

THE MINISTRY OF NATURAL RESOURCES
AND ENVIRONMENT

**Circular No. 12/2011/TT-BTNMT of
April 14, 2011, stipulating hazardous
waste management**

*Pursuant to the November 29, 2005 Law on
Environmental Protection;*

*Pursuant to the Government's Decree No. 80/
2006/ND-CP of August 9, 2006, detailing and
guiding a number of articles of the Law on
Environmental Protection;*

*Pursuant to the Government's Decree No. 21/
2008/ND-CP of February 28, 2008, amending
and supplementing a number of articles of the
Government's Decree No. 80/2006/ND-CP of
August 9, 2006, detailing and guiding a number
of articles of the Law on Environmental
Protection;*

*Pursuant to the Government's Decree No. 59/
2007/ND-CP of April 9, 2007, on solid waste
management;*

*Pursuant to the Government's Decree No.
117/2009/ND-CP of December 31, 2009, on
handling of law violations in the field of
environmental protection;*

*Pursuant to the Government's Decree No. 25/
2008/ND-CP of March 4, 2008, defining the
functions, tasks, powers and organizational
structure of the Ministry of Natural Resources
and Environment;*

*Pursuant to the Government's Decree No. 81/
2007/ND-CP of May 23, 2007, providing for
organization of specialized environmental
protection sections of state agencies and
enterprises;*

Pursuant to the Prime Minister's Decision No. 132/2008/QĐ-TTg of September 30, 2008, defining the functions, tasks, powers and organizational structure of the Vietnam Environment Administration of the Ministry of Natural Resources and Environment;

At the proposal of the General Director of the Vietnam Environment Administration and the Director of the Legal Department,

STIPULATES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Circular stipulates hazardous waste management, covering:

1. Classification and sorting of hazardous wastes.
2. Conditions for hazardous waste management practice; procedures for compilation of dossiers for, registration of hazardous waste generators, and grant of hazardous waste management practice licenses and identification numbers; transboundary transportation of hazardous wastes.
3. Examination and certification of the implementation of contents of environmental impact assessment reports and requirements stated in decisions approving these reports for investment projects on hazardous waste treatment facilities which are evaluated and approved by the Ministry of Natural Resources and Environment.

Article 2. Subjects of application

1. This Circular applies to state agencies; domestic or foreign organizations and individuals (below referred to as organizations

and individuals) engaged in production, business or service provision related to the generation and management of hazardous wastes in the Vietnamese territory.

2. This Circular does not apply to radioactive wastes; exhaustion vapors and gases; wastewater generated within the premises of production, business or service establishments or concentrated production, business or service quarters and treated at wastewater treatment facilities of these establishments or quarters.

Article 3. Interpretation of terms

In this Circular, the terms and expressions below are construed as follows:

1. Hazardous waste management means activities related to the prevention, minimization, classification, sorting, direct reuse, temporary storage, transportation and treatment of hazardous wastes.
2. Hazardous waste transportation means a process of transporting hazardous wastes from place of generation to place of treatment, possibly accompanied by the collection, packaging, preservation, temporary storage, transshipment and preliminary processing of hazardous wastes.
3. Hazardous waste treatment means a process of using technological and technical solutions to transform, remove, sequester, isolate, dispose of or destroy hazardous characteristics or ingredients of hazardous wastes (including recycling, recovery, incineration, co-treatment, isolation and burial) so that they will cause no adverse impacts on the environment and human health.
4. Hazardous waste preliminary processing means the application of purely mechano-physical technical solutions to change such physical characteristics as dimensions, humidity

and temperature so as to facilitate the transportation or treatment of hazardous wastes, or to mix or separate ingredients of hazardous wastes to suit different treatment methods.

5. Hazardous waste co-treatment means the use of an available production process to treat a hazardous waste, in which such hazardous waste is used as a raw or auxiliary material.

6. Hazardous waste direct reuse means the direct reuse of hazardous wastes deriving from used vehicles, equipment or products or spent materials or chemicals on the list provided in Appendix 8 to this Circular (*not printed herein*) for the original use purpose of such vehicles, equipment, products, materials or chemicals without going through any treatment or preliminary processing step.

7. Hazardous waste management license refers collectively to the following types of license:

a/ Hazardous waste management practice license, which is a license for providing hazardous waste transportation and treatment services specified in this Circular;

b/ Hazardous waste transportation practice license, which is a license for providing hazardous waste transportation services specified in the Ministry of Natural Resources and Environment's Circular No. 12/2006/TT-BTNMT of December 26, 2006, guiding the practice conditions, procedures for compilation of dossiers, registration and grant of hazardous waste management practice licenses and identification numbers (below referred to as Circular No. 12/2006/TT-BTNMT);

c/ Hazardous waste treatment and disposal practice license, which is a license for providing hazardous waste treatment services specified in Circular No. 12/2006/TT-BTNMT.

8. Hazardous waste generator means an

organization or individual that owns or administers a production, business or service establishment generating hazardous wastes.

9. Hazardous waste management practitioner means an organization or individual having a hazardous waste management practice license to provide hazardous waste transportation and treatment services specified in this Circular.

10. Hazardous waste carrier means an organization or individual having a valid hazardous waste transportation practice license specified in Circular No. 12/2006/TT-BTNMT.

11. Hazardous waste treatment facility owner means an organization or individual having a valid hazardous waste treatment and disposal practice license specified in Circular No. 12/2006/TT-BTNMT.

12. Hazardous waste reuser means an organization or individual that receives hazardous wastes for direct reuse.

13. Hazardous waste transportation agent means an organization or individual that is authorized by or signs a contract with a hazardous waste management practitioner to conduct hazardous waste transportation.

14. Hazardous waste generator management agency means an agency competent to manage hazardous waste generators under regulations.

15. Licensing agency refers collectively to agencies competent to grant and revoke hazardous waste management licenses.

16. Hazardous waste management identification number means an identification number granted together with a hazardous waste generator register or a hazardous waste management license.

17. Operation area means a geographical area within which hazardous waste transportation and treatment services stated in a hazardous waste management license are permitted to be provided.

Article 4. Competence to grant hazardous waste generator registers and grant and revoke hazardous waste management licenses

1. Hazardous waste management agencies (provincial-level Natural Resources and Environment Departments or empowered Environmental Protection Sub-Departments) are competent to grant hazardous waste generator registers to hazardous waste generators that have hazardous waste generating establishments in their respective provinces.

2. The Vietnam Environment Administration is competent to grant and revoke hazardous waste management licenses for entities having an operation area covering two or more provinces or centrally run cities (below collectively referred to as provinces).

3. Provincial-level People's Committees or Natural Resources and Environment Departments empowered by provincial-level People's Committees (below collectively referred to as local licensing agencies) are competent to grant and revoke hazardous waste management licenses for entities having an operation area within their respective provinces.

Article 5. Hazardous waste classification and sorting

1. Hazardous waste classification and sorting shall be conducted according to Appendix 8 to this Circular and national technical regulation QCVN 07:2009/BTNMT, on hazardous waste threshold, promulgated together with the Minister of Natural Resources and Environment's Circular No. 25/2009/TT-BTNMT of November 16, 2009, promulgating national technical regulation on environment (below referred to as QCVN 07:2009/BTNMT).

2. Hazardous waste classification principles include:

a/ A waste shall be classified as a hazardous one on the basis of the hazardous waste threshold;

b/ A waste mixture shall be classified as a hazardous waste if at least one constituent waste in such waste mixture is a hazardous waste;

c/ Unless a type of waste, which is probably a hazardous waste (marked with *) as listed in Appendix 8 to this Circular, is classified as a non hazardous one according to QCVN 07:2009/BTNMT, it must be managed under regulations applicable to hazardous wastes.

Article 6. Use of hazardous waste generator registers and hazardous waste management licenses already granted under Circular No. 12/2006/TT-BTNMT

1. Hazardous waste generator registers already granted under Circular No. 12/2006/TT-BTNMT may continue to be used, unless they must be re-granted in cases specified in Clause 4, Article 16 of this Circular.

2. Hazardous waste management licenses already granted under Circular No. 12/2006/TT-BTNMT, except those specified in Clause 3 of this Article, may continue to be used until the expiration of the validity duration indicated in these licenses and have their validity extensions certified under Article 21 of this Circular, but cannot be adjusted.

