

Circular No. 48/2011/TT-BTNMT of December 28, 2011, amending and supplementing a number of articles of the Minister of Natural Resources and Environment's Circular No. 08/2009/TT-BTNMT of July 15, 2009, providing for the environmental management and protection of economic zones, hi-tech parks, industrial parks and industrial complexes

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

Pursuant to the Government's Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export-processing zones and economic zones;

Pursuant to the Government's Decree No. 99/2003/ND-CP of August 28, 2003, promulgating the Regulation on hi-tech parks;

Pursuant to the Government's Decree No. 80/2006/ND-CP of August 9, 2006, detailing and guiding the implementation of 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 Decree No. 80/2006/ND-CP of August 9, 2006;

Pursuant to the Government's Decree No. 29/2011/ND-CP of April 18, 2011, on strategic

environmental assessment, environmental impact assessment and environmental protection commitment;

Pursuant to the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment, which was amended and supplemented under the Government's Decrees No. 19/2010/ND-CP of March 5, 2010, and No. 89/2010/ND-CP of August 16, 2010;

At the proposal of the directors of the Vietnam Environment Administration and the Legal Department,

STIPULATES:

Article 1. To amend and supplement a number of articles of the Minister of Natural Resources and Environment's Circular No. 2009/TT-BTNMT of July 15, 2009, providing for the environmental management and protection of economic zones, hi-tech parks, industrial parks and industrial complexes

1. To amend and supplement Article 4 as follows:

“Article 4. Organizations taking full responsibility for the environmental protection of economic zones, hi-tech parks, industrial parks and industrial complexes

1. Economic zone, hi-tech park and industrial park management boards and

industrial complex-managing agencies shall take responsibility for the management of environmental protection work of economic zones, hi-tech parks, industrial parks and industrial complexes according to their functions and tasks assigned by competent state management agencies.

2. Economic zone, hi-tech park and industrial park management boards and industrial complex-managing agencies must have professional units and officers in charge of environmental protection as provided in the Government's Decree No. 81/2007/ND-CP of May 23, 2007, on environmental protection organizations and sections at state agencies and state enterprises.

3. Economic zone, hi-tech park, industrial park and industrial complex technical infrastructure investors must have professional sections in charge of environmental protection as provided by the law on environmental protection.

4. Owners of production, business and service establishments in economic zones, hi-tech parks, industrial parks and industrial complexes shall arrange employees to supervise environmental protection work of their establishments; and take responsibility for environmental management within their establishments."

2. To amend and supplement Clauses 1 and 2, Article 5, as follows:

a/ To amend and supplement Clause 1 as

follows: "1. Construction master plans of economic zones, hi-tech parks, industrial parks and industrial complexes must conform to regional socio-economic development master plans and provincial/municipal land use master plans, restricting the use of agricultural land, not encroaching nature conserves and national parks, and ensuring sustainable development and security and national defense.

It is encouraged to make strategic environmental assessment reports for economic zone development master plans."

b/ To amend and supplement Clause 2 as follows: "The minimum proportion of land covered with trees, flower gardens and lawns inside the fence of a hi-tech park or an industrial park or industrial complex must be 10% of the total land area of that park or complex."

3. To amend and supplement Clauses 2 and 4, Article 6, as follows:

a/ To amend and supplement Clause 2 as follows: "2. In the planning designs of economic zones, hi-tech parks, industrial parks and industrial complexes, there must be locations for temporary storage and transport of solid waste; and establishments that receive, transport and treat ordinary solid waste and hazardous waste of economic zones, hi-tech parks, industrial parks and industrial complexes must be identified.

In case all production, business and service establishments in economic zones, hi-tech parks, industrial parks and industrial complexes

are required to have contracts signed with ordinary solid waste- and hazardous waste-receiving, -transporting and -treating establishments, it is not necessary to arrange locations for temporary storage and transport of solid waste in economic zones, hi-tech parks, industrial parks and industrial complexes.

