

**THE MINISTRY OF NATURAL RESOURCES AND
ENVIRONMENT**

**DECISION No. 10/2006/QĐ-BTNMT OF AUGUST
21, 2006, PROMULGATING THE REGULATION
ON CERTIFICATION OF THOROUGH POLLU-
TION TREATMENT BY SERIOUSLY POLLUTING
ESTABLISHMENTS UNDER THE PRIME
MINISTER'S DECISION No. 64/2003/QĐ-TTg**

**THE MINISTER OF NATURAL RESOURCES AND
ENVIRONMENT**

*Pursuant to the Government's Decree No. 91/2002/
ND-CP of November 11, 2002, defining the functions,
tasks, powers and organizational structure of the*

Ministry of Natural Resources and Environment;

Pursuant to the Prime Minister's Decision No. 64/2003/QĐ-TTg of April 22, 2003, approving the plan on thorough handling of seriously polluting establishments;

At the proposal of the directors of the Environmental Protection Department and the Legal Department;

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on certification of thorough pollution treatment by seriously polluting establishments under the Prime Minister's Decision No. 64/2003/QĐ-TTg of April 22, 2003, approving the plan on thorough handling of seriously polluting establishments.

Article 2.- This Decision shall take effect 15 days after its publication in "CONG BAO" and replace the Natural Resources and Environment Minister's Decision No. 19/2003/QĐ-BTNMT of December 30, 2003, promulgating the Regulation on the order of and procedures for certification of the complete application of anti-pollution measures by seriously polluting establishments under Decision No. 64/2003/QĐ-TTg.

Article 3.- Ministries, ministerial-level agencies, government-attached agencies, provincial/municipal People's Committees, directors of provincial/municipal Natural Resources and Environment Services, and concerned organizations and individuals shall have to implement this Decision.

**Minister of
Natural Resources and Environment
MAI AI TRUC**

REGULATION ON CERTIFICATION OF THOROUGH POLLUTION TREATMENT BY SERIOUSLY POLLUTING ESTABLISHMENTS UNDER THE PRIME MINISTER'S DECISION No. 64/2003/QĐ-TTg OF APRIL 22, 2003

(Promulgated together with the Natural Resources and Environment Minister's Decision No. 10/2006/QĐ-BTNMT of August 21, 2006)

Article 1.- Governing scope and subjects

1. This Regulation provides for the conditions, order and procedures for certification of thorough pollution treatment by seriously polluting establishments; and the competence and responsibilities of state management agencies in charge of environment in the certification of thorough pollution treatment by seriously polluting establishments.

2. This Regulation applies to seriously polluting establishments listed in Appendices 1 and 2 to the Prime Minister's Decision No. 64/2003/QĐ-TTg of April 22, 2003, approving the plan on thorough handling of seriously polluting establishments (hereinafter referred to as establishments for short); state management agencies in charge of environment, and concerned organizations and individuals.

Article 2.- Conditions for certification

Establishments to be certified as having completed the application of anti-pollution measures defined in Clauses 1, 2, and 3 of this Article are those not involved in any environment-related complaints, denunciations or lawsuits on which competent state agencies have not yet made conclusions or final settlement decisions, and satisfying one of the following conditions:

1. For production and business establishments and hospitals:

a/ The operation of the whole polluting establishment or section has been suspended and

environmental pollution has been treated up to national environmental standards on the quality of surrounding environment;

b/ Technology has been renewed, production lines have been modified, new waste treatment systems have been built, or existing ones have been renovated or upgraded up to national environmental standards on waste; and environmental pollution caused by the establishment has been treated up to national environmental standards on the quality of surrounding environment;

c/ The whole polluting establishment or section has been relocated according to planning; environmental pollution caused by the establishment in its old location has been treated up to national environmental standards on the quality of surrounding environment; the operation of the establishment in the new location satisfies national environmental standards on waste and standards on the quality of surrounding environment.

2. For rubbish dumps:

a/ Rubbish dumps have been closed in accordance with current regulations and satisfy national environmental standards on the quality of surrounding environment; new rubbish dumps are located according to planning (for cases where rubbish dumps must be relocated) and waste treatment systems up to national environmental standards on waste have been built;

b/ Environmental pollution has been treated up to national environmental standards on the quality of surrounding environment and the existing waste treatment systems have been renovated or upgraded or new systems have been built up to national environmental standards on waste.

3. For plant protection drug warehouses:

All existing plant protection drugs have been treated up to national environmental standards on waste; and environmental pollution caused by drug

warehouses has been treated up to national environmental standards on the quality of surrounding environment.

Article 3.- Competence for certification

1. Directors of provincial/municipal Natural Resources and Environment Services shall certify the thorough pollution treatment by establishments located in their respective provinces or centrally-run cities (hereinafter collectively referred to as provinces).

2. Where establishments have been relocated to other provinces, directors of the Natural Resources and Environment Services of provinces where such establishments operated shall be competent to make certification.

Article 4.- Dossiers of application for certification

1. A dossier of application for certification comprises:

a/ An application for certification of the thorough pollution treatment under Decision No. 64/2003/QĐ-TTg, made according to the form in Appendix 1 to this Regulation (not printed herein).

b/ The report on the results of the thorough pollution treatment by the establishment, covering all contents stated in Appendix 2 to this Regulation (not printed herein) and signed and sealed by the head of the establishment.

c/ The written results of analysis of environmental parameters, signed by the head of the analyzing unit and stamped with the seal of such unit, in cases where the establishment is required to reach national environmental standards according to Article 2 of this Regulation.