3. Hazardous waste management licenses already granted to hazardous waste generators that treat by themselves hazardous wastes generated within the premises of their hazardous waste-generating establishments under Circular No. 12/2006/TT-BTNMT shall be revoked after these generators are granted hazardous waste generator registers under Point d, Clause 4, Article 16 of this Circular.

Article 7. Time and unit used for calculating

hazardous waste volume

1. Months or years referred to in this Circular are calendar months or years, including public holidays provided in the Labor Code.

2. Days referred to in this Circular are working days, excluding public holidays provided in the Labor Code.

3. Hazardous waste volumes indicated in all dossiers, licenses, reports, documents and other papers referred to in this Circular are uniformly measured in kilogram (kg).

Article 8. Issues related to the authentication of dossiers, papers and signatures and authorization by organizations and individuals that implement this Circular

1. Copies of papers bearing seals in dossiers, plans and reports made under this Circular do not require authentication under law but must have such seals affixed on every two adjoining pages or on every page by responsible organizations or individuals that shall take responsibility for the authenticity of these copies before being submitted to competent agencies.

2. Dossiers, plans and reports made under this Circular must have seals affixed on every two adjoining pages or on every page by responsible organizations or individuals for authentication before being submitted to competent agencies.

3. If having no legal person seal, when signing a contract under this Circular, the contract signee must have his/her signature authenticated under law.

4. Hazardous waste generators and management practitioners may not authorize legal persons other than legal persons (if any) of hazardous waste-generating establishments or hazardous waste treatment facilities and transportation agents indicated in hazardous

waste generator registers or hazardous waste management licenses to sign or seal dossiers, contracts, documents, plans and reports made under this Circular.

Chapter II

HAZARDOUS WASTE MANAGEMENT PRACTICE CONDITIONS

Article 9. Specific conditions on hazardous waste management practice and cases subject to these conditions

1. Conditions for an entity to be granted a hazardous waste management practice license under this Circular include:

a/ Legal ground conditions;

b/ Physical and technical foundation conditions;

c/ Personnel conditions;

d/ Management-related conditions;

e/ Other conditions.

2. Hazardous waste management practice conditions specified in this Circular are required for the following entities:

a/ Organizations and individuals that register for practicing hazardous waste management (below collectively referred to as practice-registering organizations and individuals) must fully satisfy the hazardous waste management practice conditions for being granted a license under this Circular;

b/ After obtaining a license under this Circular, hazardous waste management practitioners must satisfy the condition of having implementation roadmaps specified in Clauses 2 and 3. Article 11 of this Circular;

c/ Hazardous waste carriers that are licensed under Circular No. 12/2006/TT-BTNMT must satisfy conditions on special-use vehicles and equipment for hazardous waste transportation

(including special-use packages, containing devices, places of temporary storage or transshipment and vehicles) specified in Clauses 1 and 4, Article 11 of this Circular within 3 (three) months from the effective date of this Circular; and satisfy the condition of having implementation roadmaps specified in Clauses 2 and 3, Article 11 of this Circular;

d/ Hazardous waste treatment facility owners that are licensed under Circular No. 12/2006/TT-BTNMT must satisfy conditions on special-use vehicles and equipment for hazardous waste treatment (including places of temporary storage and systems or equipment for hazardous waste preliminary processing and treatment), environmental protection works and measures specified in Clauses 1, 4 and 5, Article 11 of this Circular within 3 (three) months from the effective date of this Circular.

3. Hazardous waste management practice conditions and licenses specified in this Circular are not required in the following cases:

a/ Transboundary transportation of hazardous wastes;

b/ Direct reuse of hazardous wastes;

c/ Use of environmental protection works merely for the purpose of self-treatment of hazardous wastes generated within the premises of hazardous waste-generating establishments in localities in which these works are located. Capacity of these works must be suitable to internally generated hazardous waste volumes to be treated by generators themselves. The change and addition of environmental protection works shall be considered and decided by agencies that have approved or certified environmental impact assessment reports, environmental protection commitments or (previous) environmental standard attainment registrations or environmental protection schemes for investment projects on these

hazardous waste-generating establishments;

d/ Research and development of hazardous waste treatment technologies in laboratory environments. In case of necessity to receive hazardous wastes for testing and evaluation of technologies in the process of research and development, plans on trial operation must be made according to a form provided in Appendix 2 (C) to this Circular and sent to the Vietnam Environment Administration for consideration and written approval before testing.

Article 10. Legal ground conditions

1. Having appropriate business lines stated in the business registration certificate or investment certificate or a paper of equivalent validity.

2. Having environmental impact assessment reports approved by the Ministry of Natural Resources and Environment for investment projects on hazardous waste treatment facilities or the following substitute dossiers or papers:

a/ Valid documents on environment issued by a competent state management agency, for hazardous waste treatment facilities put into operation before July 1, 2006;

b/ Environmental protection schemes approved by a competent state management agency under regulations, for hazardous waste treatment facilities in operation;

c/ For a production establishment already put into operation which requires addition of the hazardous waste co-treatment operation without changing its size, capacity or technology, there must be a written approval of the hazardous waste co-treatment plan issued by the competent agency that has approved or certified the environmental impact assessment report, (previous) environmental standard attainment registrations or environmental protection schemes for the investment project on this

production establishment.

3. Having environmental protection commitments certified by a competent state management agency, for investment projects on work items for hazardous waste transportation at hazardous waste transportation agents (if any), in case the dossiers or papers specified in Clause 2 of this Article do not contain these items.

4. Being in line with the approved master plans or having its location approved in writing by the provincial-level People's Committee.

Article 11. Physical and technical foundation conditions

1. Special-use vehicles and equipment for hazardous waste management practice, including special-use packages, containing devices, places of temporary storage and transshipment, vehicles, systems or equipment for hazardous waste preliminary processing and treatment, must satisfy technical requirements specified in Appendix 7 to this Circular.

2. Number of vehicles for hazardous waste transportation is stipulated as follows:

a/ In case the operation area is within a province, only from January 1, 2012, there must be at least 1 (one) vehicle under the official ownership of the practice-registering organization or individual, the hazardous waste transportation agent, the carrier's manager or another individual named in the business registration certificate, investment certificate or a paper of equivalent validity, or 1 (one) vehicle officially contributed as capital under law by such organization or individual (below referred to as carrier-owned vehicle);

b/ In case the operation area covers two or more provinces, from January 1, 2012, there must be at least 3 (three) carrier-owned vehicles;

c/ In case the operation area covers two or more provinces within a region and the

transportation and treatment are registered for two or more groups of hazardous wastes with different characteristics and treatment solutions, from January 1, 2013, there must be at least 5 (five) carrier-owned vehicles. In case the operation area covers two or more regions and the transportation and treatment are registered for two or more groups of hazardous wastes with different characteristics and treatment solutions, from January 1, 2014, there must be at least 8 (eight) carrier-owned vehicles;

d/ The total number of vehicles not owned by the carrier must not exceed that of those owned by the carrier, except waterway vessels and railway cars. For vehicles used but not owned by the carrier, there must be long-term contracts on handover of vehicles for hazardous waste transportation between the practice-registering organization or individual and these vehicles' owners.

3. Hazardous waste transportation vehicles must be equipped with global positioning system (GPS) devices connected with the Internet for positioning them en route and recording their itinerary of hazardous waste transportation according to the following roadmap:

a/ From January 1, 2012, at least 50% of total vehicles will be equipped with GPS devices;

b/ From June 1, 2012, all vehicles will be equipped with GPS devices;

c/ In case the operation area covers two or more provinces, Points a and b of this Clause must be complied with;

d/ In case the operation area is within a province, GPS devices must be equipped for vehicles as requested by local licensing agencies.

4. A vehicle or an equipment exclusively used for hazardous waste management practice may be only registered for one hazardous waste management license.

5. Practice-registering organizations or individuals must have environmental protection works and measures satisfying technical requirements specified in Appendix 7 to this Circular for controlling pollution and protecting the environment at hazardous waste treatment facilities and hazardous waste transportation agents (if any).

Article 12. Personnel conditions

1. One hazardous waste treatment facility must have at least 2 (two) persons in charge of management, administration and professional and technical guidance who possess college or higher degrees in chemical or environment-related majors.