All production, business and service establishments in economic zones, hi-tech parks, industrial parks and industrial complexes shall arrange places for temporary storage of solid waste before such waste is transported for treatment.”

b/ To amend and supplement Clause 4 as follows: “4. Hi-tech parks, industrial parks and industrial complexes must have concentrated wastewater treatment plants which can be divided into various modules but must be capable of treating the whole volume of generated wastewater up to current technical regulations on environment. Investors of concentrated wastewater treatment plants shall design and install systems for automatic and constant observation of the flow, pH level, COD, TSS and some other typical parameters of wastewater generated by hi-tech parks, industrial parks and industrial complexes before wastewater is discharged into a receiving source as required in decisions approving environmental impact assessment reports. Automatic observatories must satisfy technical connection requirements to automatically and constantly transmit data to environment state management agencies upon request. For

existing automatic observatories which have not yet met connection requirements for automatic and constant data transmission, there must be plans for upgrading them to comply with this provision.”

4. To amend and supplement Article 7 as follows:

“Article 7. Responsibilities of economic zone, hi-tech park, industrial park and industrial complex technical infrastructure investors

To elaborate environmental impact assessment reports or environmental protection schemes under the Government’s Decree No. 29/2011/ND-CP of April 18, 2011, on strategic environmental assessment, environmental impact assessment and environmental protection commitment.”

5. To amend and supplement Clause 3, Article 9, as follows:

“3. Regarding solid waste management: To comply with Point a, Clause 3, Article 1 of this Circular and the law on solid waste management.”

6. To amend and supplement Clause 1, Article 10, as follows:

“1. To coordinate with state management agencies in charge of environmental protection in examining and supervising the observance of approved or certified environmental impact assessment reports and written environmental protection commitments in the stage of project

construction.”

7. To amend and supplement Clause 1, Article 12, as follows:

“1. To consider and admit only investment projects belonging to production and business lines defined in the environmental impact assessment reports of investment projects to build and operate hi-tech park, industrial park and industrial complex technical infrastructure which have been approved by competent state management agencies. Before admitting investment projects belonging to production and business lines other than those defined in the environmental impact assessment reports, hi-tech park, industrial park or industrial complex management boards shall seek opinions from state agencies which have approved environmental impact assessment reports.”

8. To amend and supplement Article 13 as follows:

“Article 13. Conditions for production, business and service investment projects in economic zones, hi-tech parks, industrial parks and industrial complexes to be put into operation:

1. Establishments receiving, transporting and treating ordinary solid waste and hazardous waste of economic zones, hi-tech parks and industrial clusters specified at Point a, Clause 3, Article 1 of this Circular and the law on solid waste management have been identified.

2. Wastewater outlets of production, business and service projects have been directly connected to the wastewater collection systems of concentrated wastewater treatment plants of economic zones, hi-tech parks, industrial parks and industrial complexes, except cases in which production, business and service establishments have their own wastewater treatment stations up to current technical regulations on environment before concentrated wastewater treatment plants of economic zones, hi-tech parks, industrial parks and industrial complexes are built, and satisfy the conditions prescribed in Article 45 of the Government’s Decree No. 88/2007/ND-CP of May 28, 2007, on water drainage in urban centers and industrial parks.

3. Production projects have completely installed, tested and operated on a trial basis their wastewater, exhaust gas and noise treatment equipment, applied other environmental production measures as committed in the environmental impact assessment reports or written environmental protection commitments and been inspected and certified by competent authorities as having completed environmental treatment works.”

