minister of Natural Resources and Environment on supervision of extraction and use of water resources.

3. The agencies, organizations, community, households and individuals that pollute the groundwater environment shall be responsible for the implementation of measures for management, treatment of wastewater, solid waste and other environmental protection measures for preventing pollutants from dispersing into the groundwater environment according to regulations on management and treatment of wastewater, solid waste and relevant laws.

## **Section 2. SOIL PROTECTION**

### **Article 6. Principles and criteria for identification and classification of soil pollution areas**

1. The soil pollution area shall be classified according to criteria of source of residual contamination, possibility of spread of residual contamination and affected subjects.

2. The pollution level identification shall be subject to the total score for assessment of the criteria specified in Clause 3 of this Article.

3. The criteria for identification of pollution level of a soil pollution area and calculation of the score for the assessment of the criteria of the a soil pollution area shall comply with regulations of Form No. 01, Appendix I issued together with this Circular.

4. The soil environmental pollution area shall be classified according to one of the following three levels:

a) Pollution level: The total score for assessment of the criteria specified in Clause 3 of this Article shall be less than 40 points

b) Serious pollution level: The total score for assessment of the criteria specified in Clause 3 of this Article shall be from 40 points to 75 points.

c) Extremely serious pollution level: The total score for assessment of the criteria specified in Clause 3 of this Article shall be more than 76 points.

#### **Article 7. Investigation and preliminary assessment of the quality of the soil environment; detailed investigation and assessment of soil pollution area**

1. The agencies, organizations, community, households and individuals that use land of the areas specified in Clause 1, Article 12 of Decree No. 08/2022/ND-CP shall be responsible for making of reports on investigation and preliminary assessment of the quality of the soil environment; detailed investigation and assessment of soil environmental pollution areas, measures for treatment, improvement and remediation of the soil environment according to regulations of Forms No. 02, Form No. 03 and Forms No. 05 Appendix I issued together with this Circular.

2. Before December 25 every year, the People's Committee of province, the Ministry of National Defense and the Ministry of Public Security shall summarize and send a list of existing polluted areas or polluted areas without identifiable perpetrators according to regulations of Form No. 04, Appendix I issued with this Circular to the Ministry of Natural Resources and Environment

### **Section 3. NATURAL HERITAGE PROTECTION**

#### **Article 8. Written request form for appraisal, report on establishment project and investigation and assessment of natural heritage**

1. A written request for appraisal of project on establishment of another natural heritage specified in Point c, Clause 1, Article 20 of the Law on Environmental Protection shall be comply with regulations of Form No. 06, Appendix I issued together with this Circular.

2. A report of project on establishment of another natural heritage specified in Point c, Clause 1, Article 20 of the Law on Environmental Protection shall comply with regulations of Form No. 07, Appendix I issued together with this Circular.

3. The report on result of survey and assessment of natural heritage shall comply with regulations of Form No. 08, Appendix II issued with this Circular.

#### **Article 9. Development and approval for regulations and plans for environmental management and protection of natural heritage**

1. Development and approval for regulations and plans for management and protection of natural heritage environmental (hereinafter referred to as “regulations” and “plans”) shall be carried out as follows:

a) The agency that is assigned to manage the natural heritage shall be responsible for the development of draft of regulations and plans according to the form specified in Clauses 2 and 3 of this Article and opinion collection from relevant agencies and organizations;

b) The agency that is assigned to manage the natural heritage shall study, absorb and explain comments and suggestions, complete the draft of regulations, plans and submit them to the People's Committee of province for consideration and promulgation.

Application for promulgation of regulations and plans shall contain a report and a draft of decision on promulgation of regulations and plans; a synthetic report, explanation, acceptance and completion of draft of regulations and plans; written comments of relevant agencies and organizations;

c) In case, the natural heritage is located in at least 02 provinces or the sea area without administrative management responsibility of the People's Committee of province, the draft of regulations and the plans shall be sent to the People's Committee of the province with the boundary of the area of the natural heritage, relevant ministries and ministerial authorities for the purpose of opinion collection; completed and submitted to the Ministry of Natural Resources and Environment for appraisal and approval;

d) The natural heritage that was managed according to regulations, plans and measures before the effective date of this Circular shall comply with regulations of Point a, Clause 6, Article 21 of Decree No. 08/2022/ND- CP. The management regulations, plans and measures shall be submitted to competent authorities for approval within 06 months.

2. The contents of regulations on management and protection of natural heritage shall comply with regulations of Form No. 09, Appendix I issued together with this Circular.

3. The contents of the plans for management and protection of the natural heritage shall comply with regulations of Form No. 10, Appendix I issued together with this Circular. The duration of the plans for the natural heritage protection and management shall be 5 years.

4. The agency that is assigned to manage the natural heritage shall be responsible for implementing regulations and plans after those are approved by competent authorities; annually reporting the regulations and plans on the results of the implementation of the regulations and plans in the report on the management of natural heritage to the agency competent for approval; updating the implementation results on the national biodiversity database.

### **Chapter III**

## **CONTENTS OF ENVIRONMENTAL PROTECTION IN PROVINCIAL PLANNING, STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT (EIA), ENVIRONMENTAL LICENSE AND ENVIRONMENTAL REGISTRATION**

### **Section 1. CONTENTS OF ENVIRONMENTAL PROTECTION IN PROVINCIAL PLANNING AND STRATEGIC ENVIRONMENTAL ASSESSMENT**

#### **Article 10. Contents of environmental protection in provincial planning**

The contents of environmental protection in the provincial planning shall comply with regulations of Law on Planning and Law on Environmental Protection, including the following main contents:

1. Local environment analysis and assessment:

- a) Environmental zoning, including: strictly protected zone, low-emission zone and other zones;
- b) Nature conservation and biodiversity, including: high biodiversity area, important wetland, important ecological landscape area, important natural landscape, biodiversity corridor, nature reserve and biodiversity conservation establishment;
- c) Concentrated waste treatment area;
- d) Network of monitoring and warning about soil, water and air environment.

2. Viewpoints, goals, tasks and measures for environmental protection in association with the organization and arrangement of the development space of the province in the planning time.

3. The plan for environmental zoning (including strictly protected zone, low-emission zone and other zones) according to regulations of Point b, Clause 9, Article 28 of the Government's Decree No. 37/2019/ND-CP dated May 7, 2019 on elaboration of the Law on Planning (hereinafter referred to as "Decree No. 37/2019/ND-CP") and Clauses 2, 3 and 4, Article 22 of Decree No. 08/ 2022/ND-CP.

4. The plan for nature conservation and biodiversity (including high biodiversity area, important wetland, important ecological landscape area, important natural landscape, biodiversity corridor, nature reserve and biodiversity conservation establishment) according to regulations of point b, Clause 3, Article 25 and Point c, Clause 9, Article 29 of Decree No. 37/2019/ND-CP;

5. The plan for development of concentrated waste treatment zones according to regulations of Point d Clause 9 Article 28 of Decree No. 37/2019/ND-CP.

6. The plan for development of the network of environmental monitoring and warning according to the regulations of Point dd Clause 9 Article 28 of Decree No. 37/2019/ND-CP.

**Article 11. Contents of strategic environmental assessment**

1. The contents of strategic environmental assessment of the strategy shall comply with regulations of Clause 1, Article 27 of the Law on Environmental Protection. The contents shall be detailed in Form No. 01a, Appendix II attached to this Circular.

2. The contents of strategic environmental assessment report of the planning shall comply with regulations of Clause 2, Article 27 of the Law on Environmental Protection. The result of the strategic environmental assessment of the planning shall be made into a report according to the regulations of Form No. 01b, Appendix II issued together with this Circular.

## **Section 2. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

### **Article 12. Contents of an environmental impact assessment report (EIAR) and the minutes of survey meeting about EIA**

1. The contents of an EIAR shall comply with regulations of Form No. 04, Appendix II issued with this Circular.
2. The minutes of the survey meeting with the subjects specified at Point a, Clause 1, Article 26 of Decree No. 08/2022/ND-CP shall comply with regulations of Form No. 04a, Appendix II issued together with this Circular.

### **Article 13. Organization and operation of the EIAR appraisal council and council for appraisal of measures for environmental improvement and remediation in mineral mining**

1. The EIAR appraisal council of and council for appraisal of measures for environmental improvement and remediation in mineral mining (in this Article hereinafter referred to as “the appraisal council”) shall be responsible for advising the head of the appraisal agency; responsible to the appraisal agency and the law for appraisal results.
2. The appraisal council shall work on the principle of public discussion with the council members, the owner of the project or business in the form of official meeting or thematic meeting according to the Chair's decision, if necessary.
3. The official meeting of the appraisal council shall only be held if the following conditions are fully satisfied:
  - a) There must be at least 2/3 (two thirds) of total council members attending the meeting (online or offline). In particular, there must be an chairperson or authorized vice-chairperson (s) (hereinafter referred to as “the chair”), a secretary and at least 01 reviewer;
  - b) There must be the competent representative of the owner of the project or business;
  - c) The fee for appraisal of the EIAR and measures for environmental improvement and remediation has been paid in accordance with law.
4. The council members attending the official meeting of the appraisal council shall be responsible for writing the appraisal sheets. A council member who is absent in official meeting may send written comments before the meeting of the council. His/her comment shall be considered as the comment of a member who attends the meeting but he/she does not write an appraisal sheet.
5. The delegates who attends the meeting of the appraisal council shall be appointed, if necessary, by the appraisal agency The delegates shall be entitled to express their opinions in the meeting under the direction of the chair of the meeting and receive remuneration in accordance with law.



6. The chairperson, vice-chairperson (s) (if any) and the secretary of the appraisal council shall be officials of the appraisal agency, except for the cases specified in Clause 8, Article 34 of the Law on Environmental Protection. The chairperson (or the vice-chairperson who is authorized by the chairperson in his/her absence) and the secretary shall be responsible for signing the minutes of the council meeting.

7. The council members shall be responsible to the appraisal agency and law for their comments and assessments of the EIAR, measures for environmental improvement and remediation and tasks that are assigned by the chair in the appraisal process. The council members shall be entitled to receive meeting documents at least 03 days before the meeting and remuneration according to the regulations of the law.

8. The appraisal result of the appraisal council shall be prescribed as follows:

a) Approval without revisions: All appraisal sheets of council members shall be approved without revisions

b) No approval: At least 1/3 (one third) of appraisal sheets of council members shall not be approved

c) Approval with revisions: other cases that are not specified in Points a, b of this Clause.

#### **Article 14. Disclosure of the list of members of the EIAR appraisal council**

The EIAR appraisal agency shall be responsible for disclosing the list of council members and the decision on approval for the EIAR appraisal result of investment project on its Web Portal, except for investment projects that are state secrets.

#### **Article 15. Forms, documents and dossiers on EIAR appraisal; decisions on approval for EIAR appraisal result**

1. Written request for EIAR appraisal according to regulations of Form No. 02, Appendix II issued with this Circular.

2. Decision on the establishment of the EIAR appraisal council according to the regulations of Form No. 03, Appendix II issued with this Circular.

3. Site survey record of the area where the project is located (if any) according to regulations of in Form No. 05, Appendix II issued with this Circular.

4. Written comments on EIAR of council members according to regulations of Form No. 06, Appendix II issued with this Circular.

5. Appraisal sheets of the EIAR of council members according to the regulations of Form No. 07 of Appendix II issued together with this Circular.

6. The minutes of meeting of the EIAR appraisal council according to regulations of Form No. 08, Appendix II issued with this Circular.

7. Written notification of the EIAR appraisal result according to regulations of Form No. 09, Appendix II issued with this Circular.

8. Decision on approval for the EIAR appraisal result according to regulations of Form No. 10, Appendix II issued with this Circular.

**Article 16. Time limit for commenting serving approval for report on the EIAR appraisal result applied to investment project discharging wastewater into irrigation project**

Within 5 working days from the date of receipt of the written opinion from the appraisal agency of report on environmental impact assessment, the supervisory authority of the irrigation project shall be responsible for making written opinion on approval for appraisal result. If the time of opinion collection is over without a written reply, it is considered as consensus. The questionnaires and written responses shall comply with regulations of Forms No. 04b and 04c, Appendix II issued together with this Circular.

**Article 17. Forms, documents and dossiers on appraisal, decisions on approval for the appraisal results of measures and technical guidelines for on environmental improvement and remediation**

1. The forms, documents on appraisal and approval for the appraisal results of measures for environmental improvement and remediation applied to subjects specified in Points b, c, Clause 2, Article 67 of Law on Environmental Protection shall contain:

- a) Contents of measures for environmental improvement and remediation according to regulations of Form No. 11 of Appendix II issued together with this Circular;
- b) Written request for appraisal of measures for environmental improvement and remediation according to regulations of Form No. 12, Appendix II issued with this Circular;
- c) Decision on the establishment of appraisal council for measures for environmental improvement and remediation according to regulations of Form No. 13, Appendix II issued with this Circular.
- d) The minutes of meeting the appraisal council, written comments and appraisal sheets of measures for environmental improvement and remediation according to regulations of Forms No. 14, No. 15 and Form No. 16, Appendix II issued together with this Circular ;
- dd) Written notification of the appraisal results of measures for environmental improvement and remediation according to regulations of Form No. 17, Appendix II issued with this Circular;
- e) Decision on approval for the appraisal results of measures for environmental improvement and remediation according to regulations of Form No. 18, Appendix II issued with this Circular

g) Certificate of deposit on environmental improvement and remediation according to regulations of Form No. 19, Appendix II issued with this Circular.

2. The environmental improvement and remediation shall be carried out according to the following technical guidelines:

a) The guidelines for contents of environmental improvement and remediation in mineral mining according to regulations of Form No. 20, Appendix II issued together with this Circular;

b) The measures for cost calculation and estimate for environmental improvement and remediation in mineral mining according to regulations of Form No. 21, Appendix II issued together with this Circular.

### **Section 3. ENVIRONMENTAL LICENSE AND ENVIRONMENTAL REGISTRATION**

#### **Article 18. Working principles and responsibilities of the appraisal council and inspectorate responsible for appraising application for issuance of environmental license**

1. The appraisal council responsible for appraising application for issuance of environmental license shall be responsible for advising the licensing agency in the process of issuance or re-issuance of an environmental license to an investment project; responsible to the environmental licensing agency and the law for appraisal results.

2. The inspectorate responsible for appraising application for issuance of environmental license shall be responsible for carrying out an actual survey at the place where the investment project or business is located; comparing the actual survey with application for issuance, adjustment or re-issuance of environmental license of the owner of the project or business; ensuring compliance with regulations of the Law on Environmental Protection. The inspectorate responsible for appraising application for issuance of environmental license shall take responsibility to the environmental licensing agency and the law for the survey results.

3. The appraisal council and inspectorate shall work on the principle of public discussion.

4. An official meeting of the appraisal council or the deployment of an inspectorate shall only be conducted if the following conditions are fully satisfied:

a) At least 2/3 (two thirds) of total council members, including the Chairperson or Vice Chairperson authorized by the council (hereinafter referred to as “chair”) and the secretary shall attend the meeting online or offline;

b) At least 2/3 (two thirds) of total members of inspectorate, including a chief or authorized deputy chief (s), an leader or authorized deputy leader (s) and a secretary shall directly participate in the on-site inspection;

c) There must be the competent or authorized representative of the owner of the project or business;

5. The council's member who is absent may send his/her written comments before the opening date of the official meeting of the council. His/her comments shall be considered as those of a member who attends the meeting but he/she must not write the appraisal sheet.
6. Delegates who attend the meeting of the appraisal council shall be decided, if necessary, by the licensing authority. These delegates shall be entitled to express their opinions in the meeting under the direction of the chair and receive remuneration in accordance with law.
7. The chairperson or vice-chairperson of the appraisal council, the leader or deputy leader of the appraisal team, the chief or deputy chief of the inspectorate, the leader or deputy leader of the inspectorate, the secretary of the appraisal council and inspectorate shall be officials of the environmental licensing agency.
8. The chairperson (or the vice-chairperson who is authorized by the chairperson in his absence), the chief (or deputy chief who is authorized by the chief in his absence), the leader (or deputy leader who is authorized by the leader in his absence) shall be responsible to the environmental licensing agency and the law for the appraisal contents and results; signing the minutes of meeting of the appraisal council and inspection records in accordance with law.
9. The members of appraisal council and inspectorate shall be responsible to the environmental licensing agency and law for their comments and assessments of report on the proposal for issuance or re-issuance of an environmental license and its contents; tasks that are assigned by the chair in the appraisal and inspection process. The members shall be entitled to receive remuneration in accordance with regulations of the law.
10. The results of issuance of the environmental license of the appraisal council shall be prescribed as follows:
  - a) Approval without revisions: All appraisal sheets of members attending the offline meeting show approval without revisions;
  - b) Disapproval: Appraisal sheets of more than 1/3 (one third) of total members show disapproval
  - c) Approval with revisions: other cases that are not specified in Points a, b of this Clause.

**Article 19. Forms of documents used for issuance of environmental license and revocation of environmental license and on-site inspection of trial operation of waste treatment works**

1. Decision on establishment of appraisal council responsible for appraising application for issuance of an environmental license to an investment project according to regulations of Form No. 22, Appendix II issued together with this Circular that shall be applied to the cases subject to the establishment of appraisal council according to regulations of point c, clause 4, Article 29 of Decree No. 08/2022/ND-CP.
2. Decision on the establishment of appraisal team responsible for appraising application for issuance of an environmental license to an investment project according to regulations of Form

No. 23, Appendix II issued together with this Circular that shall be applied to the cases subject to the establishment of appraisal team according to regulations of point c, clauses 4 and 9, Article 29 of Decree No. 08/2022/ND-CP.