2. One hazardous waste transportation agent must have at least 1 (one) person in charge of management, administration and professional and technical guidance who possesses a college or higher degree in a chemical or environment-related major.

3. Persons mentioned in Clauses 1 and 2 of this Article must be allowed to pay social and health insurance premiums under law; have long-term labor contracts in case they are neither named in business registration certificates (or papers of equivalent validity) nor in the management or state payrolls of practice-registering organizations or individuals.

4. Practice-registering organizations or individuals must have operation staffs and drivers who have been trained in safe vehicle and equipment operation. Heads of operation teams must have intermediate technical degrees or this post can be concurrently assumed by persons mentioned in Clauses 1 and 2 of this Article.

Article 13. Management-related conditions

1. Having the process of safe operation of special-use vehicles and equipment.

2. Having the following plans:

- a/ Plan on pollution control and environmental protection;
- b/ Plan on labor safety and health protection;
- c/ Plan on prevention of and response to incidents;
- d/ Plan on annual training and drills;
- e/ Plan on environmental pollution treatment and environmental protection upon operation termination.

3. Having programs on surveillance of environment and hazardous waste treatment facility operation and evaluation of hazardous waste treatment effectiveness.

4. Installing easy-to-notice boards of brief or diagram instructions together with processes and plans specified in Clause 1 and at Points a, b and c, Clause 2 of this Article at suitable places on board vehicles or in hazardous waste treatment facilities and transportation agents.

Article 14. Other conditions

1. Having one hazardous waste treatment facility. For 1 (one) hazardous waste treatment facility, no more than 5 (five) hazardous waste transportation agents will be set up, except for the following agents:

a/ Agents that transport hazardous wastes only for hazardous waste generators within the same business group, corporation or group of enterprises with the same founding shareholders or having the parent company-affiliate company relationship;

b/ Agents that transport hazardous wastes only for hazardous waste generators within the same production, business or service area;

c/ Agents that transport hazardous wastes only for hazardous waste generators in remote, deep-lying or mountainous provinces or in regions in which there is no licensed hazardous

waste facility or in provinces in which there is no hazardous waste management practitioner conducting hazardous waste transportation.

2. One hazardous waste transportation agent may be authorized to transport hazardous wastes by two or more practice-registering organizations or individuals or hazardous waste management practitioners only in case these practitioners or practice-registering organizations or individuals are members of the same business group, corporation or group of enterprises with the same founding shareholders or having the parent company-affiliate company relationship or this agent conducts only sea shipping;

3. In case hazardous waste transportation agents are members of the same business group, corporation or group of enterprises with the same founding shareholders or having the parent company-affiliate company relationship with the hazardous waste management practitioner or practice-registering organization or individual, there must be an internal authorization paper. For other cases, there must be a long-term agency contract.

Chapter III

SEQUENCE AND PROCEDURES FOR GRANT OF HAZARDOUS WASTE GENERATOR REGISTERS, GRANT OR REVOCATION OF HAZARDOUS WASTE MANAGEMENT LICENSES

Section I

SEQUENCE AND PROCEDURES FOR GRANT OF HAZARDOUS WASTE GENERATOR REGISTERS

Article 15. Registration of hazardous waste generators

1. A hazardous waste generator shall compile a dossier for hazardous waste generator registration according to a form provided in

Appendix I (A and B) to this Circular and submit 2 (two) sets of the dossier directly or by post to the hazardous waste management agency for examination and grant of a hazardous waste generator register. Hazardous waste generators do not have to pay any hazardous waste generator registration charge or fee.

A hazardous waste generator may compile a common dossier for hazardous waste generator registration for all hazardous waste-generating establishments under its ownership or management within a province.

In case hazardous waste-generating establishments take the form of mobile or linear hazardous waste-generating sources within a province, the hazardous waste generator may choose a focal establishment to represent all establishments in compiling a dossier for hazardous waste generator registration.

2. Within 10 (ten) days after receiving a registration dossier, the hazardous waste management agency shall examine its completeness and validity. In case the dossier is incomplete or invalid, it shall notify such to the hazardous waste generator for modification and supplementation. Such notification may be made no more than twice, except times in which the hazardous waste generator does not satisfy or fully satisfy requirements notified by the hazardous waste management agency.

3. If the dossier is complete and valid, the hazardous waste management agency is not required to notify such to the hazardous waste generator and this registration dossier shall automatically be accepted upon the expiration of the examination time limit.

Article 16. Grant of hazardous waste generator registers

1. Within 20 (twenty) days after completing the examination of the completeness and validity

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of a registration dossier, the hazardous waste management agency shall grant a hazardous waste generator register, made according to a set form provided in Appendix 1 (C) to this Circular, except for the case specified in Clause 2 of this Article.

2. In case of necessity, within 20 (twenty) days after completing the examination of the completeness and validity of the registration dossier, the hazardous waste management agency may inspect a hazardous waste-generating establishment which has environmental protection works for treating internally generated hazardous wastes by itself. Such inspection must not last for more than 2 (two) days.

Within 20 (twenty) days after completing the inspection of the establishment or after the hazardous waste generator makes a report on absorption of recommendations made and explanations about issues raised by the hazardous waste management agency after the inspection, the hazardous waste management agency shall grant a hazardous waste generator register, made according to a set form provided in Appendix 1 (C) to this Circular.

3. Hazardous waste generator registers are valid until they are renewed under Clause 4 of this Article or when establishments terminate their operation.

A hazardous waste generator register bears 1 (one) hazardous waste management identification number under Appendix 6 to this Circular. Two registration dossier sets appended with a certification seal by the hazardous waste management agency constitute an integral part of 2 (two) originals of the hazardous waste generator register (one set to be handed over directly or sent by post to the hazardous waste generator and the other to be kept at the hazardous waste management agency).

4. A hazardous waste generator shall register for re-grant of the hazardous waste generator register in any of the following cases:

a/ Change in or addition of hazardous waste types or an increase by 15% or more in the registered hazardous waste volume;

b/ Relocation of the hazardous waste-generating establishment within a province without change of the hazardous waste generator, or change of the hazardous waste generator without relocation of the establishment;

c/ Addition of hazardous waste-generating establishments or reduction of the registered establishments;

d/ Change in or addition of environmental protection works for self-treatment of internally generated hazardous wastes;

e/ Detection of untruthful declaration in hazardous waste generator registration compared to practical operation.

The number of times of grant of hazardous waste generator registers includes the first-time grant and subsequent re-grants.

Section 2

SEQUENCE AND PROCEDURES FOR GRANT OR REVOCATION OF HAZARDOUS WASTE MANAGEMENT LICENSES AND RELEVANT PROCEDURES

Article 17. Registration of hazardous waste management practice

1. An organization or individual that registers to practice hazardous waste management shall compile a dossier for registration of hazardous waste management practice, made according to a set form provided in Appendix 2 (A and B) to this Circular, and submit 2 (two) sets of the dossier directly or by post to the competent

licensing agency under Article 4 of this Circular for examination and first-time grant of a hazardous waste management practice license. Practice-registering organizations and individuals do not have to pay any hazardous waste management practice registration fee or charge.

2. Receipt of hazardous waste management practice registration dossiers:

a/ Within 10 (ten) days after receiving a hazardous waste management practice registration dossier, the licensing agency shall examine its completeness and validity. In case the dossier is incomplete or invalid, it shall notify such to the practice-registering organization or individual for dossier modification and supplementation;

b/ Within 5 (five) days after receiving a hazardous waste management practice registration dossier already modified and supplemented as requested, the licensing agency shall examine its completeness and validity and may request further modification and supplementation of the dossier when finding it necessary. Such notification shall be made no more than thrice, except times at which the practice-registering organization or individual does not satisfy or fully satisfy requirements of the licensing agency;

c/ If the registration dossier is complete or valid, the licensing agency is not required to make notification and this dossier shall automatically be accepted upon the expiration of the examination time limit.

d/ In case the licensing agency receives a modified or supplemented registration dossier more than 6 (six) months after notifying its requirements for modification and supplementation to the latest submitted dossier, this dossier shall be examined from the beginning.