9. To amend and supplement Clauses 1, 4 and 5, Article 14, as follows:

a/ To amend and supplement Clause 1 as follows: “1. To make and submit to competent agencies environmental impact assessment reports for approval or written environmental protection commitments for certification under

the Government's Decree No. 29/2011/ND-CP of April 18, 2011, on strategic environmental assessment, environmental impact assessment and environmental protection commitment."

b/ To amend and supplement Clause 4 as follows: "4. To sign agreements or economic contracts with economic zone, hi-tech park, industrial park and industrial complex technical infrastructure investors on the conditions for connecting wastewater outlets to the wastewater collection systems of concentrated wastewater treatment plants, except cases in which establishments have their own wastewater treatment stations as provided in Clause 2, Article 13 of Circular No. 08/2009/TT-BTNMT of July 15, 2009, which is amended and supplemented under Clause 8, Article 1 of this Circular."

c/ To amend and supplement Clause 5 as follows: "5. To connect the outlets of wastewater drainage systems to the wastewater collection systems of concentrated wastewater treatment plants under the supervision of economic zone, hi-tech park, industrial park and industrial complex technical infrastructure investors, except cases in which establishments have their own wastewater treatment stations as provided in Clause 2, Article 13 of Circular No. 08/2009/TT-BTNMT, which is amended and supplement under Clause 8, Article 1 of this Circular."

10. To amend and supplement Article 15 as follows:

"Article 15. Responsibilities of economic

zone, hi-tech park, industrial park and industrial complex technical infrastructure investors

1. To monitor and supervise the discharge of wastewater into concentrated wastewater treatment plants by production, business and service establishments according to the signed contracts.

2. To assure that wastewater treatment works and solid waste collection, classification, temporary storage and treatment works of economic zones, hi-tech parks, industrial parks and industrial complexes satisfy all environmental protection requirements.

3. To take care of and assure the rate of greenery coverage in their hi-tech parks, industrial parks and industrial complexes according to Point b, Clause 2, Article 1 of this Circular."

11. To amend and supplement Article 17 as follows:

"Article 17. Water environment protection in economic zones, hi-tech parks, industrial parks and industrial complexes

1. All water drainage activities of economic zones, hi-tech parks, industrial parks and industrial complexes must comply with the Government's Decree No. 88/2007/ND-CP of May 28, 2007, on water drainage in urban centers and industrial parks.

2. The discharge of wastewater into receiving sources must comply with the laws

on environmental protection, water resources, water exploitation and irrigation work protection. It is strictly forbidden to dilute wastewater after going through the wastewater treatment system.

3. Wastewater of production, business and service establishments must be preliminarily treated to meet the conditions agreed with technical infrastructure investors before being discharged into the wastewater collection systems or concentrated wastewater treatment plants, except cases in which establishments have their own wastewater treatment stations as provided in Clause 2, Article 13 of Circular No/ 08/2009/TT-BTNMT of July 15, 2009, which is amended and supplemented under Clause 8, Article 1 of this Circular. After being preliminarily treated (through septic tanks), daily-life wastewater of production, business and service establishments and other organizations and individuals in hi-tech parks, industrial parks or industrial complexes must be further treated at concentrated wastewater treatment plants of these parks or complexes or wastewater treatment stations of the establishments.

4. All waterway vessels are forbidden to discharge ballast water not yet treated up to current technical regulations on environment and wastes into rivers, streams and coastal areas of economic zones, hi-tech parks, industrial parks and industrial complexes.

5. Production, business and service

establishments in economic zones, hi-tech parks, industrial parks and industrial complexes shall pay environmental protection charges according to current regulations.”

12. To amend and supplement Article 18 as follows:

“Article 18. Management of solid waste and hazardous waste generated in economic zones, hi-tech parks, industrial parks and industrial complexes

1. All production, business and service establishments in economic zones, hi-tech parks, industrial parks and industrial complexes shall collect and sort ordinary solid waste, medical waste and hazardous waste according to law.

2. Solid waste of economic zones, hi-tech parks, industrial parks and industrial complexes must be wholly collected and sorted into non-hazardous waste (ordinary solid waste), medical waste and hazardous waste.

3. The collection, sorting, transport and treatment of hazardous solid waste generated from medical activities comply with the Minister of Health’s Decision No. 43/2007/QĐ-BYT of November 30, 2007, promulgating the Regulation on medical waste management.