3. Decision on the establishment of inspectorate responsible for appraising application for issuance, adjustment or re-issuance of environmental license to investment project/business according to the regulations of Form No. 24, Appendix II issued together with this Circular that shall be applied to the following cases:

a) The cases subject to the establishment of an inspectorate responsible for appraising application for issuance of environmental license according to regulations of Point c, Clause 4, Article 29 of Decree No. 08/2022/ND-CP;

b) The cases subject to the establishment of an inspectorate responsible for appraising application for re-issuance of environmental license according to regulations of Points a and b, Clause 5, Article 30 of Decree No. 08/2022/ND-CP;

c) The cases subject to the establishment of an inspectorate according to regulations of Clause 3, Article 30 of Decree No. 08/2022/ND-CP;

4. Decision on the establishment of inspection team in case of issuance or re-issuance of an environmental license to a business operating under the licensing competence of People's Committee of District according to regulations of Form No. 25, Appendix issued together with this Circular.

5. Written notification of site survey plan for issuance of an environmental license to an investment project that is not subject to environmental impact assessment according to Form No. 26, Appendix II issued together with this Circular.

6. Record of site survey at the area where the investment project that is not subject to environmental impact assessment is carried out according to Form No. 27, Appendix II issued with this Circular.

7. Minutes of meeting of the appraisal council responsible for appraising application for issuance or re-issuance of environmental license to an investment project according to Form No. 28, Appendix II issued with this Circular.

8. Record of inspection of issuance or re-issuance of environmental license to the investment project/business according to Form No. 29, Appendix II issued with this Circular.

9. Written comments of members of the appraisal council or the appraisal team responsible for appraising application for issuance of environmental license to an investment project according to Form No. 30, Appendix II issued with this Circular.

10. Appraisal sheets of members of the appraisal council or the appraisal team for issuance of environmental license to the investment project according to the regulations of Form No. 31, Appendix II issued together with this Circular.
11. Written comments of members of inspectorate or inspection team responsible for appraising application for issuance or re-issuance of environmental license to an investment project or business according to regulations of Form No. 32, Appendix II issued with this Circular.
12. Written announcement about completion or return of an application for issuance of environmental license to an investment project according to regulations of Form No. 33, Appendix II issued with this Circular.
13. Report of inspectorate on inspection result of issuance or re-issuance of environmental license to investment project specified in Clause 3, Article 30 of Decree No. 08/2022/ND-CP according to regulations of Form No. 34, Appendix II issued together with this Circular.
14. Written notification made the environmental licensing agency of the adjustment of type and weight of hazardous waste allowed to be treated or weight of scrap allowed to be imported to make production materials specified in Clause 3, Article 30 of the Decree No. 08/2022/ND-CP according to regulations of Form No. 35, Appendix II issued together with this Circular.
15. A written enquiry sent to the regulatory body managing hydraulic structures during the issuance or re-issuance of environmental license to an investment project/business according to Form No. 36, Appendix II enclosed with this Circular.
16. A written enquiry sent to an agency, organization or expert in the process of issuance, adjustment and re-issuance of environmental license according to Form No. 37, Appendix II issued together with this Circular.
17. Written reply of the regulatory body managing hydraulic structures according to Form No. 38, Appendix II issued together with this Circular.
18. Written reply of the enquired agency, organization or expert in the process of issuance, adjustment and re-issuance of environmental license according to Form No. 39, Appendix II issued together with this Circular.
19. Environmental license according to regulations of Form No. 40, Appendix II issued with this Circular.
20. Environmental license subject to adjustment according to regulations of Form No. 41, Appendix II issued with this Circular.
21. Decision on revoking environmental license subject to adjustment according to regulations of Form No. 42, Appendix II issued with this Circular.

22. Written notification of the plan for trial operation of waste treatment work of the investment project according to regulations of Form No. 43, Appendix II issued with this Circular.

23. Decision on appointment of officials to on-site inspection of waste treatment works of the investment project or business in the process of trial operation in cases other than those specified specified in Clause 4, Article 46 of the Law on Environmental Protection according to regulations of Form No. 44, Appendix II issued together with this Circular.

24. Record of inspection or supervision of trial operation of waste treatment works, made by an official or public employee according to Form No. 45, Appendix II issued together with this Circular.

25. Record of inspection of trial operation of waste treatment work of the investment project or business that uses scrap as production materials or hazardous waste treatment services according to regulations of Form No. 46, Appendix II issued together with this Circular.

**Article 20. Additional waste monitoring applied to operating businesses in case of proposal for issuance of an environmental license**

1. The additional waste monitoring specified at Point e, Clause 3, Article 28 of Decree No. 08/2022/ND-CP shall be carried out as follows: Take a single sample (wastewater) in 5 consecutive days and cluster sample (exhaust gas) in 2 consecutive days for the purpose of assessment of the treatment efficiency of the exhaust gas, wastewater treatment work and equipment (if any).

2. The additional waste monitoring specified at Point dd, Clause 5, Article 28 of Decree No. 08/2022/ND-CP shall be carried out as follows: Take a single sample (wastewater) and cluster sample (exhaust gas) for the purpose of assessment of the treatment efficiency of the exhaust gas, wastewater treatment work and equipment (if any)

**Article 21. Waste monitoring in the process of trial operation of waste treatment work of project or business**

1. Monitoring for wastewater treatment work: The collection of wastewater sample for the purpose of measurement, analysis and assessment of the suitability of wastewater treatment work shall be suitable for TCVN 5999:1995 (ISO 5667-10: 1992) on water quality - sampling and guidelines for wastewater sampling. The cluster sample and frequency shall be specified as follows:

a) Cluster sample shall include 03 single samples that are taken at 03 different times of the day (morning, noon - afternoon, afternoon - evening) or at 03 different times (beginning, middle, end) of the shift and mixed together;

b) The assessment time of the efficiency adjustment duration of the wastewater treatment work shall be at least 75 days from the date of the beginning of the trial operation. The monitoring frequency shall be at least every 15 days (measurement, taking and analysis of input and output

cluster sample of the wastewater treatment work). The monitoring indices shall be subject to environmental license.

If necessary, the project owner shall measure, take and analyze some more samples of the wastewater after treatment of the waste treatment work in this duration for the purpose of assessment according to the technical regulations on waste and have better measures for adjustment, improvement and amendment to wastewater treatment work;

c) The efficiency assessment time in the stable operation duration of the wastewater treatment work shall be at least 07 consecutive days after the adjustment duration specified at Point b of this Clause. In force majeure case that the measurement, collection and analysis of samples cannot be carried out consecutively, they shall be carried out on the next day. The wastewater monitoring frequency shall be at least once per day (measurement, taking and analysis of single samples for 01 input wastewater sample and at least 07 output wastewater samples in 07 consecutive days of wastewater treatment work). The monitoring indices shall be subject to environmental license.

2. Monitoring for dust and exhaust gas treatment work and equipment: Measurement and taking sample of dust and exhaust gas for the purpose of analysis and assessment of the efficiency of each waste treatment work and equipment in the waste monitoring plan shall be specified as follows:

a) The cluster sample shall be identified in one of the following two cases:

A cluster sample shall be taken according to the continuous sampling method (isokinetic and other methods according to regulations on environmental monitoring technology) to measure and analyze indices according to regulations or an average value of 03 measurement results of the field rapid measuring equipment (digital measuring equipment) in accordance with law at different 03 times in a day (morning, noon - afternoon, afternoon - evening) or at 03 different times (beginning, middle, end) of the production shift;

b) The assessment time of the efficiency adjustment duration of each dust, exhaust gas treatment work and equipment shall be at least 75 days from the date of the beginning of the trial operation. The dust and exhaust gas monitoring frequency shall be at least once every two weeks (measurement, taking and analysis of input (if any) and output cluster sample. The monitoring indices shall be subject to environmental license.

c) The efficiency assessment time in the stable operation duration of the dust, exhaust gas treatment work and equipment shall be at least 07 consecutive days after the adjustment duration specified at Point b of this Clause. In force majeure case that the measurement, collection and analysis of samples cannot be carried out consecutively, they shall be carried out on the next day. The dust and exhaust gas monitoring frequency shall be at least once per day (measurement, taking and analysis of single samples or samples taken by continuous sampling equipment before discharging into the environment of dust, exhaust gas treatment work and equipment). The monitoring indices shall be subject to environmental license.



3. The monitoring, identification and classification of solid waste (including sludge) that are hazardous waste or ordinary industrial solid waste shall comply with regulations of the Law on hazardous waste management.
4. The investment project or business specified in Column 3, Appendix 2 issued together with Decree No. 08/2022/ND-CP shall have waste monitoring according to regulations of Clauses 1, 2 and 3 of this Article.
5. The owner of the project or business specified in Clause 4 of this Article shall decide waste monitoring and ensure monitoring at least 03 single samples in 03 consecutive days of the stage of stable operation of waste treatment work.
6. The wastewater or exhaust gas monitoring in case of re-operation of the wastewater and exhaust gas treatment work specified at Point c, Clause 7, Article 97 or Point c, Clause 8, Article 98 of Decree No. 08/2022/ND-CP shall be carried out as follows:
  - a) The business specified Column 3, Appendix 2 issued together with Decree No. 08/2022/ND-CP shall carry out waste monitoring according to regulations of Point c, Clause 1 or Point c, Clause 2 of this Article;
  - b) The business that is not specified in Column 3, Appendix 2 issued together with Decree No. 08/2022/ND-CP shall carry out waste monitoring according to regulations of Clause 5 of this Article;

## **Article 22. Application and procedures for environmental registration**

1. Application for environmental registration shall contain:
  - a) Environmental registration document of the owner of the investment project or business according to regulations of Form No. 47, Appendix II issued with this Circular;
  - b) A copy of the decision on approval for the EIAR appraisal result of the investment project or business (if any).
2. The owner of the investment project or business shall send the application for environmental registration electronically, by post or in person to the People's Committee of the Commune where the investment project or business is located according to regulations of Clause 3, Article 49 of the Law on Environmental Protection.

## **Article 23. Receipt of environmental registration**

1. The People's Committee of the commune shall receive environmental registration application that is sent by the owner of the investment project or business electronically, by post or in person.

2. The People's Committee of the commune shall update data on environmental registration on the national environmental information and database system.

## **Chapter IV**

### **WASTE, IMPORTED SCRAP MANAGEMENT AND POLLUTANT CONTROL**

#### **Section 1. GENERAL PROVISIONS FOR WASTE MANAGEMENT**

##### **Article 24. List of hazardous wastes, industrial wastes subject to control and ordinary industrial solid wastes**

1. The list of wastes shall include hazardous waste, industrial waste subject to control, ordinary industrial solid waste and waste code specified in Form No. 01, Appendix III issued together with this Circular.

2. The waste classification shall be carried out according to the list of wastes specified in Clause 1 of this Article. The identification of whether an industrial waste is hazardous waste or ordinary industrial solid waste shall comply with environmental technical regulations on hazardous waste thresholds. The industrial waste subject to control without identification shall be managed as hazardous waste. In case of the certain properties and hazardous components without technical regulations, the national standards in environmental protection of one of the developed countries shall be applied to these properties and hazardous components.

3. The ordinary industrial solid waste shall be collected, classified, selected for reuse, direct use as raw materials and fuels for the purpose of production activities (symbol: TT-R) according to the list of wastes specified in Clause 1 of this Article.

##### **Article 25. Unit of weight of waste**

1. The weight of hazardous waste, ordinary industrial solid waste in dossiers, licenses, reports, documents, delivery records and other written papers specified in this Circular shall be expressed as kilogram (abbreviated to “kg”).

2. The weight of domestic solid waste in dossiers, license, reports, delivery records and other written papers specified in this Circular shall be expressed as tonne.

#### **Section 2. DOMESTIC SOLID WASTE MANAGEMENT**

##### **Article 26. Technical requirements for environmental protection applied to domestic solid waste aggregation site and transfer station**

1. Domestic solid waste aggregation site:

a) The waste aggregation site shall be arranged to ensure the effective connection between the collection, transport and treatment; the collecting scope at households, organizations and

individuals and the environmental safety distance according to regulations of QCVN 01:2021/BXD - National technical regulation on construction planning issued together with Circular No. 01/2021/TT-BXD dated May 19, 2021 of the Minister of Construction on National Technical Regulations on construction planning and other relevant legal regulations;

b) The waste aggregation site shall have a waste storage equipment with a capacity suitable for the storage time to ensure that there is no leakage in the environment; ensure clean and spray of deodorant after the end of operation. In case, the waste aggregation site operates from 18:00 P.M to 06:00 A.M of the next day, the waste aggregation shall have lights;

c) The owner of the investment project, the owners and management board of new urban areas, apartment buildings and office buildings shall arrange appropriate domestic solid waste aggregation sites throughout the design, construction and operation process to meet the requirements for the domestic solid waste disposal of all people who live in that new urban areas, apartment buildings or office buildings;

d) The owners of businesses may arrange aggregation sites according to regulations of Point b of this Clause or may store domestic solid waste in waste storage equipment;

dd) The People's Committee of province shall direct the People's Committee of district to take charge and cooperate with domestic solid waste collection and transport units in identification of the location, time of aggregation, operation time and scale to receive domestic solid waste at appropriate aggregation site; ensure traffic safety and minimize activities during peak hours.

## 2. Domestic solid waste transfer station:

a) The domestic solid waste transfer station shall comply with regulations of QCVN 01:2021/BXD - National technical regulation on construction planning and other relevant legal regulations;

b) The new fixed transfer stations in urban areas of class-1 urban and special urban shall use modern, suitable and automatic technology according to the conditions of each local area;

c) Semi-underground, underground transfer stations or burial of certain urban construction items shall be encouraged in order to save land use area, provided their designs ensure urban aesthetics and produce no pollution;

d) The domestic solid waste transfer station shall be synchronously connected to with local solid waste collection and transport system

dd) The domestic solid waste transfer station shall have a storage area that is capable of storing domestic solid waste at source, bulky solid waste, collection and transport equipment and hazardous waste after classification of domestic solid waste according to regulations of the People's Committee of province;

e) Transfer stations in urban areas shall have a waste receiving area with enough area for vehicles to stop and wait for waste disposal; ensure the closure for the purpose of minimization of the spread of pollution, odor and penetration of insects;

g) Transfer stations shall have weighing system and equipment; clean and deodorant spray systems of waste-carrying vehicles entering and leaving the transfer station; camera system; system and software for the purpose of monitoring and updating the weight of domestic solid waste and waste-carrying vehicles entering and leaving the transfer station;

h) The People's Committee shall identify the location, operation time and scale of receipt of domestic solid waste at the transfer station.

## **Article 27. Technical requirements for environmental protection applied to domestic solid waste-carrying vehicles**

1. The domestic solid waste-carrying vehicles shall meet the requirements for technical safety and environmental protection in accordance with the regulations of the Transfer Law. The compactor truck shall have sewage tank.

2. The domestic solid waste-carrying vehicles shall ensure that there is no drop of domestic solid waste, leakage or odor emission throughout transport process; clean, spray of deodorant before leaving the transfer station, treatment establishment and after completing domestic solid waste-carrying.

3. The domestic solid waste-carrying vehicles from households and individuals to aggregation site and transfer station shall ensure that there is no leakage and drop of domestic solid waste into the environment throughout operation process.

4. The domestic solid waste storage equipment shall be fixed or detachable equipment that are installed into the waste-carrying vehicles and safe equipment that are undamaged, unbroken and does not absorb, leak and release waste, odor into environment.

5. The application of advanced and environmental friendly models, technology and technical solutions and the promotion of application of information technology to the management of domestic solid waste-carrying activities shall comply with regulations of the People's Committee of province.

## **Article 28. Domestic solid waste treatment technology criteria**

1. Technology:

a) Be capable of receiving and classifying waste, flexibly treating odors, sewage, exhaust gas in combination with other technology for the purpose of treating different types of solid waste; capacity expansion, energy recovery, secondary waste treatment; appropriate level of treatment scale;

b) Degree of automation, domestic value equipment lines; treatment, reuse, recycling and burial rate of domestic solid waste; advanced degree of processing technology; durability of equipment and technological lines; origin of equipment; the uniformity of equipment in the technological lines, the ability to use and replace domestic components and spare parts, the domestic value of the technology and equipment system;

c) Prioritize technology that has been successfully applied, meets environmental technical standards and regulations on equipment for waste treatment and recycling and is suitable for Vietnam's conditions, evaluated and appraised by competent authorities according to regulations of the Law on Science and Technology, the Law on Technology Transfer. Prioritize technology that belongs to the list of technology encouraged to be transferred in accordance with the Law on Technology Transfer.

## 2. Environment and society:

a) Comply with environmental technical standards and regulations;

b) Save land use area;

c) Save energy, be capable of energy recovery throughout treatment process;

d) Be capable of training local resources participating in equipment management, operation, maintenance and equipment maintenance.

## 3. Economy:

a) The treatment costs shall be suitable for the ability to pay cost of local authority or not be exceeded the treatment costs announced by the competent authority;

b) Market potential of the products from waste recycling activities;

c) Potential and economic value brought from the reuse of waste, energy and useful products created after treatment;

d) Market demand; product quality standard applied after treatment;

dd) The appropriateness in the cost of construction and installation of equipment; operating cost; maintenance and repair costs.