3. Trial operation of hazardous waste treatment facilities:

a/ A practice-registering organization or individual shall make a plan on trial operation of hazardous waste treatment facilities according to a set form provided in Appendix 2 (C) to this Circular and submit 2 (two) copies of the plan to the licensing agency concurrently with the practice registration dossier ~~or at a later time~~;

b/ The time limit for ~~examining~~ a trial operation plan submitted for the first time is 10 (ten) days after the dossier is received under Point c, Clause 2 of this Article (or after the receipt of the plans after the dossier is received) and 5 (five) days for a plan modified and supplemented according to the notification of the licensing agency. The notification shall be made no more than twice, except times at which the practice-registering organization or individual does not satisfy or ~~fully~~ satisfy requirements of the licensing agency;

c/ Within 10 (ten) days after completing the examination of a trial operation plan, the licensing agency shall issue a written approval of such plan, made according to a set form provided in Appendix 2 (D) to this Circular. This approval shall be enclosed with 1 (one) copy of the plan appended with a certification seal by the licensing agency;

d/ After obtaining a written approval of the licensing agency, the practice-registering organization or individual may ~~temporarily~~ transport hazardous wastes and operate on a trial basis the hazardous waste treatment facility. The licensing agency may extraordinarily inspect the facility and take control samples in the course of its trial operation;

e/ After completing the trial operation, the practice-registering organization or individual shall make a report on results of trial operation

of the hazardous waste treatment facility according to a set form provided in Appendix 2 (E) to this Circular and submit 2 (two) copies of the report to the licensing agency for examination. In case a report is submitted more than 6 (six) months after the issuance of the written approval, the trial operation shall be re-registered;

f/ In case a report on results of trial operation of the hazardous waste treatment facility shows an unsatisfactory or incomplete item, within 10 (ten) days after receiving the report, the licensing agency shall notify such to the practice registering organization or individual for adjustment or completion of the facility.

Article 18. Grant of hazardous waste management practice licenses

1. In case the licensing agency is the Vietnam Environment Administration, it shall collect written comments of provincial-level Natural Resources and Environment Departments of localities in which hazardous waste treatment facilities of practice-registering organizations or individuals are located on their agreement or disagreement with the grant of hazardous waste management practice licenses; reason(s) for disagreement or matters to be considered before the grant of hazardous waste management practice licenses.

Written requests for comments of provincial-level Natural Resources and Environment Departments must be sent not later than the written approval of trial operation plans under Point c, Clause 3, Article 17 of this Circular. Provincial-level Natural Resources and Environment Departments shall reply in writing within 25 (twenty-five) days after receiving a written request of the Vietnam Environment Administration.

2. Within 25 (twenty-five) days after

receiving a report on satisfactory results of trial operation, the licensing agency shall evaluate the practice conditions and grant for the first time a hazardous waste management practice license, made according to a set form provided in Appendix 2 (E) to this Circular.

A hazardous waste management practice license is valid for 3 (three) years from the date of grant. A hazardous waste management practice license bears 1 (one) hazardous waste management identification number specified in Appendix 6 to this Circular. Two registration dossier sets appended with a certification seal by the licensing agency after they are completed constitute an integral part of 2 (two) originals of the hazardous waste management license (one set to be directly handed over or sent by post to the hazardous waste management practitioner and the other to be kept at the licensing agency).

3. In case of necessity, within 25 (twenty-five) days for evaluation of the practice conditions specified in Clause 2 of this Article, the licensing agency shall choose to carry out the following assistance activities:

a/ Forming a technical consultancy team, which is composed of environmental, waste management and treatment experts, to provide advice on the grant of hazardous waste management practice licenses. The technical consultancy team is tasked to advice and assist the licensing agency in examining the registration dossier, evaluating the practice conditions, processing technologies, results of trial operation, implementation of contents of the environmental impact assessment report and requirements to be included in the decision approving the report and other related matters;

b/ Inspecting hazardous waste treatment facilities and transportation agents for no more than 2 (two) days at each facility or agent, in combination with activities specified at Point c

of this Clause;

c/ Holding meetings of the technical consultancy team with the participation of the practice-registering organization or individual and related agencies, organizations and individuals to reach agreement on requests and recommendations regarding the grant of a hazardous waste management license and to discuss and clarify unclear or unsatisfactory matters (if any);

d/ Collecting written comments of related agencies, organizations and individuals in case no technical consultancy team is formed.

4. In case the practice-registering organization or individual fails to fully satisfy the practice conditions or to fulfill requirements of the technical consultancy team and related agencies, organizations and individuals, the licensing agency shall notify such conditions or requirements to the practice-registering organization or individual for satisfaction or fulfillment.

Within 20 (twenty) days after receiving a report of a practice-registering organization or individual on its/his/her fulfillment of requirements stated in the notice of the licensing agency, enclosed with the appropriately modified or supplemented registration dossier, the licensing agency shall consider and grant a hazardous waste management practice license.

Article 19. Extension of hazardous waste management practice licenses

1. A hazardous waste management practice license may be renewed in multiple times for validity extension, with each extension of 3 (three) years from the date of expiration of the original or previously renewed license. Registration for extension of hazardous waste management practice licenses must be made at least 3 (three) months before the expiration.

2. The sequence and procedures for compilation and receipt of dossiers for registration of extension of hazardous waste management practice licenses comply with Clauses 1 and 2. Article 17 of this Circular.

3. Within 20 (twenty) days after completing the examination of the completeness and validity of a registration dossier, the licensing agency shall consider and renew the hazardous waste management practice license according to a set form provided in Appendix 2 (E) to this Circular.

The hazardous waste management identification number shall remain unchanged. The number of times of renewal includes the first-time grant and subsequent times of renewal. Two dossier sets for registration of extension of a hazardous waste management practice license appended with a certification seal of the licensing agency upon their completion and all registration dossier sets enclosed with previously granted licenses constitute an integral part of the 2 (two) originals of the renewed hazardous waste management license (one set to be handed over directly or sent by post to the hazardous waste management practitioner and the other to be kept at the licensing agency).

4. In case of necessity, within 20 (twenty) days for consideration and renewal of a hazardous waste management practice license under Clause 3 of this Article, the licensing agency shall choose to carry out the following assistance activities:

a/ Inspecting hazardous waste treatment facilities and transportation agents for no more than 2 (two) days at each facility or agent, in combination with activities specified at Point b of this Clause;

b/ Holding meetings with the hazardous waste management practitioner and related agencies, organizations and individuals to directly discuss and clarify unclear or

unsatisfactory matters (if any);

c/ Collecting written comments of the provincial-level Natural Resources and Environment Department (in case the licensing agency is the Vietnam Environment Administration) and related agencies, organizations and individuals.

5. In case a hazardous waste management practitioner encounters problems, thus failing to fully satisfy the practice conditions specified in Chapter II, or fails to discharge the responsibilities specified in Article 26 of this Circular, or fails to fulfill requirements presented by the provincial-level Natural Resources and Environment Department and related agencies, organizations and individuals at meetings or in written comments collected under Clause 4 of this Article, the licensing agency shall notify such conditions or requirements to the hazardous waste management practitioner for satisfaction or fulfillment.

Within 15 (fifteen) days after receiving a report of a hazardous waste management practitioner on its fulfillment of requirements stated in the notice of the licensing agency, enclosed with the appropriately modified or supplemented registration dossier, the licensing agency shall consider and extend the hazardous waste management practice license.

Article 20. Modification of hazardous waste management practice licenses

1. A hazardous waste management practice license shall be modified in any of the following cases:

a/ Change or addition of type, technology, size, designed capacity, area or quantity of special-use vehicles and equipment for hazardous waste management practice;

b/ Change or addition of type of, or increase

in, the hazardous waste volume to be managed;

c/ Relocation or expansion of the operation area (applicable to hazardous waste management practice licenses with an operation area covering two or more provinces);

d/ Change of the hazardous waste management practitioner without relocation of the hazardous waste treatment facility or relocation of the hazardous waste treatment facility without change of the hazardous waste management practitioner and all special-use vehicles and equipment;

e/ Addition of a hazardous waste treatment facility;

f/ Change or addition of a hazardous waste transportation agent.

2. The sequence and procedures for registration and grant of a modified hazardous waste management practice license are the same as those for the first time grant of a license specified in Articles 17 and 18 of this Circular.

Upon completion of all procedures, the licensing agency shall grant a modified hazardous waste management practice license, made according to a set form provided in Appendix 2 (E) to this Circular, with a validity duration of 3 (three) years from the date of grant.