The analysis of environmental parameters must be conducted by a professional unit, which has the legal person status and is accredited by a competent state agency for analysis of environmental parameters, after

anti-pollution measures have been applied. The time of taking samples for analysis and assessment must be within 90 days prior to the date of submitting the dossiers of application for certification.

d/ A copy of the decision approving the environmental impact assessment report or the certificate of registration for satisfaction of environmental standards, for establishments of which the environmental impact assessment reports or the documents of registration for satisfaction of environmental standards have been approved before July 1, 2006.

e/ The written certification of the complete application of anti-pollution measures and satisfaction of conditions for certification consideration as prescribed in Article 2 of this Regulation, made by the Natural Resources and Environment Service of the province where the establishment moves to, for establishments which are relocated to other provinces.

2. Establishment owners shall make dossiers of application for certification and bear responsibility before law for documents and information in their dossiers. For rubbish dumps and plant protection drug warehouses, dossiers of application for certification shall be made by their managing agencies. For craft villages, dossiers of application for certification shall be made by People's Committees of communes, wards or townships (hereinafter collectively referred to as communes) where the villages are located.

Article 5.- Order of and procedures for certification

1. Certification application dossiers defined in Article 4 of this Regulation shall be submitted to provincial/municipal Natural Resources and Environment Services. In case of invalid or insufficient dossiers, provincial/municipal Natural Resources and Environment Services shall guide the applicants to re-compile or supplement their dossiers within 10 working days after receiving them.

2. Provincial/municipal Natural Resources and

Environment Services shall consider dossiers and organize field inspections with the participation of representatives of the People's Committees of districts, provincial towns and cities (hereinafter referred collectively to as districts) and the People's Committees of communes where the establishments are operating. Inspection results shall be made in a written record signed by involved parties.

3. Directors of provincial/municipal Natural Resources and Environment Services shall issue certificates for establishments which have thoroughly treated pollution under Decision No. 64/2003/QĐ-TTg. Where establishments fail to meet conditions for certification, provincial/municipal Natural Resources and Environment Services shall notify them of the reasons therefor.

4. The time limit for consideration, evaluation and grant of certificates shall be thirty (30) working days after valid and complete dossiers are received or forty five (45) working days in cases where samples must be taken for analysis.

5. Certificates of thorough pollution treatment shall be sent to the Ministry of Natural Resources and Environment for sum-up and reporting to the Prime Minister.

Article 6.- Taking of samples for analysis of environmental parameters

1. Establishments shall take samples and analyze environmental parameters by themselves so as to check the degree of satisfaction of national environmental standards. The taking of samples for analysis shall be supervised by representatives of the Natural Resources and Environment Service of the province where the establishments are operating. Expenses for taking and analyzing samples shall be paid by establishments.

2. Dossier-evaluating agencies shall decide and

organize the taking of samples, analysis and inspection of environmental parameters if deeming it necessary. Expenses for taking and analyzing samples shall be covered with the local environmental protection budget.

Article 7.- Bases for examination and evaluation of environmental parameters

The evaluation of whether pollution has been treated by establishments up to environmental standards on the quality of surrounding environment and environmental standards on waste shall be based on the following grounds:

1. For establishments of which the environmental impact assessment reports or the documents of registration for satisfaction of environmental standards have been approved before July 1, 2006, the examination and evaluation of environmental parameters shall be based on parameters analyzed and assessed under the environmental impact assessment reports or the documents of registration for satisfaction of environmental standards.

2. For establishments which have not yet made environmental impact assessment reports or documents of registration for satisfaction of environmental standards, the examination and evaluation of environmental parameters shall be based on national environmental standards.

Article 8.- In case of dissolution or bankruptcy of establishments

Where establishments have dissolved or gone bankrupt under decisions of competent state agencies, the Natural Resources and Environment Services of provinces where such establishments are located shall report to the Ministry of Natural Resources and Environment on the environmental conditions in the establishments' locations.

Article 9.- Organization of implementation

1. The Environmental Protection Department shall have to:

a/ Coordinate with environmental management agencies of ministries, branches and provincial/ municipal Natural Resources and Environment Services in disseminating, guiding and inspecting the implementation of this Regulation.

b/ Sum up the situation of certification of thorough pollution treatment by establishments for reporting to the Ministry of Natural Resources and Environment and the inter-branch Steering Committee for the implementation of the plan on thorough handling of seriously polluting establishments.

c/ Annually, make a list of establishments which have been certified as having thoroughly treated pollution under Decision No. 64/2003/QĐ-TTg for publication in the mass media.

2. Provincial/municipal Natural Resources and Environment Services shall have to:

a/ Receive and evaluate dossiers and certify the thorough pollution treatment by establishments in strict accordance with this Regulation.

b/ Notify the certification of thorough pollution treatment by establishments to the People's Committees of districts or communes where establishments are operating for inspection and supervision.

c/ Inspect and supervise establishments in the continued application of anti-pollution measures for the latter to ensure environmental standards on waste and on the quality of surrounding environment after being granted certificates; handle, or propose the handling of, establishments which relapse into causing serious environmental pollution.

d/ Annually, report to the Ministry of Natural Resources and Environment (via the Environmental Protection Department) on the situation of certification of thorough pollution treatment by establishments under Decision No. 64/2003/QĐ-TTg.

3. Dossiers of application for certification of

thorough pollution treatment sent to the Environmental Protection Department before the effective date of this Regulation shall be considered and certificates shall be granted under the provisions of the Natural Resources and Environment Minister's Decision No. 19/2003/QĐ-BTNMT of December 30, 2003, providing for the order of and procedures for certification of thorough pollution treatment under the Prime Minister's Decision No. 64/2003/QĐ-TTg.

4. In the course of implementation, provincial/ municipal Natural Resources and Environment Services, organizations and individuals should promptly report any arising problems to the Environmental Protection Department for sum-up and reporting to the Minister of Natural Resources and Environment.

**Minister of
Natural Resources and Environment
MAI AI TRUC**