## **Article 29. Service charge for collection, transport and treatment of domestic solid waste**

### 1. Service charge for collection, transport and treatment of domestic solid waste:

a) Service charge applied to organizations and individuals generating domestic solid waste shall be charge that the households, individuals, agencies, organizations, businesses, the investors of the infrastructure construction and business of concentrated production, trade, service zones and

industrial clusters according to regulations of Clauses 1, 3 and 4, Article 79 of the Law on Environmental Protection shall pay for collection, transport and treatment of domestic solid waste.

b) Service charge applied to investors and businesses that carry and treat domestic solid waste shall be charge paid by the People's Committee of authorities for selected investors and businesses according to regulations of Clause 1, Article 77, Clause 2, Article 78 of the Law on Environmental Protection and Article 59 of Decree No. 08/2022/ND-CP to provide services of collection, transport and treatment of domestic solid waste.

2. The principles of service charge applied to organizations and individuals generating domestic solid waste shall be specified as follows:

a) Service charge for collection, transport and treatment of domestic solid waste generated from households, individuals and subjects specified in Clause 1, Article 58 of Decree No. 08/2022/ND-CP shall be calculated on the principles of compensation from local budgets;

b) Service charge for collection, transport and treatment of domestic solid waste generated from agencies, organizations, businesses, the investors of the infrastructure construction and business of concentrated production, trade, service zones, industrial clusters specified in Clause 2, Article 58 of Decree No. 08/2022/ND-CP shall be calculated on the principle of correct calculation and sufficient cost for collection, transport and treatment.

3. The investors and domestic solid waste treatment service providers shall be responsible for formulation and submission of the plans for service charges for the purpose of appraisal and approval specified at Point b, Clause 1 of this Article in accordance with the Law on Charge.

### **Article 30. Form of collection of service charge for collection, transport and treatment of domestic solid waste according to weight or volume of waste**

1. The People's Committee of province shall decide the form of collection of service charge for collection, transport and treatment of domestic solid waste according to weight or volume of waste according to one of the following elements:

a) Selling price of packaging containing domestic solid waste Selling price of packaging shall include the packaging production cost and the service charge for collection, transport and treatment of domestic solid waste;

b) Volume of equipment containing domestic solid waste;

c) Determination of the weight of domestic solid waste (applied to agencies and organizations) or other forms according to regulations of the People's Committee of province.

2. Technical requirements for packaging containing domestic solid waste specified at Point a, Clause 1 of this Article:

- a) The packaging shall have different specifications, designs, specific sizes, volume according to regulations of the People's Committee of province in order to easily distinguish from other types of usual packaging. Each type of packaging containing domestic solid waste may have different volume corresponding to each different selling price;
- b) Packaging containing different types of domestic solid waste shall have different colors (green packaging applied to food waste, yellow packaging applied to other domestic solid waste). If necessary, the People's Committee of province may prescribe other colors to ensure uniformity and synchronization in province;
- c) The waste packaging materials shall be suitable for local waste treatment technology. Encourage the use of biodegradable packaging materials;
- d) Packaging containing food waste or food waste and other wastes shall ensure that there are no leakage and odor emission;
- dd) In case, the local authority prescribes that domestic solid waste must be classified into many different categories according to regulations of Point c, Clause 1, Article 75 of the Law on Environmental Protection, the materials of packaging containing domestic solid waste shall be transparent materials in order to see the type of waste inside. In case, the local authority only prescribes classification of waste into recyclable solid waste and other domestic solid waste, this regulation shall not apply to packaging;
- e) Packaging containing domestic solid waste shall have easy-to-tie and easy-to-open designs in order to ensure that there is no drop of domestic solid waste and ensure convenient inspection;
- g) Reusable and recyclable solid waste shall be stored in usual packaging that has adequate capacity and causes no pollution.

3. Collection of service charge through packaging specified in Point a, Clause 1 of this Article shall be carried out as follows:

- a) The People's Committee of province shall select domestic solid waste packaging production and distribution establishments in form of bidding in accordance with the Law on Bidding. In case, the People's Committee of province cannot select an establishment through bidding, the selection shall be done in the form of placing orders or assigning tasks according to regulations of law. The solid waste packaging production and distribution establishments shall be specialized establishments or domestic solid waste collection, transport and treatment establishments;
- b) The domestic solid waste packaging distribution establishments shall distribute packaging in form of sale; distribute to households and individuals with the quantity of packaging according to a certain monthly norm or other appropriate forms.

**Article 31. Valuation method for domestic solid waste treatment services applied to investors and service providers of domestic solid waste treatment**

1. Service charge for treatment of domestic solid waste shall be calculated according to the following formula:

$$G_{XLCTR} = Z_{TB} + (Z_{TB} * P)$$

In which:

- $G_{XLCTR}$ : service charge for treatment of 01 tonne of domestic solid waste that does not include value added tax (VAT). Unit: dong
- $Z_{TB}$ : total cost of treatment of 01 tonne of domestic solid waste. Unit: dong
- $P$  is the profit rate (%) of the project or the average of medium-term interest rates of 03 commercial banks in Vietnam.

2. The total cost of treatment of 01 tonne of domestic solid waste ( $Z_{tb}$ ) shall be calculated according to the following formula:

$$Z_{TB} = \frac{C_T - Z_{th}}{Q}$$

In which:

- $Z_{TB}$ : total cost of treatment of 01 tonne of domestic solid waste Unit: dong
- $C_T$ : the total reasonable and valid costs for the purpose of performing domestic solid waste treatment services (Unit: VND), including: direct material costs; direct labor costs; direct machine and equipment costs; general production costs and enterprise management costs. The above costs are specified in Clauses 3, 4, 5, 6 and 7 of this Article;
- $Z_{th}$ : the revenue from the sale of products that are recovered after domestic solid waste treatment. Unit: dong
- $Q$ : the total weight of domestic solid waste transferred to the treatment establishments for the purpose of treatment. Unit: tonne

3. Direct material cost ( $C_{VT}$ ) shall include the cost of direct materials that are used in the domestic solid waste treatment process and equal to the total weight of each type of private material multiplied by respective unit price of materials, in which:

- a) The weight of each type of material shall be determined according to regulations, standards and consumption rate of domestic solid waste treatment promulgated or announced by competent state agency. In case there is no consumption rate promulgated or announced by a competent state agency, the unit making the price plan shall reasonably determinate consumption rate as a basis for determination of material cost when making plan for service charge for domestic solid waste treatment;



b) The material price is the price payable by the waste treatment facility in accordance with the market price determined according to the announced price or the invoice specified in Law at the time of making the plan. The manufactured products subject to value-added tax calculated according to the credit-invoice method, the material price shall not include value-added tax. The manufactured products that are not subject to value-added tax or subject to value-added tax calculated according to the direct method, the material price shall include value-added tax.

4. The direct labor cost (CNC) includes the monetary costs that a domestic solid waste treatment facility must pay for a direct worker (salary, wage and salary-like allowances, social insurance, health insurance, unemployment insurance, trade union fee) and other costs for a worker who directly treats domestic solid waste. In which:

a) The wage and salary shall be equal to the quantity of working days according to labor norm of a worker who directly treats waste promulgated or announced by the competent authority multiplied by respective unit price per working day. The unit cost per working day of a worker who directly treats domestic solid waste treatment shall be determined according to regulations of competent state agency. In case, there is no labor norm promulgated or announced by a competent state agency, the unit making the price plan shall reasonably determine labor norm as a basis for the labor cost when making plans for service charges for treatment of domestic solid waste;

b) The cost for social insurance, health insurance, unemployment insurance, trade union fee and other costs of a worker who directly treats domestic solid waste shall comply with applicable regulations of law (including the cost paid by the worker and enterprise).

5. Direct machine and equipment cost ( $C_{CM}$ ) shall be total costs regarding the price of machine and equipment, management, use and depreciation of the machine and equipment according to regulations of law; method of determining the machine and equipment cost per shift according to the regulations of law. In case of determining the machine and equipment cost, the identification of the depreciation time of the machine and equipment in accordance with the characteristics of the working conditions of the machine and equipment shall be carried out.

6. The general production cost includes indirect production costs (except for direct materials costs; direct labor costs; direct machine and equipment costs) incurred at the domestic solid waste treatment facility, including: equipment maintenance and repair; fixed asset depreciation and repair (except for direct machine and equipment); cost of materials, tools and equipment that are used in a production plant; wage and salary-like allowances; deduction for social insurance, health insurance, unemployment insurance and trade union fee of an official and a worker of the production plant (including the cost paid by the worker and enterprise); cost of environmental inspection and monitoring; production premises rent (if any); cost of external services and other monetary cost in the cost according to regulations of law, specifically:

a) The material and labor costs of general production cost are direct material and labor costs specified in Clauses 3 and 4 of this Article;

b) Depreciation and repair costs of fixed assets in general production cost are costs specified in the Law on management, use and depreciation of fixed assets.

7. Enterprise management cost includes costs of the management and administration apparatus of the enterprise and other costs of the enterprise according to regulations of Law.

### **Article 32. Closure of domestic solid waste landfill after the end of operation**

1. Closure of hygienic domestic solid waste landfill shall be carried out according to one of the following cases:

a) The domestic solid waste landfill shall have the maximum capacity according to the receiving capacity approved by the competent authority;

b) The owner of waste treatment facility shall be unable to continue to transport and operate the domestic solid waste landfill;

c) If the owner of waste treatment facility wants to close the landfill, he/she shall report the state management agency in charge of environmental protection in province area;

d) The closure of domestic solid waste landfills shall be carried out according to requests of competent state agency

2. Before closing the landfill, the owner of waste treatment facility shall send a notification to the provincial environmental protection authority about the closing time of the landfill for the purpose of supervision.

3. Process of closing a domestic solid waste landfill:

a) A domestic solid waste landfill shall have a top layer of soil with clay content, layer of HDPE plastic or equivalent material that is greater than 30% to ensure humidity and be carefully compacted with a thickness that is at least 60 cm. A landfill shall have the slope from the foot to the top of the landfill that increases gradually from 3% to 5%, always ensure good drainage and no landslide and subsidence. The landfill shall be covered with the soil buffer with a common composition that is sand from 50 cm to 60 cm thick and the planting soil layer (surface soil) from 20 cm to 30 cm thick; have grass and trees;

b) A domestic solid waste landfill shall have many burial cells that may close each domestic solid waste burial cell according to the order specified at Point a of this Clause;

c) After closing the domestic solid waste landfill, the owner of waste treatment facility shall be responsible for making a report on the status of the landfill and sending this report to a environmental protection agency of province. The report on the status of the landfill shall include the contents specified at point d of this Clause;

d) The main contents of the report on the status of a landfill shall include the operational status, efficiency and operability of all works in the landfill including waterproofing system, sewage collection and treatment system, exhaust gas collection system and other environmental protection works (if any) in accordance with law; the results of monitoring of groundwater, the quality of wastewater and exhaust gas discharged and released into the environment of the landfill; reports on environmental remediation, landscape improvement and measures for environmental pollution prevention in the following years; a topographic map of the landfill after the closure of the domestic solid waste landfill;

dd) The owner of a waste treatment facility shall be responsible for collecting and treating wastewater and exhaust gas discharged and released into the environment of domestic solid waste landfills after the closure of the landfills according to regulations.

4. The closure of the domestic solid waste landfill shall meet the following requirements:

a) Requirements specified at Point a, Clause 3 of this Article;

b) Wastewater and exhaust gas discharged and released into the environment of a landfill shall meet environmental technical standards

5. After the closure of the domestic solid waste landfill, people and animals shall be not allowed to freely enter and exit, especially the gas area. The landfill shall have signs, safety instructions.

6. Transfer the site to a competent state agency after the closure of the domestic solid waste landfill shall comply with regulations of Point c, Clause 2, Article 80 of the Law on Environmental Protection.

7. Before reusing a domestic solid waste landfill, the owner of an investment project shall:

a) Monitor environmental changes at the time of monitoring; assess relevant environmental factors; closely check the gas remediation boreholes, only resume the landfill in case the gas concentration is less than 5%;

b) Make a topographic map of the waste landfill area;

c) Continue to treat sewage, exhaust gas (if any) according to regulations while waiting for reuse of domestic solid waste landfill.

8. The measures for cost calculation and estimate for environmental improvement and remediation in the landfill shall comply with regulations of Form No. 02, Appendix II issued together with this Circular.

### **Section 3. ORDINARY INDUSTRIAL SOLID WASTE MANAGEMENT**

#### **Article 33. Technical requirements for environmental protection applied to ordinary industrial solid waste storage**

1. Ordinary industrial solid waste storage equipment and tools shall meet the following requirements:

- a) The equipment and tools shall ensure the safe storage of hazardous waste without damage or tear;
- b) The soft packaging shall be sealed. The hard packaging shall have a tight-fitting lid for the purpose of preventing from leaking and dropping sewage into the environment;
- c) An equipment or a tool shall have hard structure that is capable of withstanding impact, not damaged, deformed, torn due to the weight of waste throughout the process of use.

2. Ordinary industrial solid waste shall be directly stored in warehouses or waste storage areas that meet regulations of Clauses 3 and 4 of this Article or equipment and tools that meet regulations of Clause 1 of this Article.

3. An indoor ordinary industrial solid waste warehouse or storage area shall have:

- a) Elevated floor to avoid flood;
- b) A floor that is sealed, not cracked and penetrated and able to prevent overflowing rainwater from the outside;
- c) A rain cover for the entire storage area;
- d) The warehouse shall meet technical construction standards and regulations of Law.

4. An outdoor ordinary industrial solid waste warehouse or storage area shall have:

- a) An embankment and a system for collecting and treating rainwater overflowed and wastewater generated throughout the storage of ordinary industrial solid waste that ensure environmental technical regulations;
- b) Elevation of the floor that ensures no flood; a floor which is sealed, not cracked and penetrated with durability that is capable of withstanding the load of the means of transport and the weight of ordinary industrial solid waste.
- c) A tool that ensures minimization of dust generated from ordinary industrial solid waste storage area (waste that generate dust).

**Article 34. Technical requirements for environmental protection applied to ordinary industrial solid waste-carrying vehicles and the minutes of the handover of ordinary industrial solid waste.**

1. The ordinary industrial solid waste-carrying vehicles shall meet the requirements for technical safety and environmental protection in accordance with the regulations of the Transport Law

2. Ordinary industrial solid waste shall be directly stored in waste storage equipment or transport vehicles. The ordinary industrial solid waste storage equipment shall be fixed or detachable equipment that are installed into the waste-carrying vehicles and meet requirements specified Clause 1, Article 33 of this Circular.

3. The ordinary industrial solid waste-carrying vehicles shall ensure that there is no drop of waste, odor and dust emission throughout transport process.

4. The tarpaulin truck shall be covered with tarpaulins to avoid the sun and rain throughout the process of collecting, storing and transporting ordinary industrial solid waste.

5. The ordinary industrial solid waste-carrying vehicles shall have a phrase "VẬN CHUYỂN CHẤT THẢI" on both sides of the vehicles with a height of at least 15 cm and the name, address and contact phone of the facility.

6. The minutes of handover of ordinary industrial solid waste shall comply with regulations of Form No. 03, Appendix III issued with this Circular.

#### **Section 4. HAZARDOUS WASTE MANAGEMENT**

##### **Article 35. Hazardous waste declaration, classification, collection and storage by hazardous waste source owner and hazardous waste manifest**

1. The hazardous waste source owner shall declare the weight and type of hazardous waste generated (if any) in the application for issuance of an environmental license according to regulations of Article 28 of Decree No. 08/2022/ND-CP or environmental registration contents specified in Article 22 of this Circular.

2. The hazardous waste source owner shall immediately classify hazardous waste after the waste is brought into the hazardous waste storage area at the facility that generates hazardous waste or the treatment facility according to regulations of the Law.

3. In cases the hazardous wastes are reused, preliminarily processed, recycled, treated, co-treated and allowed to recovery energy at the facility according to the contents of the issued environmental license, the hazardous waste source owner shall be allowed to choose whether or not to classify hazardous waste.

4. Packaging containing hazardous waste shall meet the following requirements:

a) The hazardous waste packaging (hard or soft packaging) shall ensure the safe storage of hazardous waste without damage or tear;

b) The soft packaging shall be sealed. The hard packaging shall have a tight-fitting lid for the purpose of preventing from leaking or evaporating;

c) Liquid waste, slurry or waste containing volatile hazardous components shall be stored in a hard packaging with the capacity that is less than 90% or a headspace that is 10 cm.