The hazardous waste management identification number shall be changed in case of relocation or expansion of the operation area under Appendix 6 to this Circular. The number of times of grant of the license includes the first-time grant and subsequent re-grants.

Two registration dossier sets for a modified hazardous waste management license which are appended with a certification seal by the licensing agency upon their completion and all registration dossier sets enclosed with previously granted licenses constitute an integral part of 2 (two) originals of the modified

hazardous waste management license (one set to be handed over directly or sent by post to the hazardous waste management practitioner and the other to be kept at the licensing agency).

3. Trial operation under Clause 3, Article 17 of this Circular is not required in the following cases:

a/ The cases specified at Points c, d and f, Clause 1 of this Article;

b/ Addition of special-use vehicles and equipment for hazardous waste transportation, including also those for packaging, preservation, temporary storage and preliminary processing of hazardous wastes;

c/ Addition of hazardous wastes with characteristics and treatment plans similar to hazardous wastes and groups of hazardous wastes with which treatment facilities have been put into trial operation and been licensed;

d/ Increase in the volume of hazardous wastes with which treatment facilities have been put into trial operation and been licensed;

4. In case the licensing agency is the Vietnam Environment Administration, it shall consider whether the collection of written comments of the provincial-level Natural Resources and Environment Department is necessary.

5. A hazardous waste management license cannot be modified but must be re-registered for first-time grant under Articles 17 and 18 of this Circular in the following cases:

a/ It was granted under Circular No. 12/2006/TT-BTNMT and is now converted into one under this Circular;

b/ It has an operation area within a province and was granted by a local licensing agency and is now converted into one granted by the Vietnam Environment Administration for expansion of the operation area;

c/ It has an operation area covering two or

more provinces and was granted by the Vietnam Environment Administration and is now converted into one granted by a local licensing agency for narrowing the operation area to a province;

For the procedures for re-grant of hazardous waste management licenses, trial operation of a hazardous waste treatment facility under Clause 3, Article 17 of this Circular is ~~required~~ only for items not yet put into trial operation and licensed under Circular No. 12/2006/TT-BTNMT or this Circular.

Article 21. Procedures for certification of extension of hazardous waste management licenses granted under Circular No. 12/2006/TT-BTNMT

1. At least 3 (three) months before the expiration of its hazardous waste management license, the hazardous waste carrier or treatment facility owner shall submit to the licensing agency 1 (one) written request for ~~certification~~ certification of extension of its license, which ~~was~~ granted under Circular No. 12/2006/TT-BTNMT, enclosed with the original license; 1 (one) report on implementation of programs and plans in the registration dossier set enclosed with the license within 1 (one) year up to the date of submitting the written request.

2. Within 20 (twenty) days after receiving a written request for license extension certification, the licensing agency shall consider and give certification in the section for extension certification in the original hazardous waste management license. The extension must not last beyond December 31, 2015. For hazardous waste management licenses granted by the (former) Environmental Protection Department, the Vietnam Environment Administration shall give certification.

3. In case of necessity, within 20 (twenty) days for consideration and certification of

extension of a hazardous waste management license under Clause 2 of this Article, the licensing agency shall choose to carry out the following assistance activities:

a/ Inspecting the establishment for no more than 2 (two) days, in combination with activities specified at Point b of this Clause;

b/ Holding meetings with the hazardous waste carrier, treatment facility owner and related agencies, organizations and individuals to directly discuss and clarify unclear or unsatisfactory matters (if any);

c/ Collecting written comments of the provincial-level Natural Resources and Environment Department (in case the licensing agency is the Vietnam Environment Administration) and related agencies, organizations and individuals.

4. In case a hazardous waste carrier or treatment facility owner encounters problems, thus failing to fully satisfy the practice conditions or to discharge the responsibilities specified in Articles 27 and 28 of this Circular, or fails to fulfill requirements set by the provincial-level Natural Resources and Environment Department and related agencies, organizations and individuals, the licensing agency shall notify such conditions or requirements to the hazardous waste carrier or treatment facility owner for satisfaction. Within 15 (fifteen) after receiving a report of the hazardous waste carrier or treatment facility owner on its fulfillment of requirements stated in the licensing agency's notice, the licensing agency shall consider and certify the extension of the hazardous waste management license.

Article 22. Revocation of hazardous waste management licenses

1. A hazardous waste management license shall be revoked in any of the following cases:

a/ A competent person defined in Articles 40, 41 and 42 of the Government's Decree No. 117/2009/ND-CP sends to the licensing agency a written request for revocation of the license, enclosed with documents serving as grounds for revocation, including a written record of examination, inspection or investigation; examination, inspection or investigation results; a decision on sanctioning of an administrative violation in environmental protection, or a prosecution dossier or court judgment;

b/ The hazardous waste management practitioner fails to operate 1 (one) year after being granted for the first time the hazardous waste management practice license;

c/ The hazardous waste carrier has all hazardous waste receipt and treatment contracts with the hazardous waste treatment facility owner or the hazardous waste management practitioner terminated and fails to sign a new contract or report such to the licensing agency within 1 (one) month, except the case in which the hazardous waste carrier is concurrently the hazardous waste treatment facility owner and was granted the license under Circular No. 12/2006/TT-BTNMT;

d/ The hazardous waste carrier fails to satisfy the practice conditions according to the roadmaps specified in Clauses 2 and 3, Article 11 of this Circular or fails to notify in writing the licensing agency of the satisfaction 2 (two) months after the date set for satisfaction of those conditions;

e/ The hazardous waste management license granted under Circular No. 12/2006/TT-BTNMT must be revoked after being converted into one under this Circular or from January 1, 2016, in case it is not converted;

f/ The hazardous waste management practitioner, carrier or treatment facility owner terminates the hazardous waste management

operation;

g/ The local licensing agency revokes the hazardous waste management license which has an operation area within a province from an organization or individual after it/he/she is granted another hazardous waste management license by the Vietnam Environment Administration for expansion of the operation area under this Circular or Circular No. 12/2006/TT-BTNMT;

h/ The Vietnam Environment Administration revokes the hazardous waste management license which has an operation area covering two or more provinces from a hazardous waste management practitioner after it is granted another hazardous waste management license by the local licensing agency for narrowing of the operation area to a province under this Circular.

2. The licensing agency shall issue a decision to revoke the hazardous waste management license, clearly stating the grounds and reason for revocation, the hazardous waste management identification number, the date of grant and the name of the organization or individual having the license revoked.

3. Organizations and individuals that have hazardous waste management licenses revoked shall notify the revocation to and terminate all existing hazardous waste management contracts with their customers and partners.

Article 23. Examination and certification of implementation of contents of environmental impact assessment reports and requirements stated in decisions approving these reports for investment projects on hazardous waste treatment facilities evaluated and approved by the Ministry of Natural Resources and Environment

1. In case the licensing agency is the Vietnam Environment Administration:

a/ Procedures for requesting, examining and certifying the implementation of contents of environmental impact assessment reports and requirements stated in decisions approving these reports (including the implementation and trial operation of environmental protection works and solutions) shall not be carried out separately but constitute part of procedures for registering hazardous waste management practice and granting hazardous waste management practice licenses under this Circular;

b/ A hazardous waste management practice license made according to a set form provided in Appendix 2 (E) to this Circular contains certification of the implementation of contents of the environmental impact assessment report and requirements stated in the decision approving this report (including implementation of environmental protection works and solutions) instead of a separate certificate made according to a set form;

c/ Hazardous waste treatment and disposal practice licenses already granted by the Vietnam Environment Administration under Circular No. 12/2006/TT-BTNMT are equivalent to certificates of implementation of contents of environmental impact assessment reports and requirements stated in decisions approving these reports.

2. In case the licensing agency is a local one:

a/ A hazardous waste management practice-registering organization or individual shall concurrently compile a dossier for registration of hazardous waste management practice at the local licensing agency and a dossier to request the Vietnam Environment Administration to certify the implementation of contents of the environmental impact assessment report and requirements stated in the decision approving this report (including implementation of environmental protection works and solutions) under regulations;

b/ A hazardous waste management practice-registering organization or individual shall combine the trial operation of environmental protection works and solutions proposed in its/ his/her environmental impact assessment report with the trial operation of hazardous waste treatment facilities under Clause 3, Article 17 of this Circular;

c/ ~~The~~ local licensing agency and the Vietnam Environment Administration shall concurrently carry out the two procedures specified in this Clause and separately grant hazardous waste management practice licenses and certificates of implementation of contents of environmental impact assessment reports and requirements stated in decisions approving these reports according to their competence.