4. The collection, sorting, transport and treatment of hazardous solid waste generated from production and business activities comply

with the Government's Decree No. 59/2007/ND-CP of April 9, 2007, on solid waste management, and the Ministry of Natural Resources and Environment's Circular No. 12/2011/TT-BTNMT of April 14, 2011, on hazardous waste management.

5. The mud deposit of wastewater treatment stations and water drainage networks of economic zones, hi-tech parks, industrial parks and industrial complexes shall be collected and transported by special-use vehicles to concentrated solid waste treatment establishments for treatment up to current technical regulations on environment. In case the concentrations of substances contained in the mud deposit do not exceed the limits prescribed in current technical regulations on environment on threshold limits of hazardous waste, such mud deposit may be treated like ordinary solid waste or re-used.

6. All production, business and service establishments shall manage their hazardous solid waste under the Ministry of Natural Resources and Environment's Circular No. 12/2011/TT-BTNMT of April 14, 2011, on hazardous waste management.

7. Production, business and service establishments in economic zones, hi-tech parks, industrial parks and industrial complexes shall pay environmental protection charges for solid waste under the Government's Decree No. 174/2007/ND-CP of November 29, 2007, on environmental protection charges for solid waste."

13. To amend and supplement Clauses 1 and 2, Article 21, as follows:

a/ To amend and supplement Clause 1 as follows: "1. Economic zone, hi-tech park and industrial park management boards and industrial complex-managing agencies shall regularly examine and annually summarize information collected from Technical infrastructure investors to make environmental reports of economic zones, hi-tech parks, industrial parks and industrial complexes according to the form provided in Appendix 1 to this Circular and send them to the Vietnam Environment Department and provincial-level Natural Resources and Environment Department and take responsibility before law for reported information and data."

b/ To amend and supplement Clause 2 as follows: "2. Technical infrastructure investors shall organize environmental observation according to approved environmental impact assessment reports or environmental protection schemes. Environmental observation must be conducted by capable units according to observation processes prescribed in current documents. Reports on environmental observation results to be sent to economic zone, hi-tech park and industrial park management boards and industrial complex-managing agencies and provincial-level Natural Resources and Environment Departments shall be made according to the form provided in Appendix 2 to this Circular."

14. To amend and supplement Clause 2,

Article 27, as follows:

"2. To assume the prime responsibility for, and coordinate with economic zone, hi-tech park and industrial park management boards and industrial complex-managing agencies in, examining and certifying trial operation results of waste treatment works of investment projects on construction and commercial operation of technical infrastructure of economic zones, hi-tech parks, industrial parks and industrial complexes, and waste treatment works of investment projects built in economic zones, hi-tech parks, industrial parks and industrial complexes according to their assigned competence before these projects are put into official operation."

15. To amend and supplement Clauses 1, 3, 4 and Article 28, as follows:

a/ To amend and supplement Clause 1 as follows: "1. To guide and inspect technical infrastructure investors, production, business and service establishments and functional quarters in economic zones and production, business and service establishments in hi-tech parks and industrial parks under their management in complying with Circular No. 08/2009/TT-BTNMT of July 15, 2009, which is amended and supplemented under this Circular."

b/ To amend and supplement Clause 3 as follows: "3. To appoint representatives to participate in the councils for appraisal of environmental impact assessment reports of

investment projects in economic zones, hi-tech parks, industrial parks and industrial complexes."

c/ To amend and supplement Clause 4 as follows: "4. To coordinate with environment state management agencies in examining and certifying results of trial operation of waste treatment works of investment projects on construction and commercial operation of technical infrastructure of economic zones, hi-tech parks and industrial parks, and waste treatment works of investment projects in economic zones, hi-tech parks and industrial parks before these projects are put into official operation."

d/ To amend and supplement Clause 7 as follows: "7. To receive and settle environment-related disputes between production, business and service establishments in economic zones, hi-tech parks and industrial parks; to assume the prime responsibility for, and coordinate with functional agencies in, settling environment-related disputes between production, business and service establishments in economic zones, hi-tech parks and industrial parks and outsiders; to receive and propose and coordinate with environment state management agencies in settling complaints and denunciations about the environment in economic zones, hi-tech parks and industrial parks."