5. The storage equipment (with a hard shell and large size such as a tank, a container or other similar equipment) shall meet the following requirements:

a) The storage equipment shall ensure safe storage of hazardous waste, have reinforcement or special design at the connection and the loading, unloading point or filling and discharge stations in order to avoid leaking;

b) The storage equipment shall have hard structure that is capable of withstanding impact, not damaged, deformed, torn due to the weight of waste throughout the process of use.

c) The storage equipment shall have a warning sign according to Vietnam regulations on warning sign regarding to hazardous waste and have a minimum size that is 30 cm in each direction;

d) The equipment for storing hazardous liquid waste or waste containing volatile hazardous components shall have a tight-fitting lid and function that ensure evaporation control. The filling and discharge stations shall have overflow guard, overflow protection to ensure the headspace that is 10 cm. If the hazardous waste storage equipment does not have volatile hazardous components, the close-fit between a lid and equipment shall not be compulsory. However, the equipment shall have a lid or other tools that ensure complete prevention from wind, sunlight and rain;

dd) The hazardous waste storage equipment shall have a capacity that is at least 02m<sup>3</sup> or meets the regulations of Clause 4 of this Article. The equipment are located outdoors but it shall be tightly sealed and prevent rain water from entering. In case of storing hazardous waste or hazardous waste groups that are capable of chemical reaction with each other in the same storage equipment, the equipment shall be isolated in the process of storage

6. Hazardous waste storage area of generating facilities:

a) The hazardous waste storage area (a warehouse that is not compulsory) shall have a tight surface floor that ensures no penetration and rainwater overflowing; a roof for the purpose of protecting the entire hazardous waste storage area from sunlight and rain, design or equipment for limiting wind that directly blows inside. However the hazardous waste storage equipment with a capacity that is more than 02m<sup>3</sup> is located outdoors;. The area shall be isolated from the areas of hazardous waste or other groups of hazardous wastes that are capable of chemical reaction; ensure no liquid that is leaked outside when leaking and overflowing.

b) The liquid waste containing PCBs, persistent organic pollutants subject to management according to regulations of the Stockholm Convention on persistent organic pollutants (POPs) and other halogenated organic hazardous components (beyond the hazardous waste threshold specified in the national technical regulation on hazardous waste thresholds) shall be stored in hard packaging or storage equipment located in elevated surfaces or ballets and not be stacked;

c) The hazardous waste storage area shall have tools, equipment and materials as follows: fire prevention and fighting equipment in accordance with the Law on fire prevention and fighting; absorbent material (dry sand or sawdust) and a shovel for purpose of preventing from leaking, dropping or overflowing of hazardous liquid waste; warning and prevention signs that are suitable for the type of hazardous waste according to Vietnam regulations on warning signs regarding hazardous waste with a minimum size that is 30 cm in each direction. The storage area of medical facility shall comply with regulations on medical waste management.

7. The hazardous waste manifest shall comply with regulations of Form No. 04, Appendix II issued with this Circular.

**Article 36. Technical requirements on packaging, hazardous waste storage equipment and areas applied to the owners of hazardous waste treatment facilities.**

1. Packaging containing hazardous waste (hard or soft packaging) shall meet the following requirements:

a) The packaging shall be resistant to corrosion, rust, chemical reaction to the hazardous waste, water or penetration, leakage, especially at the junction and filling and discharge stations. The soft packaging shall have at least 02 layers;

b) The packaging shall be capable of withstanding impact, not be damaged or torn due to the weight of waste throughout the use process;

c) The soft packaging shall be sealed. The hard packaging shall have a tight lid for the purpose of preventing from leaking or evaporating;

d) Liquid waste, slurry or waste containing volatile hazardous components shall be stored in a hard packaging.

2. The storage equipment (with a hard shell and large size such as a tank, a container or other similar equipment) shall meet the following requirements:

a) The shell shall be resistant to corrosion, rust, chemical reaction to the hazardous waste, water or penetration, leakage; have reinforcement or special design at the junction, uploading and loading points, filling and discharge stations in order to avoid leaking;

b) An storage equipment shall have hard structure that is capable of withstanding impact, not damaged, deformed, torn due to the weight of waste throughout process of use.

c) An storage equipment shall have warning signs according to regulations;

d) The equipment for storing hazardous liquid waste or waste containing volatile hazardous components shall have a tight-fitting lid and function that ensure evaporation control;

dd) If the hazardous waste storage equipment does not have volatile hazardous components, the close-fit between a lid and equipment shall not be compulsory. However, the equipment shall have a lid or other tools for the purpose of completely preventing equipment from sunlight, rain and wind that directly blows inside;

3. Hazardous waste storage areas of transfer stations and hazardous waste treatment facilities shall meet the following requirements:

a) The hazardous waste storage area shall have elevation of the floor that ensures no flood and a tight surface floor that ensures no rainwater overflowing;

b) The hazardous waste storage area shall have a floor that is sealed, not cracked with a material that is resistant to water, corrosion, chemical reaction to hazardous waste; a durable floor that is capable of withstanding the highest load of hazardous waste according to calculation; walls and partitions with non-flammable materials;

c) The storage area shall have a roof for the purpose of protecting the entire hazardous waste storage area that is made from non-flammable material, design and equipment for limiting wind that directly blows inside. However hazardous waste storage equipment with a capacity that is more than 05m<sup>3</sup> is located outdoors;

d) The storage area shall have separate cells or sections for each type of hazardous waste or group of hazardous waste with the same properties to isolate them from other types of hazardous waste or hazardous waste groups that are capable of chemical reaction. The non-flammable partitions with height that is higher than the height of hazardous waste columns shall be built.

4. In case the hazardous waste storage areas or transfer stations that are built in the form of warehouses shall meet Vietnam regulations on warehouses.

5. A storage area or a hazardous liquid waste transfer station shall have walls, embankments surrounding all or a part of the areas. Also, the owner shall have another secondary isolation measure for preventing hazardous waste from being dispersed to environment in cases of incidents. There must be gutters that lead to a drain that is lower than the floor in order to ensure no overflow.

6. The liquid waste containing PCBs, persistent organic pollutants subject to management according to regulations of the Stockholm Convention on persistent organic pollutants (POPs) and other halogenated organic hazardous components (beyond the hazardous waste threshold specified in the environmental technical regulation on hazardous waste thresholds) shall be stored in hard packaging or storage equipment located in elevated surfaces or ballets and not be stacked;

7. A hazardous waste storage area or a transfer station shall have equipment, tools and materials as follows:



- a) Fire prevention and fighting equipment in accordance with the Law on fire prevention and fighting;
- b) Absorbent material (dry sand or sawdust) and a shovel to use in case of leaking, dropping and overflowing hazardous liquid waste;
- c) First aid boxes; solution containers for the purpose of emergency neutralization of acid burns in case of acidic waste storage;
- d) Loading and unloading equipment (manual or motor equipment);
- dd) Telecommunication equipment;
- e) Alarm equipment (sirens, gongs, loudspeakers);
- g) A warning and prevention sign in each cell or subdivision of the storage or transfer area that is suitable for the type of hazardous waste according to Vietnamese regulations on warning signs regarding hazardous waste with a minimum size that is at least 30 cm in each direction; material, ink of sign with unfaded color and unfaded text ;
- h) Exit diagrams, exit instructions symbols (EXIT or exit instructions signs) that are located at enter and exit points of the aisles;
- i) Brief instruction boards on the safe operation process of the storage area or transfer station, the incident response process (attached to the list of phone number of the local agencies: the People's Committee of commune, police office, medical emergency, fire prevention, fighting and rescue) with sizes and locations that are convenient for observation and monitoring.

**Article 37. Technical requirements for environmental protection applied to hazardous waste-carrying vehicles**

1. The hazardous waste storage equipment shall be fixed or detachable equipment that are installed into the waste-carrying vehicles in accordance with regulations of Clause 2, Article 36 of this Circular.
2. Some types of hazardous waste-carrying vehicles shall meet the following requirements:
  - a) The tarpaulin trucks shall be covered with tarpaulins to avoid sunlight and rain throughout the process of collecting, storing and transporting hazardous waste
  - b) The tank trucks and cargo holds containing hazardous liquid waste of ships shall ensure evaporation control;
  - c) A motorcycle shall have a container and be fastened on the cargo rack (behind the driver's seat) of the motorcycle. The size of a container that is fastened on a motorcycle shall comply with regulations of Law on Road Traffic.

3. Hazardous waste storage areas on ships, barges and trains shall meet the following requirements:

- a) The hazardous waste storage area shall have a floor and surrounding partitions that are sealed, especially at the junction between the floor and the wall, with a material that is resistant to water, fire corrosion, chemical reaction to hazardous waste; a durable floor that is capable of withstanding the highest load of hazardous waste according to calculation;
- b) The storage area shall have a roof or a tarpaulin for the purpose of protecting the entire hazardous waste storage area from sunlight and rain, a design or equipment for limiting wind that directly blows inside. However, the hazardous waste storage equipment with a capacity that is more than 05m<sup>3</sup> shall be located outdoors

4. Hazardous waste-carrying vehicles shall have equipment, tools and materials as follows:

- a) Fire prevention and fighting equipment in accordance with the Law on fire prevention and fighting;
- b) Absorbent material (dry sand or sawdust) and necessary tools to use in case of leaking, dropping and overflowing hazardous liquid waste;
- c) First aid boxes; solution containers for the purpose of emergency neutralization of acid burns in case of acidic waste storage;
- d) Telecommunication equipment;
- dd) Warning signs that are flexibly installed according to the type of hazardous waste transferred on at least both sides of a vehicle; the text "VẬN CHUYỂN CHẤT THẢI" with a letter height of at least 15 cm and the name, address, and contact phone number of the facility fixed on at least both sides of the vehicle; a material and ink of sign with unfaded color, unfaded text. In case of moped, the size of selected warning signs shall be suitable for reality;
- e) Brief instruction boards on the safe operation process of waste-carrying vehicles, loading and unloading, hazardous waste filling and discharge, the incident response process (attached to the list of phone number of the local agencies: environmental management, police office, medical emergency and fire prevention, fighting) that are located in cabin and control area according to regulations of Law, clearly printed with the texts that are readable and unfaded.

**Article 38. Hazardous waste transboundary transport registration under the Basel Convention on the control of the cross-border transport and destruction of hazardous waste**

1. The hazardous waste export registration shall be carried out by submitting the application for registration of the cross-border transport of hazardous waste. The registration of export of the same type of hazardous waste shall be carried out according to each separate shipment or a number of shipments in a year. An owner of source of hazardous waste or an exporter who is

representative of the owner shall cooperate with relevant parties in making application according to regulations of Clause 2 of this Article.

2. An application for registration of the cross-border transport of hazardous waste shall contain:

- a) An application form for registration of cross-border transport of hazardous waste according to the regulations of Form No. 05, Appendix III issued with this Circular;
- b) A copy of the contract for treatment of hazardous waste applied to the hazardous waste treatment facility in the import country;
- c) A copy of the contract that was signed with the owner of source of hazardous waste in case of an exporter that is authorized by the owner waste to register and carry out the procedures for cross-border transport of hazardous waste;
- d) A copy of the contract that was signed with the insurance registration unit for hazardous waste shipments transported cross-border;
- dd) An notification of transport in English according to the form specified in the Basel Convention on control and of cross-border transport and destruction of hazardous waste (hereinafter referred to as “Basel Convention”) at:

<http://www.basel.int/Portals/4/Basel%20Convention/docs/techmatters/forms-notif-mov/vCOP8.doc>.

3. Procedures for registration of cross-border transport of hazardous waste:

- a) Organization or individual shall make application for registration of cross-border transport of hazardous waste specified in Clause 2 of this Article and send this application to the Ministry of Natural Resources and Environment directly, by post or electronically;
- b) Within 10 working days from the date of receiving the complete application, the competent authority of Basel Convention in Vietnam under the Ministry of Natural Resources and Environment shall send a written notification attached to the English shipping notification to competent authority of the Basel Convention in the import and transit (if any) country in accordance with regulations of the Basel Convention. In case the application is not eligible for a written notice, the Ministry of Natural Resources and Environment shall send a written reply to the organization or individual and provide clear reasons;
- c) Within 20 working days from the date of receiving the written reply from the competent authority of the Basel Convention in the import and transit (if any) country, the Ministry of Natural Resources and Environment shall issue a written approval in accordance with regulations of Form No. 06, Appendix III issued together with this Circular. In case of disapproval, the Ministry of Natural Resources and Environment shall send a written reply to organization or individual and provide clear reason.

4. The transport of domestic hazardous waste to the border gate shall be carried out by organizations or individuals specified in Clause 4, Article 83 of the Law on Environmental Protection.

5. After receiving a written approval from the Ministry of Natural Resources and Environment for the export of hazardous waste, the organization or individual shall make at least 02 sets of English application for transport of each hazardous waste shipment that are allowed to export according to the form specified at:

<http://www.basel.int/Portals/4/Basel%20Convention/docs/techmatters/forms-notif-mov/vCOP8.doc>.

6. After completing the hazardous waste treatment, the organization or individual approved by the Ministry of Natural Resources and Environment for the export of hazardous waste shall keep an application for transport and send an application for transport that was approved by the treatment unit abroad to the Ministry of Natural Resources and Environment.

### **Article 39. Hazardous waste treatment technology criteria**

1. Criteria for identification of technology for the purpose of assessment shall be as follows:

a) Technology on the list of transfer restriction in accordance with the Law on Technology Transfer;

b) Technology that can cause adverse impacts on the environment: incineration; metal recycling and remediation, metal oxide, metal salt in heat or chemistry; wastewater treatment; chemical treatment, recycling and recovery.

2. Technology:

a) Origin of machinery, equipment and technological lines; prior technology that meets environmental technical standards and regulations, is suitable for Vietnam's conditions according to certification, appraisal and assessment of the competent authority

b) Degree of mechanization and automation; capability to expand and increase capacity;

c) Advanced and preeminent level of hazardous waste treatment technology;

d) Degree of conformity of standards and regulations on the production of machinery, equipment, and technological lines with national technical standards and regulations, Vietnam standards or standards of G7 countries and Korea in safety, energy saving and environmental protection; application of environmental friendly technology, the best available techniques, treatment technology combined with energy recovery;

dd) Uniformity of equipment in the technological lines, capacity to use and replace domestic components and spare parts, the domestic value of the technology and equipment system;

e) Degree of automation in the operation of treatment technology, service life and durability of machinery and equipment in the technological lines.

### 3. Environment and society:

a) Guarantee of technical standards regulations on environment applied to exhaust gas and wastewater generated in the process of hazardous waste treatment;

b) Saving in the occupied land area of hazardous waste treatment technology system;

c) Level of reuse and recovery of valuable components of hazardous waste;

d) Level of impact on the environment, ecosystems and people throughout the operation process of hazardous waste treatment technology and products after treatment;

dd) Level of risks to the environment and capacity to prevent and overcome technical problems;

e) Capacity to train local resources participating in proficient management, operation, maintenance of equipment;

g) Guarantee of standards and regulations on the quality of products subject to recycling in accordance with the Law on standards, measurement and quality of products and goods.

### 4. Economy:

a) Market potential of the products that are collected from waste recycling activities of project;

b) Potential and economic value brought from the reuse of waste, energy and useful products created after hazardous waste treatment;

c) The appropriateness in the cost of construction and installation of equipment; operating cost; maintenance and repair costs.

## **Article 40. Some cases that are not the hazardous waste transport and treatment activities**

Some cases that are not the hazardous waste transport and treatment activities shall include:

1. Transport, maintenance and repair to vehicles, equipment and products that are still valid for use according to the original purpose and have not been identified as waste by the owner of waste source for the purpose of continuing to use according to original purpose.

2. Transport of samples that are hazardous waste for analysis.

## **Section 5. SPECIAL WASTE AND ONSITE WASTEWATER MANAGEMENT**

#### **Article 41. On site wastewater and exhaust gas treatment facilities and equipment applied to household and individual businesses**

1. Household businesses shall evaluate conformity before installing the equipment for treatment of on-site wastewater and exhaust gas according to guidelines for technology and techniques specified in Clauses 2 and 3 of this Article.

2. On-site wastewater treatment work and equipment of household and individual businesses shall satisfy the following requirements:

- a) Separate rainwater and wastewater collection systems before wastewater discharge into wastewater treatment work and equipment;
- b) Scale of capacity of wastewater treatment work and equipment shall meet the maximum flow of wastewater generated;
- c) Comply with environmental technical regulations on on-site wastewater treatment work and equipment;
- d) Collect, classify, treat or transfer sludge generated from treatment work and equipment.

3. The exhaust gas treatment work and equipment shall have suction hoods and equipment for collection and treatment of exhaust gas generated before emission to the environment through the exhaust pipe according to the characteristics, nature and flow of exhaust gas generated from production, trade and service activities of a household or individual scale.

#### **Article 42. Medical waste transport and treatment**

1. Ordinary medical waste shall be separately classified and collected from hazardous medical waste and domestic solid waste and managed as ordinary industrial solid waste specified in Section 3 of this Chapter. Hazardous medical waste shall not be recycled to produce utensils and packaging that are used in the food sector.

2. Hazardous medical waste shall be separately classified and collected from ordinary industrial solid waste and domestic solid waste before being stored in the storage area at the generating facility in accordance with the Law on medical waste management. In case hazardous medical waste is allowed to self-treat and recover energy at the facility, the owner of the source of hazardous medical waste shall be allowed whether or not to classify hazardous waste according to existing technology and techniques.

3. Hazardous medical waste- carrying vehicles and equipment shall comply with regulations of Articles 36 and 37 of this Circular and following specific requirements for environmental protection:

- a) Hazardous medical waste shall be packed in packaging, storage tools and equipment before transport according to regulations of the Law on Medical Waste Management to ensure there is no leakage, break or odor emission throughout transport process;
- b) Hazardous medical waste storage tools and equipment that are installed on vehicles shall have walls, bottoms, tight-fitting lids, hard structures; be resistant to impact, damage or leakage to ensure safety throughout transport process; be fixed or removable tools and equipment to ensure there is no drop or spill throughout transport process
- c) Hazardous medical waste- carrying vehicles shall have insulated and closed containers. The size of the containers that comply with regulations of the Transport Law;
- d) For the areas where specialized vehicles cannot be used to transport hazardous medical wastes but motorcycles can be used to transport, these vehicles shall have containers that are fastened on cargo rack (behind the driver's seat). The size of containers shall comply with regulations of the Law on Road Traffic.

4. Hazardous medical waste shall be treated according to the following order:

- a) Hazardous medical waste shall be treated at waste treatment facilities that have medical waste treatment items;
- b) Hazardous medical waste shall be treated according to the model of a cluster of medical facilities. The medical waste of a cluster of medical facilities shall be collected and treated at the treatment system and equipment of a facility in the cluster);
- c) Hazardous medical waste shall be self-treated at the hazardous medical waste treatment work and equipment within the medical facility's precinct.

