

**THE MINISTRY OF  
TRANSPORT**

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

**No. 32/2015/TT- BGTVT**

*Hanoi, July 24, 2015*

**CIRCULAR**

**On environmental protection in transport infrastructure development<sup>(\*)</sup>**

*Pursuant to June 23, 2014 Environmental Protection Law No. 55/2014/QH13;*

*Pursuant to June 18, 2014 Construction Law No. 50/2014/QH13;*

*Pursuant to the Government's Decree No. 107/2012/ND-CP of December 20, 2012, defining the functions, tasks, powers and organizational structure of the Ministry of Transport;*

*Pursuant to the Government's Decree No. 18/2015/ND-CP of February 14, 2015, on environmental protection master plans, strategic environmental assessment, environmental impact assessment, and environmental protection plans;*

*At the proposal of the Director of the Environment Department,*

*The Minister of Transport prescribes environmental protection in transport infrastructure development.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.** Scope of regulation and subjects of application

1. This Circular prescribes environmental protection in transport infrastructure development.
2. This Circular applies to agencies, organizations and individuals involved in transport infrastructure development.

**Article 2.** Interpretation of terms

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

1. *Environmental protection* means activities to preserve a healthy, clean and beautiful environment; to prevent and mitigate adverse impacts of construction activities on the environment and respond to environmental incidents; to remedy environmental pollution and degradation; restore and improve the environment; to rationally and efficiently exploit and use natural resources; and to conserve bio-diversity in transport infrastructure development activities.

2. *Environmental report* means a document made to provide information on statistics and data on natural environment elements, reserves and ecological and economic values of natural resources; on environmental impacts; on waste and environmental pollution and degradation degrees; and on other environmental issues prompted by transport infrastructure construction.

3. *Project owner* means an agency or organization responsible for implementing regulations on investment and investment project management in accordance with the laws on investment and construction. Project owners include:

<sup>(\*)</sup> *Công Báo Nos 953-954 (29/8/2015)*

a/ Agencies or organizations assigned by state management agencies to act as project owners or representatives of project owners of transport infrastructure construction investment projects;

b/ Investors or project enterprises signing transport infrastructure construction investment projects under the public private partnership with competent state agencies.

## Chapter II

### ENVIRONMENTAL PROTECTION IN TRANSPORT DEVELOPMENT STRATEGIES, MASTER PLANS AND PLANS

#### **Article 3.** Strategic environmental assessment

1. An agency in charge of developing or adjusting a transport development strategy, master plan or plan (below referred to as planning agency) shall conduct strategic environmental assessment (SEA) in accordance with Article 8 of the Government's Decree No. 18/2015/ND-CP of February 14, 2015, on environmental protection master plans, strategic environmental assessment, environmental impact assessment and environmental protection plans (below referred to as Decree No. 18/2015/ND-CP), simultaneously with the making or adjustment of that strategy, master plan or plan.

2. The form, structure and contents of a SEA report must comply with Appendices 1.2 and 1.3 to the Natural Resources and Environment Minister's Circular No. 27/2015/TT-BTNMT of May 29, 2015, on strategic environmental assessment, environmental impact assessment and environmental protection plans (below referred to as Circular No. 27/2015/TT-BTNMT).

3. Planning agencies conducting SEA and consultancy organizations hired to conduct SEA must fully satisfy the conditions prescribed in Article 9 of Decree No. 18/2015/ND-CP.

#### **Article 4.** Outlines and cost estimates of SEA reports

1. Right after being assigned to develop or adjust a strategy, master plan or plan, a planning agency shall prepare the outline and cost estimate of a SEA report according to the forms provided in Appendix 1 to this Circular (*not translated*) and submit them to a competent agency for appraisal and approval.

2. The time limit for appraisal and approval of the outline and cost estimate of a SEA report is 7 working days after receiving a dossier prescribed in Clause 1 of this Article. For a dossier ineligible for approval, a competent agency shall issue a written reply clearly stating the reason to the planning agency within 3 working days after receiving the dossier.

3. Funds for making SEA reports shall come from the funds for development or adjustment of transport development strategies, master plans and plans.

4. For the outlines and cost estimates of SEA reports of strategies, master plans and plans prepared by planning agencies as assigned by the Ministry of Transport, the Environment Department shall appraise them and submit them to the Ministry of Transport's leadership for approval.

#### **Article 5.** Appraisal of SEA reports

1. A planning agency shall:

a/ Prepare a SEA report dossier in accordance with Article 3 of Circular No. 27/2015/TT-BTNMT and submit it to a competent agency prescribed in Clause 1, Article 16 of the Environmental Protection Law for appraisal;

b/ Assign competent officials to proactively coordinate with the appraising agency and attend and make explanations at meetings of the SEA report appraisal council.