16. To amend and supplement Clause 3, Article 32, as follows:

"3. Environmental-related crime prevention and combat police offices shall participate and

coordinate in examining and inspecting environmental protection activities in economic zones, hi-tech parks, industrial parks and industrial complexes under Joint Circular No. 02/2009/TTLT-BCA-BTNMT of February 6, 2009, of the Ministry of Public Security and Ministry of Natural Resources and Environment, guiding the coordination of the prevention and combat of crimes and violations of the law on environmental protection.”

Article 2. To replace the phrase “national technical regulations on environment” in Clause 5, Article 6; and Clause 1, Article 16 of the Minister of Natural Resources and Environment’s Circular No. 08/2009/TT-BTNMT of July 15, 2009, on environmental management and protection in economic zones, hi-tech parks, industrial parks and industrial complexes, with the phrase “current technical regulations on environment.”

Article 3. Organization of implementation

1. This Circular takes effect on February 15, 2012.

2. Any problems arising in the course of implementation should be reported to the Ministry of Natural Resources and Environment for consideration and settlement.-

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

THE STATE BANK OF VIETNAM

Circular No. 44/2011/TT-NHNN of December 29, 2011, providing for internal control system and internal auditing of credit institutions and foreign bank branches

Pursuant to June 16, 2010 Law No. 46/2010/QH12 on the State Bank of Vietnam;

Pursuant to June 16, 2010 Law No. 47/2010/QH12 on Credit Institutions;

Pursuant to the Government’s Decree No. 96/2008/ND-CP of August 26, 2008, defining the functions, tasks, powers and organizational structure of the State Bank of Vietnam;

The State Bank of Vietnam stipulates the internal control system and internal auditing of credit institutions and foreign bank branches as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides for ~~the~~ internal control system and internal auditing of credit institutions and foreign bank branches.

Article 2. Subjects of application

1. Credit institutions;
2. Foreign bank branches;

3. Institutions and individuals related to the internal control system and internal auditing of credit institutions and foreign bank branches.

Article 3. Interpretation of terms

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

1. Internal control system means a combination of mechanisms, policies, processes, internal regulations and organizational structure of a credit institution or foreign bank branch which are developed in compliance with this Circular and implemented to prevent, detect or promptly handle risks and meet set requirements.

2. Internal auditing means independent and objective review and evaluation of the internal control system; independent assessment of the appropriateness and observance of internal regulations and policies, procedures and processes established within a credit institution or foreign bank branch; making of recommendations for improving the effectiveness of systems, processes and regulations, contributing to assuring the safe, effective and lawful operation of the credit institution.

3. Internal auditor means a person performing internal auditing work of a credit institution or foreign bank branch under this Circular.

4. State Bank branch means a branch of the State Bank in a province or centrally run city in

which the head office of a credit institution or foreign bank branch is based.

Chapter II

INTERNAL CONTROL SYSTEM

Article 4. Requirements and principles of operation of the internal control system

1. Risks that are likely to adversely impact the operation effectiveness and objectives of a credit institution or foreign bank branch must be regularly and constantly identified, measured and assessed in order to promptly detect and prevent risks and take appropriate measures for risk management. When making a change in its business objectives or providing a new product or service or conducting a new business activity, a credit institution or foreign bank branch shall review and identify any related risks in order to establish, amend or supplement its internal control processes and regulations as appropriate.

2. Operation of the internal control system must be an integral part of day-to-day activities of a credit institution or foreign bank branch. Internal control shall be designed, installed and performed in all professional processes at all units and sections of a credit institution or foreign bank branch in the following forms:

a/ Clear and transparent decentralization and authorization of powers; assurance of clear separation of the tasks and powers of individuals and sections in the credit institution or foreign