5. The Department of Natural Resources and Environment shall make and submit a report on regulations collection, transport and treatment of hazardous medical waste to the People's Committee of province for approval in accordance with local conditions and regulations on environmental protection. Regulations on collection, transport and treatment of hazardous medical waste shall include the following main contents:

- a) Location and model of hazardous medical waste treatment;
- b) Scope and measures for collection and transport of hazardous medical waste;
- c) Information on organizations and individuals participating in the collection, transport and treatment of hazardous medical waste;
- d) Other relevant issues.

**Article 43. Collection and treatment of packaging of plant protection chemicals arising in agricultural activities**

1. Collection of packaging of plant protection chemicals arising in agricultural activities shall comply with guidance of the Ministry of Agriculture and Rural Development.

2. Treatment of packaging of plant protection chemicals shall comply with the Law on Waste Management.

#### **Article 44. Waste management of petroleum activities at sea**

1. Classification, collection, storage and management of non-hazardous waste applied to petroleum works at sea:

a) Domestic solid waste and ordinary industrial solid waste shall be collected and classified into 03 groups, including: food waste group, scrap group subject to collection and recycling and the other group of ordinary waste;

b) The group of food waste shall be discharged into the sea after being ground to a size that is less than 25 mm;

c) Ordinary waste that is wood, paper or paperboard burned shall comply with the Law on Fire Prevention and Fighting. The ashes shall be discharged into the sea;

d) The group of scrap subject to remediation and recycling and the other group of ordinary waste shall be collected and transported to seashore.

2. Classification, collection, storage of non-hazardous waste applied to petroleum works at sea:

a) Hazardous wastes shall be classified according to their hazardous nature;

b) Types of hazardous wastes that have the same hazardous nature, the same treatment methods and no reaction each other shall be stored together in the same closed equipment and tools;

c) Hazardous waste containers and equipment shall have clear labels to identify the type of collected waste.

3. Management of drilling cuttings and drilling fluids generated in petroleum extraction and mining activities at sea:

a) Water-based drilling cuttings and drilling fluids generated in petroleum extraction and mining activities shall be discharged into offshore waters, boundaries of aquaculture areas, aquatic protection zones and amusement parks that are further than 03 nm;

b) Non-aqueous drilling cuttings generated in petroleum extraction and mining activities shall only be discharged into the sea when the content of non-aqueous drilling fluid adhering to the waste drilling cutting does not exceed the permissible value according to the national technical regulations on drilling cuttings and drilling fluids that is discharged from petroleum works at sea and has discharge at a location far from the shore, boundaries of aquaculture areas, aquatic



protection zones, amusement parks that are further than 12nm. After non-aqueous drilling fluid is used for petroleum extraction and mining, it shall be transported to shore to reuse for other drilling campaigns or transferred to waste treatment facilities for the purpose of treatment.

c) The use of non-aqueous drilling fluids shall be carried out in accordance with environmental technical regulations issued by the Ministry of Natural Resources and Environment.

4. Wastewater generated from petroleum works at the sea shall be collected and treated according to regulations of environmental technical regulations on wastewater from petroleum works at sea.

5. Oil-contaminated floor cleaners, technological equipment and oil tanks shall be:

a) Collected and treated according to environmental technical regulations on industrial wastewater before being discharged at a location that is not further than 03 nm from the shore;

b) Collected and treated according to regulations of Appendix I of the Marpol Convention before being discharged at a location that is further than 03 nm from the shore. The maximum oil content shall not be exceeded 15 mg/l

6. Domestic wastewater shall be:

a) Collected and treated according to environmental technical regulations on domestic wastewater before being discharged at a location that is not further than 03 nm from the shore;

b) Collected and treated according to regulations of Appendix IV of the Marpol Convention before being discharged at a location that is from 03 to 12nm from the shore.

c) Collected and discharged into the sea at a location that is further than 12 nm from shore.

## **Section 6. ASSESSMENT OF CONFORMITY WITH ENVIRONMENTAL TECHNICAL REGULATIONS APPLIED TO IMPORTED SCRAPS**

### **Article 45. Assessment of the capacity of the organization assessing conformity with environmental technical regulations applied to scraps imported from foreign countries as production materials**

1. Decision on the establishment of a team assessing the capacity of an organization for assessing the conformity with environmental technical regulations applied to imported scraps used to make production materials from foreign countries (hereinafter referred to as “the assessment team”) according to regulations of Form No. 07 of Appendix III issued with this Circular.

2. Written comments and assessments of members of the assessment team according to regulations of Form No.8 Appendix III issued together with this Circular.

3. Record of assessment of the capacity of an organization for assessing conformity with environmental technical regulations applied to imported scraps used to make production materials from foreign countries according to regulations of Form No. 09, Appendix III issued together with this Circular.

4. Decision on appointment for an organization to assess the conformity with environmental technical regulations applied to imported scraps used to make production materials from foreign countries according to the regulations of Form No. 08 of the Government's Decree No. 74/2018/ND-CP dated May 15, 2018 providing amendments to a number of articles of Decree No. 132/2008/ND-CP dated December 31, 2008, detailing the implementation of a number of articles of the Law on Products and Goods Quality (amended at Clause 9, Article 4 of the Government's Decree No. 154/2018/ND-CP dated November 9, 2018 amending and repealing certain regulations on investment and business conditions in sectors under the management of the Ministry of Science and Technology and certain regulations on specialized inspections).

**Article 46. Assessment of the actual capacity of an organization that registers assessment of the conformity with environmental technical regulations applied to imported scraps used to make production materials from foreign countries**

1. The Ministry of Natural Resources and Environment shall assess the application for appointment for an organization to participate in the assessment of conformity with environmental technical regulations applied to imported scraps used to make production materials from foreign countries according to regulations of Article 18d, Decree No. 132/2008/ND-CP dated December 31, 2008 detailing the implementation of a number of articles of the Law on Products and Goods Quality (hereinafter referred to as "Decree No. 132/2008/ND-CP") added in Clause 8, Article 1 of the Government's Decree No. 74/2018/ND-CP dated May 15, 2018 providing amendments to a number of articles of Decree No. 132/2008/ND-CP

2. Assessment and inspection of actual capacity at the organization:

a) Contents of assessment and inspection:

The assessment team shall be responsible for assessing application for participating in assessing conformity with the technical regulation applied to imported scraps used to make production materials from foreign countries, including the following contents: legislative documents of the organization; the quantity and capacity of assessors; machinery and equipment for inspection of imported scraps; internal procedures for inspection of imported scraps; compliance with legal regulations, internal procedures of conformity assessment organizations in registration for inspection of imported scraps and regulations of Articles 18a and 18b of Decree No. 132/2008/ND-CP amended at Clause 8 Article 1 of Decree No. 74/2018/ND-CP and Clauses 4,5 Article 4 of the Government's Decree No. 154/2018/ND-CP dated November 9 2018 amending and repealing certain regulations on investment and business conditions in sectors under the management of the Ministry of Science and Technology and certain regulations on specialized inspections.

b) The appraisal results of application, assessment and re-inspection at the organization participating in the assessment of conformity with environmental technical regulations applied to imported scraps used to make production materials from foreign countries shall be as the basis for decision of the Ministry of Natural Resources and Environment on appointment for organizations to participate in assessing the conformity with environmental technical regulations applied to imported scrap used to make production materials from foreign countries.

## **Section 7. ENVIRONMENTAL PROTECTION IN MANAGEMENT OF PERSISTENT POLLUTANTS AND MATERIALS, FUEL, PRODUCTS, GOODS, AND EQUIPMENT CONTAINING PERSISTENT POLLUTANTS**

### **Article 47. Inspection and assessment of application for exemption from persistent organic pollutants (POPs) for the purpose of making of direct production materials**

1. Decision on the establishment of inspectorate for the purpose of assessment of application for exemption from POPs in Appendix XVII issued together with Decree No. 08/2022/ND-CP according to regulations of Form No. 10, Appendix III issued together with this Circular.
2. Record of inspection and assessment of application for exemption from POPs in Appendix XVII issued together with Decree No. 08/2022/ND-CP according to regulations of Form No. 11, Appendix III issued together with this Circular.

### **Article 48. Labeling, information disclosure, conformity assessment and inspection of persistent pollutants and materials, fuel, products, goods and equipment containing persistent pollutant**

1. Contents of inspection and assessment of conformity of persistent pollutants and raw materials, fuels, products, goods and equipment containing persistent pollutants shall contain:
  - a) Fulfillment of environmental protection requirements in the management of persistent pollutants and materials, fuels, products, goods and equipment containing persistent pollutants according to regulations;
  - b) Conformity assessment result, label, information disclosure and accompanying documents;
  - c) Sampling serving conformity assessment according to corresponding environmental technical regulations.
2. Decision on the establishment of inspectorate for the purpose of assessment and a record of inspection and assessment of conformity of persistent pollutants and materials, fuels, products, goods and equipment containing persistent pollutants according to regulations of Forms No. 12 and 13, Appendix III issued together with this Circular.
3. After carrying out the inspection and assessment of conformity, the Ministry of Natural Resources and Environment shall issue a written notification of the results of the inspection and assessment of conformity of persistent pollutants and raw materials, fuels, products, goods and

equipment containing persistent pollutants according to regulations of Form No.14, Appendix III issued together with this Circular.

4. The importers, producers and enterprises shall send a notice about materials, fuels and products without commercial packaging to the Ministry of Natural Resources and Environment according to Form No. 15 Appendix III issued together with this Circular.

## **Chapter V**

### **ENVIRONMENTAL MONITORING, INFORMATION, DATABASE AND REPORT**

#### **Section 1. ENVIRONMENTAL MONITORING**

##### **Article 49. Appraisal of conditions for environmental monitoring services**

1. Consideration about application for certification of eligibility for environmental monitoring services of an organization:

- a) After receiving the appraisal fee, the agency issuing certificate shall consider and assess the organization according to conditions specified in Article 91 of the Decree No. 08/2022/ND-CP;
- b) The agency issuing certificate shall send the application to the members of the appraisal council for study and consideration before actually inspecting and assessing at the organization.

2. The appraisal of conditions for environmental monitoring services shall be carried out through an appraisal council that is established by the head of the agency issuing certificate of eligibility for environmental monitoring services according to regulations of Form No. 01 Appendix IV issued together with this Circular.

The appraisal council shall be responsible for assessment and appraisal of conditions for environmental monitoring services of the organization requesting for certification according to the results of assessment and consideration about application and the results of actual assessment and inspection at the organization.

3. Actual assessment and inspection in the organization:

- a) Contents of assessment and inspection: The appraisal council shall be responsible for actually assessing and inspecting at the organization requesting for the certification of conditions specified in Article 91 of Decree No. 08/2022/ND- CP and compare with the application for certification for environmental monitoring services;
- b) The results of the assessment and inspection at the organization requesting for certification shall be made a record and sent to the appraising agency for summarizing. The record of the appraisal council after the assessment and re-inspection shall be the documents in the appraisal dossier.

4. The meeting of the appraisal council shall be conducted after having the results of the actual inspection and assessment of organization and the agency issuing certificate receives all the corrected, amended and completed dossiers of the organization according to requirements in assessment and inspection records at the organization.

5. The head of the appraising agency shall request the Minister of Natural Resources and Environment to issue or adjust the certificate of conditions for environmental monitoring services for the organization requesting certification according to the appraisal results. In case of ineligibility for certification, the head of the appraising agency shall be responsible for implementation according to regulations of Point c, Clause 3, Article 93 or Point c, Clause 4, Article 94 of Decree No. 08/2022/ND-CP.

#### **Article 50: Duties, entitlements of the appraising agency**

1. The appraising agency shall appraise the conditions for environmental monitoring services and submit to the Minister of Natural Resources and Environment for consideration, decision on issuance or adjustment to the contents of the certificate of the organization that is eligible for environmental monitoring services.

2. Review, evaluate and process application and regarding documents that are sent by organizations requesting for certification of eligibility for environmental monitoring services.

3. Research and assess application of organizations requesting for certification of eligibility for environmental monitoring services; organize the collection of opinions on the assessment, comment on the application and make the report on the assessment of the application.

4. Establish an council for the purpose of appraisal of conditions for environmental monitoring services of the organization requesting for certification of eligibility for environmental monitoring services.

5. Prepare, provide documents and facilitate research on relevant records and documents on the appraisal of conditions for environmental monitoring services for members of the appraisal council

6. Prepare necessary conditions for inspection and assessment at the organization and official meeting of the appraisal council

7. Receive the record of actual inspection and assessment at the organization of the appraisal council, the appraisal results of the appraisal council and carry out necessary procedures to submit to the Minister of Natural Resources and Environment for decision on issuance or adjustment to the content of the certificate of eligibility for environmental monitoring services.

8. Keep records and documents on the process of appraisal of the conditions for environmental monitoring services of the organization.

9. Monitor, summarize and report information on environmental monitoring services of organizations that have been issued with certificates of eligibility for environmental monitoring services to competent authorities
10. Continuously make, post and update the list of organizations that are eligible for environmental monitoring services on the website of the Ministry of Natural Resources and Environment and the appraising agency.
11. Perform other tasks regarding appraisal, issuance and adjustment of the content of the certificate of eligibility for environmental monitoring services.

**Article 51. Working principles of the appraisal council for issuing and adjusting contents of certificates of eligibility for environmental monitoring services**

1. The activities of appraisal council shall only be carried out when the organization has paid the fee for appraisal of eligibility for environmental monitoring services according to regulations of the law.
2. The chairperson, vice-chairperson and secretary of council shall be officials of the appraising agency.
3. The appraisal council shall work on the principle of public discussion with the members of the appraisal council, competent representative of the organization requesting for issuing or adjusting the contents of certificate of eligibility for environmental monitoring services.
4. Actual assessment and inspection: the members of the appraisal council shall be responsible for accurately and objectively appraising and assessing the conditions for environmental monitoring services according to regulations of Article 49 of this Circular; making assessment and inspection sheets at the organization according to regulations of Form No. 02, Appendix IV issued with this Circular and making a record of assessment and inspection at the organization according to the regulations of Form No. 03, Appendix IV issued with the Circular.
5. The meeting of appraisal council:
  - a) The Council shall carry out appraisal and assessment of the conditions for environmental monitoring services of the organization according to relevant records, documents and results of actual assessment and inspection at the organization;
  - b) The official meeting of the appraisal council shall only be conducted when the following conditions are fully satisfied: There must be at least 2/3 (two thirds) of total council members attending the meeting (online or offline). In particular, there must be an chairperson or a vice-chairperson (who is authorized by the chairperson in his/her absence), competent representative or an authorized person of the organization requesting for issuing or adjusting the certificate of eligibility for environmental monitoring services;

- c) The council members who are absent in official meeting may send written comments before the meeting of the council. Their comments shall be considered as the comments of members who attend the meeting but do not write appraisal sheets.
  - d) The chairperson (or the vice-chairperson who is authorized by the chairperson in his absence) and the secretary shall be responsible for signing the minutes of meeting the appraisal council of conditions for environmental monitoring services.
  - dd) The council members shall be responsible for writing comments and assessment, appraisal sheets at the official meeting of the appraisal council according to regulations of Forms No. 04 and 05, Appendix IV issued together with this Circular;
  - e) In addition to the responsibilities specified at Points d and dd of this Clause, the secretary shall be also responsible for making the minutes of meeting of the appraisal council according to regulations of Form No. 06, Appendix IV issued together with this Circular. In case of the secretary's absence, he/she shall notify the chairperson of the council in order to appoint for a council member to act as the secretary of the meeting.
6. The fee for the operation of the appraisal council shall comply with regulations of law.

**Article 52. Report on meeting technical requirements for automatic and continuous environmental monitoring before information disclosure to the community**

1. The agencies, organizations and individuals that perform automatic and continuous monitoring of environmental quality specified in Clause 4, Article 96 of Decree No. 08/2022/ND-CP shall be responsible for making and sending reports on meeting technical requirements for environmental monitoring before disclosing information to the community and state management agencies specified in Clause 6, Article 96 of Decree No. 08/2022/ND-CP.
2. The report on meeting technical requirements on environmental monitoring before disclosing information to the community shall be prepared according to regulations of Form No. 07, Appendix IV issued together with this Circular.

**Article 53. Environmental monitoring during petroleum extraction activities**

1. Environmental monitoring of petroleum exploration drilling activities at sea:
  - a) The petroleum organizations that only use water-based drilling fluids in petroleum exploration drilling activities at sea shall not monitor the impacts of exploration drilling activities before and after drilling completion;
  - b) The petroleum organizations that perform petroleum exploration drilling activities using non-aqueous drilling fluids in an area that is not further than 03 nm, environmentally sensitive area or using water-based drilling fluids for the first time in Vietnam shall monitor the impacts of exploration drilling activities once before implementing the exploration drilling program and once a year from the end of exploration drilling activities.

2. Environmental monitoring of petroleum development drilling activities at sea:

a) Environmental monitoring of works or cluster works: Monitor the impacts of drilling activities once before petroleum development drilling activities. The first time of environmental monitoring shall be within 01 year from the time of collection of the first commercial oil or gas flow from the field. Periodically monitor every 3 years from the time of implementation of the first monitoring program after petroleum development drilling;

b) Monitoring of main oil or gas pipelines: Monitor environment once before installation without periodical monitoring except for the cases of leakage, fire or explosion;

c) Location, time, frequency and indices of environmental monitoring of petroleum activities at the sea shall comply with regulations of Form No. 08, Appendix IV issued with this Circular.