Article 24. Other matters

1. Reports on and certification of satisfaction of the practice conditions:

a/ Upon satisfying the practice conditions according to the roadmaps specified at Points **b, c and d**, Clause 2, Article 9 of this Circular, a hazardous waste management practitioner, carrier or treatment facility owner shall report such to the licensing agency within 2 (two) months after these conditions are applied;

b/ Within 20 (twenty) days after receiving a report, the licensing agency shall consider and certify in writing the satisfaction of the practice conditions. The time limit for the licensing agency to make such written certification is 15 days after receiving the report of the hazardous waste carrier on satisfaction of all requirements (if any) set by the licensing agency in the course of consideration.

c/ In case of necessity, the licensing agency shall inspect the establishment and special-use vehicles and equipment for no more than 2 (two) days within the time limit of 20 (twenty) days

specified at Point b of this Clause.

2. The licensing agency shall notify in writing a change in or request suspension of some operations of a hazardous waste management practitioner, carrier or treatment facility owner when:

a/ There is a change in the agency contract or the contract on handover of vehicles not owned by the carrier or such contract terminates or expires without reported extension;

b/ The licensing agency bases itself on actual operations shown in periodical hazardous waste management reports, or on inspection, examination or investigation conclusions, or on prosecution dossiers or court judgments.

Chapter IV

RESPONSIBILITIES OF ORGANIZATIONS AND INDIVIDUALS

Article 25. Responsibilities of hazardous waste generators

1. To carry out procedures for hazardous waste generator registration under Article 15 of this Circular when commencing their operations or generating hazardous wastes annually and having hazardous wastes left untreated (if any).

During the period from the date of submission of a hazardous waste generator registration dossier to the date of grant of a register, a hazardous waste generator will be regarded as having discharged the responsibility for registering its hazardous waste generation with a provincial-level specialized environmental protection agency under Clause 1, Article 70 of the Law on Environmental Protection.

Compilation of hazardous waste generator registration dossiers is not compulsory to hazardous waste generators that do not treat internally generated hazardous wastes by themselves and:

a/ Have operated for less than 1 (one) year;
b/ Generate regularly or annually hazardous wastes of a volume not exceeding 120 (one hundred and twenty) kg/year, for hazardous wastes containing particularly hazardous elements exceeding the hazardous waste threshold specified in QCVN 07:2009/BTNMT, or 600 (six hundred) kg/year, for hazardous wastes containing other hazardous elements, except for hazardous wastes on the list of persistent organic pollutants (POP) provided under the Stockholm Convention on Persistent Organic Pollutants, for which generators are not exempt from this responsibility.

2. To send copies of hazardous waste generator registers to district-level People's Committees and commune-level People's Committees of localities in which hazardous waste-generating establishments are located.

3. To apply measures to minimize hazardous wastes and prevent and respond to incidents caused by hazardous wastes; to classify and sort hazardous wastes and determine hazardous waste volumes to be registered and managed; and to take responsibility for hazardous wastes until these hazardous wastes are safely and thoroughly treated.

4. To arrange places for temporary storage of hazardous wastes up to technical requirements similar to those specified at Points 3.1 thru 3.6, Appendix 7, and package and preserve hazardous wastes in special-use packages or containing devices up to technical requirements similar to those specified in Sections 1 and 2, Appendix 7 to this Circular.

5. To have their hazardous wastes treated quickly. In case of necessity to temporarily store hazardous wastes for over 6 (six) months due to unavailability of feasible transportation or treatment plans or appropriate hazardous waste management practitioners or too small volume

of generated hazardous wastes, to notify such to the waste generator management agency in a separate document or in a hazardous waste management report.

6. To appoint at least one full-time or part-time employee to classify, sort and manage hazardous wastes; to use technical assistance services provided from outside (when necessary).

7. If having no environmental protection works to treat their hazardous wastes by themselves, to sign contracts on delivery of hazardous wastes to organizations or individuals licensed to manage hazardous wastes with an appropriate operation area and list of hazardous wastes they are licensed to management.

In case of direct reuse of hazardous wastes, to sign contracts only with hazardous waste management practitioners and refrain from signing contracts with licensed hazardous waste carriers under Circular No. 12/2006/TT-BTNMT.

In case a hazardous waste carrier licensed under Circular No. 12/2006/TT-BTNMT takes part in transporting hazardous wastes not for direct reuse, a contract must be signed by three parties being the hazardous waste generator, hazardous waste carrier and hazardous waste management practitioner or hazardous waste treatment facility owner or a contract must be signed by the hazardous waste generator and hazardous waste carrier to the witness and bearing the certification of the hazardous waste management practitioner or hazardous waste treatment facility owner.

8. To strictly comply with procedures for declaration and use of hazardous waste documents upon each delivery of hazardous wastes as specified in Chapter 3 to this Circular, except the case of self treatment by the hazardous waste generator specified at Point c, Clause 3, Article 9 of this Circular.

Hazardous waste generators shall reach agreement with related organizations and individuals on fully filling in hazardous waste documents according to their hazardous waste delivery contracts and the provisions of hazardous waste management licenses of organizations and individuals receiving hazardous wastes.

9. To monitor and supervise the hazardous waste delivery and treatment based on contracts and hazardous waste documents; to compile hazardous waste delivery and receipt books for monitoring their hazardous wastes by type, volume, identification number, time and unit in charge of hazardous waste receipt and treatment. In case of necessity, to send their personnel to directly supervise the hazardous waste transportation and treatment by organizations and individuals receiving hazardous wastes.

Past three months after the delivery of hazardous wastes, if the hazardous waste generator does not receive the last two originals of the hazardous waste document from the organization or individual receiving hazardous wastes without a plausible reason in written form, the hazardous waste generator shall examine and urge the sending of such originals or report it to the waste generator management agency for examination and handling.

10. When wishing to export hazardous wastes for overseas treatment, to comply with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (below referred to as the Basel Convention) under Appendix 5 (A) to this Circular.

11. To make hazardous waste management reports according to a set form provided in Appendix 4 (A) to this Circular for every 6 (six) months from January 1 to June 30 and from June 1 to December 31 and submit them within 1

(one) month from the last day of the reporting period, except when:

a/ Hazardous waste generators specified at Point b, Clause 1 of this Article are allowed to make reports for every year from January 1 to December 31 and submit them within 1 (one) month from the last day of the reporting regime;

b/ Hazardous waste generators specified at Point a, Clause 1 of this Article report only once within 1 (one) month from the date of operation termination.

In addition, hazardous waste generators shall make other extraordinary reports at the request of competent state agencies.

For hazardous waste generators specified at Points a, b and c, Clause 1 of this Article, submission of a hazardous waste management report is regarded as discharge of the responsibility to register the hazardous waste generation with a provincial-level specialized environmental protection agency under Clause 1, Article 70 of the Law on Environmental Protection.

12. To keep for 5 (five) years all originals of used hazardous waste documents and relevant dossiers and documents for supply to competent agencies upon request.

13. To apply simultaneously the online declaration of hazardous waste documents and reporting on hazardous waste management on the communication system or via email when so requested in writing by competent agencies. They are encouraged to register for such application before competent agencies so request.

14. In case hazardous wastes containing particularly hazardous elements in excess of the hazardous waste threshold specified in QCVN 07:2009/BTNMT or those containing other hazardous elements or those on the list of persistent organic pollutants, are generated

irregularly in a year in a volume of over 10 (ten) kg or 50 (fifty) kg or in an unlimited volume, respectively, each time, to report such to the waste generator management agency within 1 (one) month after the date of unexpected generation (i.e. generation due to an incident) or before the date of expected generation (i.e. generation due to construction, dismantlement, repair or renovation of establishments). Reports must contain sufficient information on hazardous waste names, identification numbers, volumes, time of and reasons for unexpected generation

15. To report in writing and return hazardous waste generator registers (if any) to the waste generator management agency upon termination of their operation.