**Article 54. Written notification of exemption from periodical monitoring of the project or business; notification of the monitoring result of the project or business exceeding environmental technical regulations**

1. Written notification of exemption from periodical monitoring of the project or business according to regulations of Form No. 09, Appendix IV issued with this Circular.

2. Written notice of monitoring result of the project or business exceeding environmental technical regulations according to regulations of Form No. 10, Appendix IV issued with this Circular.

**Section 2. ENVIRONMENTAL INFORMATION SYSTEM, DATABASE**

**Article 55. General requirements of environmental information system and database**

1. Fully implement regulations of the Government's Decree No. 47/2020/ND-CP dated April 9, 2020 on management, connection and sharing of digital data of regulatory agencies; architectural framework for Vietnamese e-government, ministerial e-government architectural, applicable e-government architectural of province

2. Fully implement regulations from Article 103 to Article 107 of Decree No. 08/2022/ND-CP.

3. Meet the basic objectives for management of collection, process, storage and sharing of environmental information and data; publication of open data in environment sector; support the management and administration on the electronic environment of state agencies in environment sector; expand information system and database according to management requirements of local agencies or ministries and ministerial authorities ; encourage the use and development of environmental information system on sharing digital platforms of the Ministry of Natural Resources and Environment.

4. Ensure the ability to connect and share data between environmental databases, including environmental databases of national authorities, ministries, ministerial authorities and provincial



agencies and specialized environmental databases. The connection, interconnectivity and sharing of data between information systems shall be carried out through an national integration and sharing platform; common integration and sharing platforms of ministries and provinces.

5. Ensure information security in operation and connection activities; capability to manage account and authenticate centrally.

#### **Article 56. Basic functions of an environmental information system**

1. Basic functional groups of an environmental information system:

a) Manage and publish the list of environmental information; provide environmental information and description of environmental information;

b) Manage and publish the list of open data in environment sector;

c) Manage the sharing electronic list to ensure synchronization with the information system for managing the sharing electronic list of state agencies for the purpose of the development of Vietnamese e-Government; sharing electronic lists of ministries and ministerial authorities ; local authorities; at the same time manage the electronic lists in the internal system;

d) Manage the system of reports on environmental protection at all levels and reports on environmental protection in production, trade and service activities according to regulations of the law on environmental protection;

dd) User administration: set up and administrate a group of users and users, decentralize rights according to process and function of system;

e) Interconnect and integrate environmental between information systems of ministries and ministerial authorities , provincial agencies and the national environmental information system according to regulations on connection and sharing of information between databases at all levels.

2. In addition to the basic functions specified in Clause 1 of this Article, ministries, ministerial authorities and the People's Committee of province may prescribe additional functions when building an environmental information system to meet the requirements for use, specificity of the sector and conditions of local authorities.

#### **Article 57. Technical requirements for environmental information system**

1. The assurance of information security of the environmental information system shall comply with the regulations of the Government's Decree No. 85/2016/ND-CP dated July 1, 2016 on information system security according to levels, Circular No. 03/2017/TT-BTTTT dated April 24, 2017 of the Minister of Information and Communications on guidelines for the Government's Decree No. 85/2016/ND-CP and relevant national technical regulations and standards.

2. Technical requirements for connection, sharing and interoperability between environmental databases of national authorities, ministries, ministerial authorities and provincial authorities on the environmental information system shall comply with regulations of Article 58 of this Circular

3. Technical requirements for the environmental information system shall comply with regulations of technical specifications of the Public Service Portal and the electronic one-stop information system of ministries and provinces specified in Appendix V Circular No. 22/2019/TT-BTTTT dated December 31, 2019 of the Minister of Information and Communications on functional criteria and technical features of the Public Service Portal and the electronic one-stop information system of ministries and provinces.

**Article 58. Requirements for connection, sharing and interoperability between environmental databases of national authorities, ministries, ministerial agencies and provincial agencies**

1. Ensure connection, sharing and interoperability between environmental databases at all levels according to regulations of the law on Environmental Protection and the Government's Decree No. 47/2020/ND-CP dated April 9 2020 on the management, connection and sharing of digital data of regulatory agencies.

2. Conform to the requirements and technical standards of connection of information systems and databases with the national database specified in the Circular No. 13/2017/TT-BTTTT dated June 23, 2017 of the Minister of Information and Communications on technical requirements for connection of information systems and databases with national databases; technical standards of application of information technology in state agencies specified in Circular No. 39/2017/TT-BTTTT dated December 15, 2017 of the Minister of Information and Communications on the List of technical standards for application of information technology in regulatory authorities, national technical regulations on identifier code structure and data format of message for interconnection of document management and administration systems specified Circular No. 10/2016/TT-BTTTT dated April 1, 2016 of the Minister of Information and Communications on national technical regulations on identifier code structure and data format of message for interconnection of document management and administration systems

3. Connect and share online data on the network through data services of environmental databases at all levels; ensure regular sharing and update on the national environmental database.

4. Shared data shall include default shared data and shared data on a case-by-case basis. Default shared data shall comply with regulations of Article 62 of this Circular. Shared data on a case-by-case basis shall comply with separate requirements of state management agencies in charge of environmental protection at all levels.

**Article 59. Assurance of the integrity and legality of environmental information and data in environmental databases at all levels**

1. Environmental database management agencies of ministries, ministerial authorities and provincial authorities shall be responsible for the accuracy and timeliness of updating provided information and data on the national environmental database. .
2. Connection, sharing and interoperability between environmental databases of ministries, ministerial authorities and provincial authorities and the national environmental database shall be carried out through a connection account with the form of identification and authentication in accordance with regulations of the law.
3. Creation, modification and deletion of information and data shall be archived with the ability to trace messages that have been authenticated by digital signatures on shared data between environmental databases.
4. The integrity of data shall be guaranteed throughout connection and sharing between environmental databases of ministries, ministerial authorities and provincial authorities with the national environmental database. In case the integrity is not guaranteed, information and data shall be updated from the original database before re-connection and re-sharing.
5. Open data that is provided by environmental data and information management agencies shall be used according to regulations of the Government's Decree No. 47/2020/ND-CP dated April 9, 2020 on management, connection and sharing of digital data of regulatory agencies.
6. Environmental information and data shall be subject to protection of copyright and related rights according to regulations of the law on Intellectual Property. Environmental data information shall be used according to regulations of the Law on intellectual property and Article 101 of Decree No. 08/2022/ND-CP.

#### **Article 60. Basic information and data of the environmental database**

1. Basic information and data of environmental databases of national and provincial authorities shall comply with regulations of Form No. 01, Appendix V issued with this Circular.
2. The governing body of the national and provincial environmental database shall decide information expansion in order to manage environment database according to basic information and data of the environmental database specified in Clause 1 of this Article and management requirements,
3. The ministries and ministerial agencies shall decide the information structure of the environmental database of ministries and ministerial agencies according to the basic information and data of the environmental database specified in Clause 1 of this Article and the scope of management
4. The National Environmental Database Management and Operation Agency shall be responsible for development of detailed technical guidelines for construction of the environmental database.

## **Article 61. Common schedule data of environmental database**

1. Common schedule data refers to data on schedules and classification tables used commonly in environmental database to ensure synchronized data integration, exchange and sharing. Common schedule data shall contain:

a) Common schedule data of the common electronic schedule management information system of the state agencies for the purpose of the development of the e-Government of Vietnam;

b) Common schedule data of the natural resources and environment sector; common schedule data of environmental sector.

2. The National Environmental Database Management and Operation Agency shall uniformly manage and periodically update common schedule data according to actual requirements.

3. Common schedule data of environmental database at all levels shall comply with regulations of Form No. 02, Appendix II issued with this Circular.

4. Common schedule data shall be shared with the common electronic schedule management information system of state agencies for the purpose of the development of Vietnam's e-Government.

## **Article 62. Default shared data of the environmental database**

1. Default shared data of the environmental database refers to data containing the basic information that is shared between the environmental databases at all levels according to default sharing method. The default shared data shall include master data in the databases of national authorities, ministries, ministerial authorities, provincial authorities, common schedule data, metadata and other shared data.

2. Environmental master data refers to data containing the most basic information for the purpose of identification and authentication the core management objects in the environmental database.

3. Metadata refers to data that describes the characteristics, scope, and origin of data the environmental database. Metadata shall comply with the technical guidance of the Ministry of Natural Resources and Environment and relevant applicable technical guidance on metadata.

4. The National Environmental Database Administration and Operation Agency shall prescribe identifier code structure of master data, uniformly use all environmental databases at all levels and ensure uniqueness for each object of master data.

5. Default shared data of environmental databases at all levels shall include common schedule data specified in Article 61 of this Circular, master data and other default shared data specified in Form No. 03 Appendix V issued together with this Circular.

## **Section 3. ENVIRONMENTAL PROTECTION REPORT**

### **Article 63. Making of an environmental protection report**

1. The People's Committee of district shall make an environmental protection report according to regulations of Form No. 01, Appendix VI issued together with this Circular.
2. The management board of an economic zone, export processing zone, hi-tech park or industrial park shall make an environmental protection report according to regulations of Form No. 02, Appendix VI issued together with this Circular.
3. The People's Committee of province shall direct the Department of Natural Resources and Environment to take charge and cooperate with relevant provincial authorities in making an environmental protection report according to regulations of Form No. 03 of the Appendix. VI issued together with this Circular.
4. The ministries and ministerial agencies shall make reports on the implementation of environmental protection tasks according to regulations of Form No. 04, Appendix VI issued together with this Circular.
5. The Ministry of Natural Resources and Environment shall make an environmental protection report and submit it to the Government for reporting to the National Assembly according to the following order:
  - a) Make a draft of environmental protection report in the whole country as the basis for assessment and synthesis of the results of environmental protection of ministries, ministerial agencies and the People's Committees of provinces.
  - b) Collect opinions of ministries, ministerial agencies and the People's Committees of provinces on the draft of environmental protection report in the whole country;
  - c) Research, absorb and explain comments and suggestions, complete the draft of report and submit it to the Government for reporting to the National Assembly according to regulations.

### **Article 64. Assessment of the results of environmental protection**

1. According to assigned environmental protection tasks, the ministries and ministerial agencies shall self-assess the results of environmental protection; make reports on the performance of their environmental protection tasks and send the reports to the Ministry of Natural Resources and Environment before February 15 every year in order to summarize and submit to the Government for reporting to the National Assembly.
2. The assessment of the results of environmental protection of the People's Committee of province shall comply with the following regulations:
  - a) The Ministry of Natural Resources and Environment shall provide a set of indices and guiding documents on the assessment of the result of environmental protection of the People's Committee

of province according to environmental protection requirements and state management tasks in environmental protection in each period;

b) The People's Committee of province shall self-assess the result of environmental protection according to a set of indices and guiding documents on the assessment of the result of environmental protection, take responsibility for the accuracy and sufficiency of information, data and self-assessment results;

c) The Ministry of Natural Resources and Environment shall invite a socio-political organization or a sociological survey organization to assess the people's satisfaction with the quality of the environment in the provinces and centrally-run cities. The survey results shall be used to assess the results of environmental protection;

d) The Ministry of Natural Resources and Environment shall establish a council to assess the result of environmental protection of the People's Committee of province. The members of the council shall include the representatives of ministries, ministerial authorities, agencies, organizations, relevant experts and scientists;

dd) According to the assessment results of the council, the Ministry of Natural Resources and Environment shall summarize, approve and publish the assessment result of environmental protection of the People's Committee of province.

## **Article 65. Forms and methods of sending environmental protection reports**

1. An environmental protection report shall be presented in one of the following forms:

a) Physical report with signature of the authorized person and stamp of the unit and electronic report (file.doc). The datasheets attached to the report shall be borne the overlapping seal. The written reports shall be sent by methods specified at Points c, d, dd, and e, Clause 2 of this Article.

b) Electronic report in the format that is prescribed by the competent state agency or digitized from written report with electronic signature of the competent person and electronic stamp of the unit. The electronic reports shall be sent by methods specified at Points a and b, Clause 2 of this Article.

2. The reports shall be sent to the receiving agency by:

a) National documentation system

b) Information and reporting system of the local authorities and the Ministry of Natural Resources and Environment;

c) In person;

d) Post

- dd) Fax;
- e) Email;
- g) Other methods according to regulations.

**Article 66. Contents, forms and time of sending environmental protection reports in production, trade and service activities**

**1. Contents of environmental protection reports:**

- a) The contents of an environmental protection report of the owner of investment project or business subject to environmental license shall comply with regulations of Form No. 05.A, Appendix VI issued together with this Circular;
- b) The contents of an environmental protection report of the owner of investment project or business subject to environmental registration shall comply with regulations of Form No. 05.B, Appendix VI issued together with this Circular; The owner of investment project or business subject to exemption from environmental registration specified in Article 32 of Decree No. 08/2022/ND-CP shall not make an environmental protection report;
- c) The contents of an environmental protection report of the investor of project on infrastructure construction and trade in concentrated production, trade, service zone or industrial cluster shall comply with regulations of Form No. 06, Appendix VI issued together with this Circular;

**2. Time for submission of environmental protection reports:** the owner of investment project/business shall submit annual environmental protection reports to the authorities specified in clause 5 of this Article (the reporting period lasts from January 1 to the end of December 31) before January 05 of the following year. The investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision or an industrial cluster shall submit annual environmental protection reports to the authorities specified in clause 5 of this Article (the reporting period lasts from January 1 to the end of December 31) before January 10 of the following year.

**3. Forms of an environmental protection report:** An environmental protection report shall be presented in one of the following forms:

- a) Physical report with signature of the authorized person and stamp of the unit; electronic report (file.doc). The datasheets attached to the report shall be borne the overlapping seal. The reports in this form shall be sent by methods specified at Points b, c, d Clause 4 of this Article.
- b) Electronic report in the format that is prescribed by the competent state agency or digitized from written report with electronic signature of the competent person and electronic stamp of the unit. The electronic reports shall be sent by methods specified at Points a and dd, Clause 4 of this Article.

4. The reports shall be sent to the receiving agency by:

- a) Environmental information systems at all levels or other local information systems;
- b) In person;
- c) Post;
- d) Fax;
- dd) Email;
- e) Other methods according to regulations.

5. Sending an environmental protection report:

- a) The owner of the project/business shall send the environmental protection reports to the following agencies, including environmental licensing agency (the subjects specified in Point a, Clause 1 of this Article); the environmental registration agency (the subjects specified at Point b, Clause 1 of this Article); Department of Natural Resources and Environment (where the project or the business is located); the People's Committee of District; the investor of the project on construction and trade of technical infrastructure in a concentrated production, trade and service zone or an industrial cluster (the businesses that are located in economic zones, concentrated production, trade and service zones) or industrial clusters);
- b) The investors of the projects on construction and trade of technical infrastructure in concentrated production, trade and service zones shall send environmental protection reports to agencies specified in Point m, Clause 4, Article 51 of the Law on Environmental Protection;
- c) The investors of the projects on construction and trade of technical infrastructure in industrial clusters shall send environmental protection reports to agencies specified in Point l, Clause 3, Article 52 of the Law on Environmental Protection;

6. The owner of the project or the business and the investor of construction and trade of technical infrastructure in a production, trade and concentrated service zone and an industrial cluster shall be responsible for sending reports according to regulations of Clauses 1, 2, 3 and 4 of this Article and keeping the documents regarding reports at the facility for the purpose of comparison of the competent state agency in case of inspection.

7. The owner of the project or the business and the investor of construction and trade of technical infrastructure in a production, trade and concentrated service zone and an industrial cluster shall be responsible for periodically reporting environmental protection according to regulations of Clauses 1, 2, 3, 4, 5 and 6 of this Article. The unscheduled reports on environmental protection shall be carried out according to the request of competent state agencies.

#### **Section 4. STATE OF THE ENVIRONMENT REPORT**



## **Article 67. Measures for making of state of the environment report**

1. The national and local state of the environment reports shall be made according to the Driving force - Pressure - State - Impact - Response model (DPSIR model). The DPSIR model means a model describing the reciprocal relationship between Driving force - D (socio-economic development, underlying causes of environmental changes) - Pressure - P (direct discharges and emissions polluting and degrading the environmental) - State - S (the state of environmental quality) - Impact - I (impact of environmental pollution on public health, socio-economic development and ecological environment) - Response - R (the state and societal responses to environmental protection).

2. The state of the environment reports of ministries and ministerial agencies shall be integrated into environmental protection reports specified in Clause 4, Article 63 of this Circular.

## **Article 68. Responsibilities and funding for making state of the environment reports**

1. Responsibilities for making state of the environment report

a) The agency assigned to make state of the environment report under the Ministry of Natural Resources and Environment shall assist the Ministry of Natural Resources and Environment in making general report and thematic report on national state of the environment according to regulations of Clause 2, Article 2 of Law on Environmental Protection;

b) The Department of Natural Resources and Environment shall assist the People's Committee of province in making general report and thematic report on local state of the environment according to regulations of Clause 2, Article 120 of the Law on Environmental Protection.

2. Funding for making general report and thematic report on state of the environment shall be withdrawn from the environmental non-business budget according to applicable regulations.

## **Article 69. Making of state of the environment report**

1. Proposal and approval for thematic report on the environment:

a) The agency assigned to make state of the environment report under the Ministry of Natural Resources and Environment shall propose and submit the report to the Ministry of Natural Resources and Environment for approval for thematic report on the national environment before the year in which it is made according to pressing issues about the environment and state management of the environment <0}

b) The Department of Natural Resources and Environment shall propose and submit the report to the People's Committee of province for decision on the topic of thematic report on the local environment before the year in which it is made according to pressing issues about environment and state management of local environment.

2. Sources of information for making of state of the environment report:

- a) The general report and thematic report on national state of the environment, general report and thematic report on local state of the environment that are all approved;
- b) The Statistical Yearbook of the country, ministries and local governments
- c) Results of the environmental monitoring programs;
- d) Relevant ministries, ministerial authorities, provincial authorities;
- dd) Other sources: results of scientific research programs or scientific research projects at state, ministerial and provincial levels that are all approved
- e) The programs on surveys and additional investigations on thematic environmental issues for the provision of data for the making of state of the environment report

3. Consultation with relevant parties about the draft of report:

- a) The agency assigned to make state of the environment report under the Ministry of Natural Resources and Environment and the Department of Natural Resources and Environment may choose one or more forms of consultation, including expert meetings; seminars for consultation between relevant entities, agencies and organizations; written request for opinions according to the actual situation.
- b) Written request for opinions specified at Point a of this Clause: The draft of national state of the environment report shall be sent to ministries, ministerial authorities, the People's Committee of province and relevant entities. The draft of local state of the environment report shall be sent for the purpose of request for opinions from relevant provincial authorities, local agencies and organizations.

**Article 70. Format and contents of state of the environment report**

- 1. The main contents of a state of the environment report shall comply with regulations of Clause 3, Article 120 of the Law on Environmental Protection.
- 2. Format and contents of the general report and thematic report on national and local state of environment shall comply with regulations of Forms No. 07 and 08, Appendix VI issued together with this Circular.
- 3. During the reporting process, the irrelevant contents may be excluded; the order may be changed as long as the mandatory information specified in Clause 3, Article 120 of the Law on Environmental Protection shall be included according to actual situation

**Article 71. Report submission and approval**

- 1. The agency assigned to make state of the environment report under the Ministry of Natural Resources and Environment shall submit the report to the Minister of Natural Resources and

Environment for approval for national state of the environment report and thematic report on the national environment.

2. The Department of Natural Resources and Environment shall submit the report to the People's Committee of province for approval for report on local state of the environment and thematic report on local environment

## **Chapter VI**

### **OTHER CONTENTS**

#### **Article 72. Making and approval for plan for environmental remediation after environmental incidents**

1. The owner of the project or business causing environmental incidents shall be responsible for making the plan for environmental remediation after internal environmental incidents as soon as the completion of the incident response. The plan for environmental remediation shall be sent to the People's Committee of Commune where the incidents occur at least 03 days before inspection and supervision.

2. The making and approval for the plan for environmental remediation after environmental incidents at provincial, district and national levels shall comply with regulations of Clause 2, Article 126 of the Law on Environmental Protection.

#### **Article 73. Contents of environmental remediation plan**

1. The environmental remediation plan shall include all contents specified in Clause 3, Article 126 of the Law on Environmental Protection.

2. The contents of assessment of state of the environment after environmental incidents shall include:

a) Scope, nature (type), pollution level of surface water, groundwater (if any) of the incident area;

b) Scope, nature (type), pollution level of soil environment (if any) of the incident area;

c) Area and coverage of natural forest ecosystem, coral reef, seagrass bed (if any) of the incident area.

3. The survey and assessment of state of the environment after environmental incidents shall be carried out as follows:

a) The survey and assessment of the scope, nature (type), pollution level of surface water and groundwater (if any) shall be carried out through an environmental quality monitoring program in accordance with regulations on environmental monitoring technology;

b) The survey and assessment of the scope, nature (type) and pollution level of soil environment shall be carried out through preliminary and detailed investigation, assessment activities according to regulations of Articles 15 and 16 of Decree No. 08/2022/ND-CP;

c) The survey and assessment of state of natural forest ecosystem, coral reef and seagrass bed shall comply with regulations of the law on biodiversity, forestry and fisheries.

4. Measures for environment remediation shall meet the following requirements:

a) The measures for remediation of environment quality of surface water and underground water shall be suitable for the nature, extent and scope of pollution of the water source;

b) The measures for remediation of environment pollution shall comply with regulations of Clauses 1 and 2, Article 17 of Decree No. 08/2022/ND-CP;

c) The measures for remediation of area and coverage of natural forest ecosystem, coral reef and seagrass bed shall comply with regulations of the law on biodiversity, forestry and fisheries.

5. The management, monitoring and supervision program throughout the duration of environmental remediation shall ensure the monitoring of environmental quality change in each stage of environmental remediation and be carried out as follows:

a) The monitoring and supervision of environmental quality of surface water and groundwater shall comply with regulations on environmental monitoring technology;

b) The monitoring and supervision of soil environment quality shall comply with regulations of Point e, Clause 2, Article 17 of Decree No. 08/2022/ND-CP;

c) The monitoring and assessment of the area and coverage of natural forest ecosystem, coral reef and seagrass bed shall comply with regulations of the law on biodiversity, forestry and fisheries.

#### **Article 74. Inspection, supervision and acceptance of completion of plan for environmental remediation**

1. The agencies, organizations and individuals carrying out the environmental remediation plan shall be responsible for making a report on the completion of the plan for environmental remediation and sending the report to the agency for approval for plan after the completion of all contents and requirements. The report on the result of the environmental remediation shall be the basis for approval for the plan for consideration and acceptance of the completion of the environmental remediation of the agency

2. The inspection, supervision and acceptance of the completion of the environmental restoration shall comply with regulations of Clause 4, Article 126 of the Law on Environmental Protection.

#### **Article 75. Document forms on payment for natural ecosystem services**

1. Contract for payment for natural ecosystem services in the form of direct payment according regulations of Form No. 01, Appendix VII issued with this Circular.
2. Contract for payment for natural ecosystem services by authorizing the Environmental Protection Fund of province and the Vietnam Environmental Protection Fund according to regulations of Form No. 02, Appendix VII issued with this Circular.
3. Plan for payment for natural ecosystem services by authorizing the user according to regulations of Form No. 03, Appendix VII issued with this Circular.
4. Declaration on payment for natural ecosystem services in form of authorization according to regulations of Form No. 04, Appendix VII issued with this Circular.
5. Summary of plan for payment for natural ecosystem services in the form of authorization of organizations and individuals who use natural ecosystem services according to regulations of Form No. 05, Appendix VII issued together with this Circular.
6. Plan for collection and payment for natural ecosystem services in form of authorization according to regulations of Form No. 06, Appendix VII issued together with this Circular.
7. Cost estimate for management of payment for natural ecosystem services of the authorized environmental protection fund according to regulations of Form No. 07 of Appendix VII issued together with this Circular.
8. Written notification of the authorized agency that is sent to the supplier about payment for natural ecosystem services according to regulations of Form No. 08, Appendix VII issued together with this Circular.

#### **Article 76. The Vietnam Ecolabel criteria**

1. The Vietnam Ecolabel Criteria shall be established according to assessment of the impact of the entire life cycle of products and services from the process of material extraction, production, distribution, use and recycling after disposal that is less harmful to the environment than that of similar products. The contents of the Vietnam ecolabel criteria shall comply with regulations of Form No. 01, Appendix VIII issued with this Circular.
2. The assessment of environmentally friendly products and services which are announced according to each group of products and services shall meet the Vietnam ecolabel criteria

#### **Article 77. Assessment of products and services that meet Vietnam Ecolabel criteria**

1. The assessment of products and services that meet the Vietnam Ecolabel criteria shall be carried out according to the following order: establishment of an assessment council; actual survey; assessment council meeting; assessment of the conformity with the Vietnam Ecolabel criteria, if necessary.

2. There must be at least 07 members of an assessment council, including: a chairperson, vice-chairperson (s) and a secretary that are officials of the agency assigned to assess. The members shall be representatives of relevant ministries, ministerial authorities, experts with expertise and experience in environment sector or products and services that are requested for certification.
3. The council may only hold a meeting for the purpose of assessment of the application for certification of the Vietnam Ecolabel if there is at least 2/3 (two thirds) of the members of council in the meeting.
4. The report on the results of the assessment of the application for certification of products and services that meet the Vietnam Ecolabel criteria, the decision on establishment of the council, written comments of the council members and the minutes of meeting of the assessment council shall comply with regulations of Forms No. 02, 03, 04 and 05, Appendix VIII issued together with this Circular.

**Article 78. Forms related to responsibility for recycling of packaging and products and treatment of waste of importers**

1. Registration of plan for recycling of product and packaging according to regulations of Form No. 01, Appendix IX issued with this Circular.
2. Report on recycling result of product and packaging according to regulations of Form No. 02, Appendix IX issued with this Circular.
3. Declaration form of contribution to recycling according to regulations of Form No. 03, Appendix IX issued with this Circular.
4. Declaration form of contribution to waste treatment according to regulations of Form No. 04, Appendix IX issued with this Circular.
5. Application for financial support for recycling activities according to regulations of Form No. 05, Appendix IX issued with this Circular.
6. Application for financial support for waste treatment activities according to regulations of Form No. 06, Appendix IX issued with this Circular.
7. List of products and goods produced and sold domestically in year N-1 according to regulations of Form No. 07, Appendix IX issued with this Circular This list shall be sent to manufacturers and attached to Forms No. 01, 03 and 04, Appendix IX issued together with this Circular.
8. List of imports in year N-1 according to regulations of Form No. 08, Appendix IX issued with this Circular This list shall be sent to importers and attached to Forms No. 01, 03 and 04, Appendix IX issued together with this Circular.

9. Recycling specifications of products and packaging in year N-1 according to regulations of Form No. 09, Appendix IX issued with this Circular This declaration shall be submitted together with Forms No. 01 and 03, Appendix IX issued together with this Circular.

10. General declaration of weight of products and packaging in year N-1 according to regulations of Form No. 10, Appendix IX issued with this Circular This declaration shall be submitted together with Forms No. 01 and 03, Appendix IX issued together with this Circular.

**Article 79. Submission and receipt of registration of plan for recycling, report of recycling results, declaration form of contribution; an account for receipt of contributions to financial support for recycling and waste treatment activities**

1. Receipt of registration of recycling plans, report on recycling results of product and packaging at the Ministry of Natural Resources and Environment, No. 10 Ton That Thuyet, Nam Tu Liem District, Hanoi City.

2. Receipt of declaration form of contribution to recycling and waste treatment at Vietnam Environmental Protection Fund, No. 85 Nguyen Chi Thanh, Dong Da District, Hanoi City.

3. The receiving account and transfer content of contributions to financial support for recycling:

Name of account: Vietnam Environment Protection Fund;

Account number: 202266999;

Vietnam International Joint Stock Commercial Bank (VIB Dong Da);

Transfer content: the name of the manufacturer, importer and taxpayer identification number.

4. The receiving account for contributions to financial support for waste treatment:

Name of account: Vietnam Environment Protection Fund;

Account number: 202266888;

Vietnam International Joint Stock Commercial Bank (VIB Dong Da);

Transfer content: the name of the manufacturer, importer and taxpayer identification number.

**Article 80. Decision on inspection of the observance of the Law on Environmental Protection**

Decision on inspection of the observance of the Law on Environmental Protection shall comply with regulations of Appendix X issued together with this Circular.

## **Article 81. Statistics, monitoring and publication of resources that are spent on environmental protection**

1. The statistics and monitoring of resources that are spent on environmental protection shall comply with regulations of Circular No. 20/2018/TT-BTNMT dated November 8, 2018 of the Minister of Natural Resources and Environment on statistical report regime for natural resources and environment sector.
2. The publication of resources that are spent on environmental protection shall be carried out in the same period of the notification of statistical indices of the natural resources and environment sector.

## **Chapter VII**

### **IMPLEMENTATION**

## **Article 82. Amendments to a number of articles of Circular No. 76/2017/TT-BTNMT dated December 29, 2017 of the Minister of Natural Resources and Environment on assessment of the carrying capacity for wastewater receiving and carrying of water sources of rivers and lakes**

1. Clause 1 Article 7 is amended as follows:

”1. The capacity for wastewater receiving and carrying capacity of each segment of rivers and lakes shall be assessed according to each index, including: COD, BOD5, Ammonium, Total Nitrogen, Total Phosphorus and indices specified in Clause 2 of this Article.”

2. Article 9 is amended as follows:

Article 9. Assessment of the capacity for wastewater receiving and carrying capacity of rivers

1. The principle of assessment of the capacity for wastewater receiving and carrying of rivers:

The carrying capacity for wastewater receiving and carrying of rivers shall depend on the pollutants that are concerned, the flow and load of pollutants passing through the segment of rivers and the purpose of using the water source. The measure for assessment of the capacity for wastewater receiving and carrying capacity of rivers shall be implemented according to the general formula of the relationship between point sources, area sources, natural sources and load of pollutants lost due to changes in rivers and the load of pollutants at 2 cross sections of segments at a day of the year:

$$D_p + L_{diff} + LB - NP = L_y - L_{y0}$$

In which:

- a)  $D_p$ : total load of pollutants of point sources discharged into the segment (kg/day);



- b)  $L_{diff}$ : total load of pollutants of area sources discharged into the segment (kg/day);
- c) LB: natural background load of pollutants discharged into the segment (kg/day);
- b) NP: load of pollutants lost due to changes in the segment (kg/day);
- dd)  $L_y, L_{yo}$ : load of pollutants at 2 cross sections of downstream and upstream of the segment (kg/day);

## 2. Construction of calculation scenarios:

- a) A base scenario: flow of river according to the minimum flow (specified in Clause 2, Article 10 of this Circular), the load of pollutants at cross section of upstream that is the load of the indices of existing water quality in the water source of the segment according to regulations of Article 11 of this Circular, the load of pollutants at cross section of downstream of the segment that is the maximum load of the indices of surface water quality according to regulations of Article 10 of this Circular;
- b) Scenarios for the entire load of the river segment;
- c) Scenarios according to requirements for water quality in the future.

In case the quality of water and other conditions correspond to the base scenario, the carrying capacity for wastewater receiving and carrying of rivers shall be calculated according to the following methods specified in Clauses 3 and 4 and 5.

## 3. Direct assessment:

Formula:  $L_{tn} = (L_{td} - L_{nn}) \times F_s$

In which:

- a)  $L_{tn}$ : the capacity for wastewater receiving and carrying capacity of each pollution index (kg/day)
- b)  $L_{td}$ : the maximum load of each index of the quality of the surface water according to regulations of Article 10 of this Circular (kg/day);
- c)  $L_{nn}$ : the load of each index of the quality of the existing water in the source of water of the segment according to regulations of Article 11 of this Circular (kg/day);
- d)  $F_s$ : The factor of safety that is considered and selected in the range from 0.7 to 0.9 on the basis of the complete, reliable and accurate information and data used for assessment of the competent authority for approval for the capacity for wastewater receiving and carrying capacity specified in Clause 1, Article 15 of this Circular for consideration and decision.

#### 4. Indirect assessment:

Formula:  $L_{tn} = (L_{td} - L_{nn} - L_{tt}) \times F_s + NP_{td}$

In which:

- a)  $L_{tn}$ : the capacity for wastewater receiving and carrying capacity of each pollution indices (kg/day)
- b)  $L_{td}$ ,  $F_s$ : according to regulations of Points b, d, Clause 3 of this Article;
- c)  $L_{nn}$ : the load of indices of the quality of the existing water in source of water of the segment according to regulations of Article 11 of this Circular (kg/day);
- d)  $L_{tt}$ : the load of pollution indices in source of wastewater according to regulations of Article 12 of this Circular (kg/day);
- dd)  $NP_{td}$ : the maximum load of pollution indices that are lost due to changes in the segment (kg/day); The value of  $NP_{td}$  depends on each pollutant. This value can be 0 for the pollutant that has a reaction to reduce this pollutant.

#### 5. Model:

The competent authority shall approve the capacity for wastewater receiving and carrying capacity specified in Clause 1, Article 15 of this Circular for consideration and decision on the selection of suitable models for assessment according to the flow characteristics of the segment, river or entire river system, information and data on the flow, water quality and waste sources. The model of assessment shall be adjusted and inspected before making

6. The assessment results shall meet the requirements specified in Clauses 1 and 2, Article 14 of this Circular.”

#### 3. Article 12 is amended as follows:

“ Article 12. Determination of the load of pollution indices in source of wastewater

1. The waste sources shall include 03 main sources: point sources, area sources, natural sources. The symbols of load of pollution indices of these three sources shall be  $L_t$ ,  $L_d$  and  $L_n$  respectively.

The formula of the total load of pollution indices in the wastewater source shall be  $L_{tt} = L_t + L_d + L_n$ .

#### 2. Formula of the load of pollutants from point sources:

$$L_t = C_t \times Q_t \times 86,4$$

In which:

a)  $C_t$ : the analysis result of pollution indices in wastewater source according to regulations of Clause 2 of this Article, (mg/L)

b)  $Q_t$ : the maximum flow of the wastewater source according to regulations of Clause 2 of this Article, (mg/L)

c) 86,4 is the conversation factor.

3. The analysis result of pollution indices in the wastewater source shall be calculated as average value of the analysis results of at least 10 wastewater samples with sampling frequency of 03 days/sample. In case the wastewater source was monitored according to regulations of law, this monitoring data shall be considered to assess.

4. The maximum flow of a wastewater source shall be determined on the basis of the result of monitoring of the flow of the wastewater source according to regulations of the law or the maximum flow that is recorded discharge license or the environmental license, legal documents on environmental protection that are promulgated by competent authorities.

5. In case there are many sources of wastewater, the determination of the load of pollution indices shall be done for each wastewater source.

6. The values of  $L_d$  and  $L_n$  shall be determined on the basis of aggregate consideration according to material balance equation specified in Clause 1, Article 9 of this Circular and correspond to the flow of water corresponding to the basic scenario specified in Clause 2, Article 9 of this Circular.