Article 26. Responsibilities of hazardous waste management practitioners

1. To commence their operation only after obtaining hazardous waste management licenses.

2. To send copies of their first-time, renewed and modified hazardous waste management licenses to district- and commune-level People's Committees of localities in which their hazardous waste treatment facilities and transportation agents are located.

3. To notify the licensing agency for revocation of old hazardous waste management licenses within 1 (one) month of the conversion of these licenses which leads to the change of the licensing agency related to the change of the operation area under Clause 5, Article 20 of this Circular.

4. To strictly follow the procedures for registration and use of hazardous waste documents under Appendix 3 to this Circular.

5. To sign hazardous waste transportation or treatment contracts only with hazardous waste

generators in their licensed operation areas indicated in their hazardous waste management licenses; to receive hazardous wastes for transportation and treat volumes and types of hazardous wastes with licensed special-use vehicles and equipment under contracts, hazardous waste documents and hazardous waste management licenses.

6. To transport hazardous wastes in the optimal itinerary in terms of route, distance, duration, assurance of traffic safety and prevention of and response to incidents and in compliance with competent agencies' regulations on traffic division.

7. To take full responsibility for all operations and personnel of vehicles not owned by carriers in the course of hazardous waste transportation. To report to the licensing agency on modification, extension or termination of contracts on handover of vehicles not owned by carriers within 15 (fifteen) days after such modification, extension or termination is effected.

8. To discharge the responsibility of hazardous waste generators for hazardous wastes generated from their operations which they are unable to treat. In case they are able to treat all hazardous wastes, they are not required to discharge the responsibility of hazardous waste generators.

9. To select hazardous waste reusers, supervise and assure the proper direct reuse of hazardous wastes by these reusers, give certification in hazardous waste documents, and facilitate the return of originals of hazardous waste documents to hazardous waste generators.

In periodical hazardous waste management reports, made according to a set form provided in Appendix 4 (B) to this Circular, hazardous waste practitioners shall fully report methods and state of the direct re-use of hazardous wastes they transport for 3 (three) years up to the time of reporting.

Upon detecting that hazardous waste reusers fail to discharge the responsibilities specified in Article 29 of this Circular, hazardous waste generators shall report such to competent agencies for examination and handling.

10. When taking part in domestic transportation of hazardous wastes in the course of transboundary transportation, to coordinate with hazardous waste generators or exporters representing hazardous waste generators in implementing the provisions of the Basel Convention specified in Appendix 5 (A) to this Circular.

11. When arises an extraordinary need to hire sea-shipping vessels or railway cars, to coordinate with vessel or vehicle lessors in working out appropriate packaging and preservation plans to assure safe transportation, then submit them to the licensing agency for guidance and written approval.

12. To make the following reports:

a/ Hazardous waste management reports for every 6 (six) months from January 1 to June 30 and July 1 to December 31 as specified in Appendix 4 (B) to this Circular, which shall be submitted within 1 (one) month after the last day of the reporting period;

b/ Extraordinary reports at the request of competent state agencies;

c/ Reports to the licensing agency on changes in physical and technical foundations, key personnel or programs and plans in registration dossier sets enclosed with hazardous waste management licenses as compared to those at the time of grant of the licenses.

13. To compile hazardous waste handover and receipt books for monitoring hazardous waste names, volume and identification numbers, time and their units for hazardous waste delivery or receipt with hazardous waste

transportation agents or treatment facilities, assuring consistency with hazardous waste documents; operation logs of special-use vehicles and equipment for hazardous waste management; books for monitoring volume, quality and outlets of products recycled or recovered from hazardous wastes; to compile online dossiers for monitoring the itinerary of transportation vehicles with GPS (if any), and provide the right to access these dossiers to the licensing agency; to build an automatic and continuous observation database (if any).

14. To keep for 5 (five) years all originals of used hazardous waste documents and related dossiers and documents for provision to competent agencies upon request.

15. To implement all contents of registration dossier sets appended with certification seals by the licensing agency and enclosed with first-time, renewed and modified hazardous waste management licenses (if any), especially periodical training plans; environmental pollution control and environmental protection plans; programs on environmental surveillance and surveillance of operation and effectiveness of hazardous waste treatment facilities; labor safety and health care plans; and incident prevention and response plans.

16. To supervise operations of hazardous waste transportation agents and take responsibility for these agents' violations in environmental protection and hazardous waste management. To report to the licensing agency on the modification, extension or termination of agency contracts within 15 (fifteen) days after such modification, extension or termination is effected.

17. To sign contracts for receiving hazardous wastes for treatment from no more than 5 (five) hazardous waste carriers licensed under Circular No. 12/2006/TT-BTNMT, except for:

a/ Hazardous waste carriers that are concurrently hazardous waste treatment facility owners;

b/ Hazardous waste carriers that are members of the same business group, corporation or group of enterprises with the same founding shareholders or having the parent company-affiliate company relationship;

c/ Hazardous waste carriers that operate only at sea.

Hazardous waste management practitioners shall report to the licensing agency on the modification, extension or termination of contracts with hazardous waste carriers within 15 (fifteen) days after such modification, extension or termination is effected.

18. To notify in writing to hazardous waste generators in case there arises a reason for temporary storage of hazardous wastes instead of treatment for between 3 (three) and 6 (six) months after the date of delivery indicated in hazardous waste documents.

19. If wishing to transport only hazardous wastes and to transfer the treatment responsibility to hazardous waste management practitioners or other hazardous waste treatment facility owners, to send written requests enclosed with contracts to the licensing agency for consideration and written approval before the transfer. The delivery of a batch of hazardous wastes shall be effected between only 2 (two) hazardous waste management practitioners or hazardous waste treatment facility owners.

Hazardous waste management practitioners shall send written requests or notices to the licensing agency for consideration and approval in case of termination, modification, supplementation or extension of contracts.

20. To apply simultaneously the online declaration of hazardous waste documents and

reporting on hazardous waste management on the communication system or via email when so requested in writing by competent agencies. Hazardous waste generators are encouraged to register for such application before competent agencies so request.

21. To obtain certificates of the environmental management system - ISO 14001 or equivalent certificates suitable to operations of hazardous waste treatment facilities within 3 (three) years after the first-time grant of hazardous waste management licenses, and certificates of the quality management system - ISO 9001 or equivalent certificates suitable to operations of hazardous waste transportation agents within 3 (three) years after these agents are included in their licenses.

22. Upon operation termination, to implement plans on pollution treatment and environmental protection and notify such in writing to the licensing agency for revocation of hazardous waste management licenses.

Article 27. Responsibilities of hazardous waste carriers licensed under Circular No. 10/2006/TT-BTNMT

1. To use hazardous waste management licenses granted under Circular No. 10/2006/TT-BTNMT in their operations only until the end of December 31, 2015, if these licenses are not converted into ones under this Circular.

2. To send copies of hazardous waste management licenses with extension certification as specified in Article 21 of this Circular to district- and commune-level People's Committees of localities in which hazardous waste-generating establishments are located.

3. In case of having two hazardous waste management licenses granted by the Vietnam Environment Administration and a local licensing agency, to notify such in writing to

the licensing agency that has granted the earlier license for revocation of such license within 1 (one) month after the effective date of this Circular or from the date of grant of the new license.

4. To sign tripartite contracts with hazardous waste generators, hazardous waste management practitioners or hazardous waste treatment facility owners under Circular No. 12/2006/TT-BTNMT on hazardous waste delivery, or to sign contracts with hazardous waste generators to the witness and with the certification of hazardous waste management practitioners or hazardous waste treatment facility owners, unless hazardous waste carriers are concurrently hazardous waste treatment facility owners or hazardous waste generators are unknown or unidentifiable.

5. To satisfy the hazardous waste management practice conditions specified at Point c, Clause 2, Article 9 and report on satisfaction of these conditions to the licensing agency within 2 (two) months after being required to satisfy these conditions.

6. To obtain certificates of the environmental management system - ISO 14001 or the environmental management system - ISO 9001 or equivalent certificates suitable to hazardous waste transportation within 3 (three) years after the effective date of this Circular, even after their hazardous waste management practice licenses are converted into ones under this Circular.

7. When wishing to change or add hazardous waste management practitioners or hazardous waste treatment facility owners for receiving and treating hazardous wastes, to send written requests enclosed with contracts to the licensing agency for consideration and written approval before effecting the change or addition. To send written requests or notices to the licensing agency for consideration and approval of

contract termination, modification, supplementation or extension of such contracts.