7. In case the socio-economic development planning has identified the source of wastewater, the flow and pollution indices expected to be discharged into the assessed segment, the load of each pollution indices shall be considered and additionally determined. The value of each pollution indice for the purpose of assessment shall be determined according to the limit value specified in the technical regulation on wastewater.”

4. Clause 2 Article 15 is amended as follows:

“2. The Ministry of Natural Resources and Environment shall investigate, assess the carrying capacity for wastewater receiving and carrying of rivers and lakes that are inter-provincial and inter-national water sources and collect opinions from the Ministries of Industry and Trade; Agriculture and Rural Development; Transport, Construction, Culture, Sports and Tourism, the People's Committee of province and relevant agencies and units.”

5. Clause 2 Article 16 is amended as follows:

“2. The assessment of the capacity for wastewater receiving and carrying capacity of rivers and lakes shall be carried out according to the period of plan for management of the quality of

surface water in accordance with the Law on Environmental Protection or approved by the competent authority specified in Clause 1, Article 15 of this Circular for consideration and decision on the re-assessment of the capacity for wastewater receiving and carrying capacity of the water source in case of the following cases:

- a) There is an adjustment to the socio-economic development planning regarding the purpose of using water and discharging wastewater into water sources;
- b) There are works and projects on extraction, use of water and discharge of wastewater into new water sources that make big changes to the flow regime and the water quality of rivers and lakes;
- c) At the request of the competent state agency.”

### **Article 83. Transitional provision**

1. The hazardous waste codes including no.01 04 07, 02 05 01, 03 01 08, 03 02 08, 03 03 08, 03 04 08, 03 05 08, 03 06 08, 03 07 08, 04 02 04, 10 02 03 , 12 06 06, 12 06 07, 12 06 08, 12 07 05 in the list of codes of hazardous wastes attached to Circular No. 36/2015/TT-BTNMT dated June 30, 2015 of the Minister of Natural Resources and Environment on management of hazardous wastes shall be replaced by the hazardous waste codes no. 12 06 05 specified in Form No. 01, Appendix III issued together with this Circular.
2. The business that registered with the owner of source of hazardous waste with hazardous waste codes specified in Clause 1 of this Article before the effective date of this Circular may be allowed to continue to use these hazardous waste codes and transfer to hazardous waste treatment facility that is licensed to handle hazardous waste code No. 12 06 05 until the business has environmental license or environmental registration
3. The business that is issued with hazardous waste treatment license(component environmental license) with hazardous waste codes specified in Clause 1 of this Article before the effective date of this Circular may be allowed to continue to collect and treat these hazardous waste codes and hazardous waste codes no.12 06 05 until the component environmental license expires.
4. From the effective date of this Circular, the owner of source of hazardous waste and hazardous waste treatment facility shall use hazardous waste codes no.12 06 05 for waste codes specified in Clause 1 of this Article.

### **Article 84: Entry into force**

1. This Circular comes into force as of January 10, 2022.
2. From the effective date of this Circular, the following circulars will expire:
  - a) Circular No. 19/2015/TT-BTNMT dated April 23, 2015 of the Minister of Natural Resources and Environment detailing the appraisal of operating conditions of environmental monitoring services and certificates;

b) Circular No. 22/2015/TT-BTNMT dated May 28, 2015 of the Minister of Natural Resources and Environment stipulating the environmental protection in the process of using drilling fluids; waste management and environmental monitoring for offshore oil and gas operations;

c) Circular No. 35/2015/TT-BTNMT dated June 30, 2015 of the Minister of Natural Resources and Environment on the environmental protection of economic zones, industrial parks, export processing zones and hi-tech parks.

d) Circular No. 36/2015/TT-BTNMT dated June 30, 2015 of the Minister of Natural Resources and Environment on management of hazardous wastes

dd) Circular No. 38/2015/TT-BTNMT dated June 30, 2015 of the Minister of Natural Resources and Environment on environmental remediation and restoration in mineral mining activities;

e) Circular No. 43/2015/TT-BTNMT dated September 29, 2015 of the Minister of Natural Resources and Environment on state of the environment report, set of environmental indicators and management of environmental monitoring data.

g) Circular No. 19/2016/TT-BTNMT dated August 24, 2016 of the Minister of Natural Resources and Environment on environmental protection reports;

h) Circular No. 31/2016/TT-BTNMT dated October 14, 2016 of the Minister of Natural Resources and Environment on environmental protection in industrial clusters, concentrations of businesses, service providers, trade villages, businesses;

i) Circular No. 34/2017/TT-BTNMT dated October 4, 2017 of the Minister of Natural Resources and Environment on recall and treatment of discarded products.

k) Circular No. 25/2019/TT-BTNMT dated December 31, 2019 of the Minister of Natural Resources and Environment elaborating some Articles of the Government's Decree No. 40/2019/ND-CP dated May 13, 2019 on amendments to Decrees on guidelines for the Law on Environmental Protection and provide for management of environmental monitoring services,

3. g) From the effective date of this Circular, Section 2.2.1 of QCVN 36:2010/BTNMT- National technical regulation on discharge of Drilling Fluids and Drilling Cuttings for Offshore Oil and Gas Facilities attached to Circular No. 42/2010/TT-BTNMT dated December 29, 2010 of the Minister of Natural Resources and Environment on national technical regulations on environment will expire.

## **Article 85. Responsibility for implementation**

1. The ministers, ministerial authorities, governmental agencies, the People's Committees at all levels shall be responsible for the implementation of this Decree

2. The Department of Natural Resources and Environment shall be responsible for assisting the People's Committee of province to implement this Circular in their local area.

3. The relevant organizations and individuals shall be responsible for the implementation of this Circular.

**PP. MINISTER  
THE DEPUTY MINISTER**

**Vo Tuan Nhan**

## **APPENDIX**

*(Issued together with Circular No. 02/2022/TT-BTC dated January 10, 2022 of the Minister of Natural Resources and Environment)*

<b>APPENDIX I. FORMS OF PROTECTION OF ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGE</b>	
Form No. 01	Criteria for identification of pollution level of a soil pollution area and calculation of the score for the assessment of the criteria of the soil pollution area.
Form No. 02	Contents of reports on investigation and preliminary assessment of soil environmental quality
Form No. 03	Contents of reports on detailed investigation and assessment of the soil environmental pollution area
Form No. 04	List of existing polluted areas or polluted areas without identifiable perpetrators
Form No. 05	Format and contents of the measures for treatment, improvement and remediation of the soil environment
Form No. 06	Written request for appraisal of project on establishment of another natural heritage according to regulations of Point c, Clause 1, Article 20 of the Law on Environmental Protection
Form No. 07	Report on establishment of another natural heritage according to regulations of Point c, Clause 1, Article 20 of the Law on Environmental Protection
Form No. 08	Report on result of survey and assessment of natural heritage
Form No. 09	Contents of regulations on management and protection of natural heritage environment
Form No. 10	Contents of plans for management and protection of natural heritage environment

**APPENDIX II. FORMS OF STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT (EIA), ENVIRONMENTAL LICENSE AND ENVIRONMENTAL REGISTRATION**

Form No. 01	Contents of strategy and planning for strategic environmental assessment  01a. Contents of strategic environmental assessment of the strategy  01b. Contents of strategic environmental assessment report of the planning
Form No. 02	Written request for EIAR appraisal
Form No. 03	Decision on the establishment of appraisal council of EIAR
Form No. 04	4. Contents of EIAR  4a. The minutes of a survey meeting with community and individuals subject to environmental impacts  4b. Document of the appraisal agency on the EIAR for the purpose of collecting opinion of supervisory authority irrigation project  4c. Written reply of the supervisory authority irrigation project to the approval for the EIAR appraisal results.
Form No. 05	Site survey record of the area where the project is located
Form No. 06	Written comments on the EIAR
Form No. 07	Appraisal sheets of the EIAR
Form No. 08	The minutes of meeting of the EIAR appraisal council
Form No. 09	Written notification of the EIAR appraisal result
Form No. 10	Decision on approval for the EIAR appraisal result
Form No. 11	Contents of measures for environmental improvement and remediation in mineral mining
Form No. 12	Written request for appraisal of measures for environmental improvement and remediation in mineral mining
Form No. 13	Decision on the establishment of appraisal council for measures for environmental improvement and remediation in mineral mining
Form No. 14	The minutes of meeting of the appraisal council for measures for environmental improvement and remediation in mineral mining
Form No. 15	Written comments of measures for environmental improvement and remediation
Form No. 16	Appraisal sheets of measures for environmental improvement and remediation
Form No. 17	Written notification of the appraisal results of measures for environmental

	improvement and remediation in mineral mining
Form No. 18	Decision on approval for the appraisal results of measures for environmental improvement and remediation
Form No. 19	Certificate of deposit on environmental improvement and remediation
Form No. 20	Guidelines for contents of environmental improvement and remediation in mineral mining
Form No. 21	Measures for cost calculation and estimate for environmental improvement and recovery in mineral mining.
Form No. 22	Decision on the establishment of appraisal council for issuance of an environmental license to an investment project
Form No. 23	Decision on the establishment of appraisal team for issuance of an environmental license to an investment project
Form No. 24	Decision on the establishment of inspectorate responsible for appraising application for issuance, adjustment of re-issuance of environmental license to the investment project or business
Form No. 25	Decision on the establishment of inspection team for issuance or re-issuance of an environmental license of a business operating under the licensing competence of the People's Committee of District
Form No. 26	Written notification of site survey plan for issuance of an environmental license to an investment project that is not subject to EIA.
Form No. 27	Site survey record of the area where the project is located that is not subject to EIA
Form No. 28	The minutes of meeting of the appraisal council for issuance of an environmental license to an investment project
Form No. 29	Inspection records of issuance or re-issuance of environmental license to the investment project or business
Form No. 30	Written comments of members of the appraisal council and the appraisal team on issuance of environmental license to the investment project
Form No. 31	Appraisal sheets of members of the appraisal council or the appraisal team for issuance of environmental license to the investment project
Form No. 32	Written comments of members of inspectorate, inspection team on issuance or re-issuance of environmental license to the investment project or business.
Form No. 33	Written notification of completion and return of an application for issuance of environmental license to an investment project
Form No. 34	Report of inspectorate on inspection result of issuance and adjustment to environmental license to investment project
Form No. 35	Written notification of the environmental licensing agency on the adjustment of type and weight of hazardous waste subject to treatment or weight of scrap subject



	to import to make production materials
Form No. 36	Written comment survey of the supervisory authority of the irrigation project in the process of issuance or re-issuance of environmental license to the investment project or business
Form No. 37	Written comment survey of an agency, organization or expert in the process of issuance, adjustment and re-issuance of environmental license
Form No. 38	Written reply of the supervisory authority of the irrigation project
Form No. 39	Written reply of an agency, organization and expert subject to survey in the process of issuance, adjustment and re-issuance of environmental licenses.
Form No. 40	Environmental license
Form No. 41	Environmental license subject to adjustment
Form No. 42	Decision on revoking environmental license
Form No. 43	Written notification of the plan for trial operation of waste treatment works of the investment project
Form No. 44	Decision on appointment for officials to actually inspect the waste treatment works of investment project or business in the process of trial operation applied to cases that are not specified in Clause 4, Article 46 of the Law on Environmental Protection
Form No. 45	Records of inspection and supervision of trial operation of waste treatment work of an official
Form No. 46	Records of inspection trial operation of waste treatment works of investment project or business that use scrap as production materials or hazardous waste treatment services
Form No. 47	Environmental registration document of the owner of the investment project or business
<b>APPENDIX III: FORMS OF WASTE MANAGEMENT AND POLLUTANT CONTROL</b>	
Form No. 01	List of hazardous waste, industrial waste subject to control and ordinary industrial solid waste
Form No. 02	Measures for cost calculation and estimate for environmental improvement and remediation in the domestic solid waste landfill
Form No. 03	The minutes of handover of ordinary industrial solid waste
Form No. 04	Hazardous waste manifest
Form No. 05	Application for registration of the cross-border transport of hazardous waste
Form No. 06	Written approval for the cross-border transport of hazardous waste
Form No. 07	Decision on the establishment of a team assessing the capacity of an organization for assessing the conformity with environmental technical regulations applied to

	imported scraps used to make production materials from foreign countries
Form No. 08	Written comments and assessments of members of the assessment team
Form No. 09	Record of assessment of the capacity of an organization for assessing conformity with environmental technical regulations applied to imported scraps used to make production materials from foreign countries
Form No. 10	Decision on the establishment of inspectorate for the purpose of assessment of application for exemption from POPs
Form No. 11	Record of inspection and assessment of application for exemption from POPs
Form No. 12	Decision on the establishment of inspectorate for the purpose of assessment of conformity of persistent pollutants and materials, fuels, products, goods and equipment containing persistent pollutants
Form No. 13	Record of inspection and assessment of conformity of persistent pollutants and materials, fuels, products, goods and equipment containing persistent pollutants
Form No. 14	Written notification of the results of the inspection and assessment of conformity of persistent pollutants and raw materials, fuels, products, goods and equipment containing persistent pollutants.
Form No. 15	Notice about materials, fuels and products without commercial packaging
<b>APPENDIX IV. FORMS OF ENVIRONMENTAL MONITORING</b>	
Form No. 01	Decision on establishment of an appraisal council for the purpose of appraisal of conditions for environmental monitoring services
Form No. 02	Assessment and inspection sheets of members of the appraisal council for conditions for environmental monitoring services
Form No. 03	Record of assessment and inspection at the organization of environmental monitoring services
Form No. 04	Written comments of members of the appraisal council for conditions for environmental monitoring services
Form No. 05	Assessment, appraisal sheets at the official meeting of the appraisal council for conditions for environmental monitoring services
Form No. 06	The minutes of meeting of the appraisal council for conditions for environmental monitoring services
Form No. 07	Report on meeting technical requirements on monitoring capacity, equipment and assurance of the quality of monitoring data
Form No. 08	Location, time, frequency and indices of environmental monitoring of petroleum activities at the sea
Form No. 09	Written notification of exemption from periodical monitoring of the project or business
Form No. 10	Written notification of monitoring result of the project or business exceeding

	environmental technical regulations
<b>APPENDIX V. FORMS OF ENVIRONMENTAL INFORMATION AND DATABASE</b>	
Form No. 01	Basic information and data of environmental databases of national and provincial authorities
Form No. 02	Article 61. Common schedule data of environmental database at all levels
Form No. 03	Master data and other default shared data of environmental database at all levels
<b>APPENDIX VI. FORMS OF ENVIRONMENTAL PROTECTION REPORT</b>	
Form No. 01	Environmental protection report of the People's Committee of district
Form No. 02	Environmental protection report of the management board of an economic zone, export processing zone, hi-tech park and industrial park that is sent to the People's Committee of province
Form No. 03	Environmental protection report of the People's Committee of province
Form No. 04	Reports on the implementation of environmental protection tasks of ministries and ministerial authorities.
Form No. 05	Environmental protection report of the owner of the business  Form No. 05A: The business that is subject to environment license  Form No. 05B: The business that is subject to environment registration
Form No. 06	Environmental protection report of the investor of infrastructure construction and trade in the concentrated production, trade, service zone or industrial cluster
Form No. 07	Format and contents of the general report on national and local state of environment
Form No. 08	Format and contents of the thematic report on national and local state of environment
<b>APPENDIX VII. FORMS OF PAYMENT FOR NATURAL ECOSYSTEM SERVICES</b>	
Form No. 01	Contract for payment for natural ecosystem services in the form of direct payment.
Form No. 02	Contract for payment for natural ecosystem services by authorizing.
Form No. 03	Plan for payment for natural ecosystem services by authorizing.
Form No. 04	Declaration on payment for natural ecosystem services by authorizing.
Form No. 05	Summary of plan for payment for natural ecosystem services by authorizing.
Form No. 06	Plan for collection and payment for natural ecosystem services by authorizing.
Form No. 07	Cost estimate for management of payment for natural ecosystem services of the authorized environmental protection fund
Form No. 08	Written notification of payment for natural ecosystem services by authorizing.

**APPENDIX VIII. FORMS OF ASSESSMENT OF PRODUCTS AND SERVICES THAT MEET THE VIETNAM ECOLABEL CRITERIA**

Form No. 01	Main contents of the Vietnam Ecolabel criteria
Form No. 02	Result of the assessment of the application for certification of products and services that meet the Vietnam Ecolabel criteria
Form No. 03	Decision on establishment of the council for assessment of products and services that meet the Vietnam Ecolabel criteria
Form No. 04	Written comments of members of the council for assessment of products and services that meet the Vietnam Ecolabel criteria
Form No. 05	The minutes of meeting of the council for assessment of products and services that meet the Vietnam Ecolabel criteria

**APPENDIX IX. FORMS RELATED TO RESPONSIBILITY FOR RECYCLING OF PACKAGING AND PRODUCTS AND TREATMENT OF WASTE OF MANUFACTURERS AND IMPORTERS**

Form No. 01	Registration of plan for recycling of product and packaging
Form No. 02	Report on recycling result of product and packaging
Form No. 03	Declaration form of contribution to recycling
Form No. 04	Declaration form of contributions to waste treatment
Form No. 05	Application for financial support for recycling activities
Form No. 06	Application for financial support for waste treatment activities
Form No. 07	List of products and goods produced and sold domestically in year N-1
Form No. 08	List of imports in year N-1
Form No. 09	Recycling specifications of products and packaging in year N-1
Form No. 10	General declaration of weight of products and packaging in year N-1

**APPENDIX X. DECISION ON INSPECTION OF THE OBSERVANCE OF THE LAW ON ENVIRONMENTAL PROTECTION**