8. To discharge the related responsibilities similar to those specified in Clauses 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 18, 20 and 22, Article 26 of this Circular.

Article 28. Responsibilities of hazardous waste treatment facility owners licensed under Circular No. 12/2006/TT-BTNMT

1. To use hazardous waste management licenses granted under Circular No. 12/2006/TT-BTNMT in their operations only until the end of December 31, 2015, if these licenses are not converted into ones under this Circular.

2. To send copies of hazardous waste management licenses with extension certification as specified in Article 21 of this Circular to district- and commune-level People's Committees of localities in which hazardous waste-generating establishments are located.

3. In case of having two hazardous waste management licenses granted by the Vietnam Environment Administration and a local licensing agency, to notify such in writing to the licensing agency that has granted the earlier license for revocation of such license within 1 (one) month after the effective date of this Circular or from the date of grant of the new license.

4. To satisfy the hazardous waste management practice conditions specified at Point d, Clause 2, Article 9 and report on satisfaction of these conditions to the licensing agency within 2 (two) months after being required to satisfy these conditions.

5. To obtain certificates of the environmental management system - ISO 14001 or equivalent certificates suitable to hazardous waste treatment within 3 (three) years after the effective date of this Circular, even after their

hazardous waste management practice licenses are converted into ones under this Circular.

6. To discharge the related responsibilities similar to those specified in Clauses 4, 5, 8, 12, 13, 14, 15, 17, 18, 20 and 22, Article 26 of this Circular.

Article 29. Responsibilities of hazardous waste reusers

1. To receive hazardous wastes for direct reuse only from hazardous waste management practitioners with appropriate hazardous waste management licenses.

2. To directly reuse hazardous wastes only for the original use purposes of vehicles, equipment, products, materials and chemicals being sources of generation of these hazardous wastes. To refrain from using hazardous wastes for other purposes or delivering hazardous wastes to other organizations or individuals.

3. To strictly follow the procedures for declaring and using hazardous waste documents specified in Appendix 3 to this Circular.

4. In case the total volume of hazardous wastes for direct reuse is 120 (one hundred and twenty) kg/year or larger, to send written explanations to provincial-level Environmental Protection Administrations or Natural Resources and Environment Departments of localities in which no provincial-level Environmental Protection Administration is established and to commence the direct reuse of these hazardous wastes in case there is no objection (for reasons which must be clearly stated) within 20 (twenty) days after such Administrations or Departments receive their written explanations; to annually report on direct reuse of hazardous wastes to provincial-level Environmental Protection Administrations or Natural Resources and Environment Departments within 1 (one) month after the end of the reporting period.

5. To coordinate with and provide information to hazardous waste management practitioners for reporting on plans on and the state of direct reuse of hazardous wastes in periodical hazardous waste management reports.

6. To discharge the responsibilities of hazardous waste generators for hazardous wastes after completing the direct reuse thereof and other hazardous wastes generated from this direct reuse under Article 25 of this Circular, unless hazardous wastes may be directly reused for daily-life household or personal activities and are therefore subject to regulations on management of daily-life wastes.

Chapter V

RESPONSIBILITIES OF COMPETENT STATE AGENCIES

Article 30. Responsibilities of the Vietnam Environment Administration

1. To manage operations of, and dossiers, contracts, reports and documents related to, organizations and individuals that are granted hazardous waste management licenses by the Vietnam Environment Administration.

2. To send copies of hazardous waste management licenses or decisions on revocation of these licenses, which have been granted by the Vietnam Environment Administration, to provincial-level People's Committees and Natural Resources and Environment Departments of localities in which licensed establishments are located, and publicize such information on its website.

3. To intensify the use of the communication system or e-mail for notification, guidance and exchange of information with organizations and individuals in the course of dossier examination, trial operation and evaluation of the practice conditions and other operations regarding

procedures relevant to hazardous waste management licenses in order to shorten the time needed for these operations and reduce paper documents.

4. To develop a communication system and a national database on hazardous wastes; to organize and guide the online registration and declaration of hazardous waste documents and reporting on hazardous waste management in order to gradually replace paper documents.

Article 31. Responsibilities of provincial-level People's Committees or provincial-level Natural Resources and Environment Departments authorized by provincial-level People's Committees

1. To manage operations of, and dossiers, contracts, reports and documents related to, organization and individuals that are granted hazardous waste management licenses by them.

2. To send copies of hazardous waste management licenses or decisions on revocation of these licenses, which have been granted by them, to the Vietnam Environment Administration and district-level People's Committees of localities in which licensed establishments are located, and publicize such information on their websites.

3. To intensify the use of the communication system or e-mail for notification, guidance and exchange of information with organizations and individuals in the course of dossier examination, trial operation and evaluation of the practice conditions and other operations regarding procedures relevant to hazardous waste management licenses in order to shorten the time needed for these operations and reduce paper documents.

4. In case of merger of a geographical area between two provinces, the People's Committee of the province receiving the merged

geographical area shall guide the re-grant of hazardous waste generator registers and hazardous waste management identification numbers.

Article 32. Responsibilities of provincial-level Natural Resources and Environment Departments or provincial-level Environmental Protection Administrations authorized by provincial-level Natural Resources and Environment Departments

1. To publicize information on hazardous waste generator registers which they have granted on their websites (if any); to manage operations, dossiers, reports, contracts and documents of hazardous waste generators (including hazardous waste generators without registers) within their respective localities.

2. To intensify the use of the communication system or e-mail for notification, guidance and exchange of information with hazardous waste generators in the course of dossier examination and other operations regarding procedures relevant to hazardous waste generator registers in order to shorten the time needed for these operations and reduce paper documents.

3. To send reports to provincial-level People's Committees and the Vietnam Environment Administration, made according to a set form provided in Appendix 4 (C) to this Circular (for the reporting period from January 1 to December 31 every year) within 3 (three) months from the last day of the corresponding reporting period.

4. To coordinate with one another in developing communication systems and databases on hazardous wastes, organize registration of hazardous waste generators and declaration of hazardous waste documents, and report hazardous waste management online in their respective localities in order to gradually

replace paper documents.

5. Pursuant to Clause 4, Article 73 of the Law on Environmental Protection, to give certification of delivery of hazardous wastes by hazardous waste generators to hazardous waste management practitioners on hazardous waste documents in the form of contracts and in accordance with these contracts, based on reports of hazardous waste generators, made according to a set form provided in Appendix 4 (A) to this Circular.

The certification mentioned in this Clause shall be given once a year in hazardous waste management reports of provincial-level Natural Resources and Environment Departments (or provincial-level Environmental Protection Administrations authorized by provincial-level Natural Resources and Environment Departments) according to a set form provided in Appendix 4 (C) to this Circular, but is not given for every single contract or hazardous waste generator.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 33. Organization of implementation

1. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees, directors of provincial-level Natural Resources and Environment Departments, and other related organizations and individuals shall implement this Circular

2. The General Director of the Vietnam Environment Administration shall guide, inspect, monitor and urge the implementation of this Circular.

Article 34. Effect

1. This Circular takes effect on June 1, 2011. This Circular replaces the Natural Resources and Environment Ministry's Circular No. 12/2006/TT-BTNMT of December 26, 2006, guiding the practice conditions, procedures for compilation of dossiers, registration and licensing of practice and hazardous waste management identification numbers, and the Natural Resources and Environment Minister's Decision No. 23/2006/QĐ-BTNMT of December 26, 2006, promulgating the list of hazardous wastes.

2. Dossiers for hazardous waste generator registration and dossiers for hazardous waste management licensing registration received before the effective date of this Circular shall be examined and go through procedures specified in Circular No. 12/2006/TT-BTNMT until August 31, 2011.

After August 31, 2011, registration dossiers received before the effective date of this Circular will no longer be valid for examination if they have not gone through procedures specified in Circular No. 12/2006/TT-BTNMT.

3. Any difficulties or problems arising in the course of implementation of this Circular should be promptly reported to the Ministry of Natural Resources and Environment for study and appropriate amendment and supplementation.

*For the Minister of
Natural Resources and Environment*
Deputy Minister
BUI CACH TUYEN

**All appendices to this Circular are not printed herein.*