2. For SEA reports to be appraised by the Ministry of Transport, the Environment Department shall act as the standing body for appraisal and conduct appraisal in accordance with Article 10 of Decree No. 18/2015/ND-CP and Chapter V of Circular No. 27/2015/TT-BTNMT.

3. Agencies and units of the Ministry of Transport shall assign specialists meeting the requirements prescribed in Article 19 of Circular No. 27/2015/TT-BTNMT to join the SEA report appraisal council at the request of the Environment Department.

**Article 6.** Finalization of SEA reports

1. A planning agency shall study and assimilate appraisal opinions on the SEA report and incorporate SEA results into the draft strategy, master plan or plan, and send the SEA report to the agency appraising the SEA dossier prescribed in Clause 1, Article 5 of Circular No. 27/2015/TT-BTNMT within 15 working days after receiving the appraisal result notice.

2. The appraisal result report on a SEA report shall be used by competent agencies as a basis for considering and approving a transport development transport development strategy, master plan or plan.

Chapter III

ENVIRONMENTAL PROTECTION IN TRANSPORT INFRASTRUCTURE  
CONSTRUCTION INVESTMENT

Section 1. PROJECT PREPARATION STAGE

**Article 7.** Environmental impact assessment and environmental protection plans

1. In the project preparation stage, a project owner shall conduct environmental impact assessment (EIA) in accordance with Article 12 of Decree No. 18/2015/ND-CP, or register an environmental protection plan (EPP) in accordance with Article 18 of Decree No. 18/2015/ND-CP.

2. The form, structure and contents of an EIA report must comply with Appendices 2.2 and 2.3 to Circular No. 27/2015/TT-BTNMT.

3. The form, structure and contents of an EPP must comply with Appendices 5.4, 5.5 and 5.6 to Circular No. 27/2015/TT-BTNMT.

4. Project owners conducting EIA and consultancy organizations hired to conduct EIA must fully satisfy the conditions prescribed in Article 13 of Decree No. 18/2015/ND-CP.

**Article 8.** Outlines and cost estimates of EIA reports and EPPs

1. After being assigned to prepare a project, the project owner shall submit to a competent agency for appraisal and approval the outline and cost estimate of an EIA report or EPP made according to the form provided in Appendix 2 to this Circular (*not translated*).

2. Funds for making EIA reports and EPPs shall come from the funds for project investment.

**Article 9.** Appraisal and approval of outlines and cost estimates of EIA reports and EPPs

1. The time limit for appraisal and approval of outlines and cost estimates of EIA reports and EPPs is as follows:

a/ Within 10 working days after receiving a dossier prescribed in Clause 1, Article 8, for projects prescribed at Points 1 and 2, Appendix III to Decree No. 18/2015/ND-CP;

b/ Within 7 working days after receiving a dossier prescribed in Clause 1, Article 8, for projects other than those prescribed at Points 1 and 2, Appendix III to Decree No. 18/2015/ND-CP.

For a dossier ineligible for approval, within 3 working days after receiving the dossier, a competent agency shall issue a written reply clearly stating the reason to the project owner.

2. The Environment Department shall appraise the outlines and cost estimates of EIA reports and EPPs of projects prepared under the assignment of the Ministry of Transport.

**Article 10.** Appraisal and approval of EIA reports and certification of EPPs

1. A project owner shall:

a/ Prepare an EIA report dossier in accordance with Article 6 of Circular No. 27/2015/TT-BTNMT and submit it to a competent agency prescribed in Clause 1, Article 14 of Decree No. 18/2015/ND-CP for appraisal and approval, or an EPP registration dossier in accordance with Article 33 of Circular No. 27/2015/TT-BTNMT and submit it to a competent agency prescribed in Article 32 of Circular No. 27/2015/TT-BTNMT for certification;

b/ Pay a fee for EIA report appraisal in accordance with the Finance Ministry's Circular No. 218/2010/TT-BTC of December 29, 2010, on levels and regimes for collection, payment and management of the fee for EIA appraisal;

c/ Assign competent officials to proactively coordinate with the appraising agency in organizing appraisal activities and attend and make explanations at meetings of the EIA report appraisal council.

2. For EIA reports to be appraised by the Ministry of Transport, the Environment Department shall act as the standing body for appraisal and organize appraisal activities in accordance with Clauses 2, 3, 4 and 5, Article 14 of Decree No. 18/2015/ND-CP and Article 8 and Chapter V of Circular No. 27/2015/TT-BTNMT.

3. Agencies and units of the Ministry of Transport shall assign specialists meeting the requirements prescribed in Article 19 of Circular No. 27/2015/TT-BTNMT to join the EIA report appraisal council at the request of the Environment Department.

**Article 11.** Finalization of EIA reports and EPPs

1. A project owner shall study and assimilate appraisal opinions on the project's EIA report, finalize the report and send it to the dossier appraising agency prescribed in Clause 1, Article 9 of Circular No. 27/2015/TT-BTNMT within 15 working days after receiving the appraisal result notice.

2. Based on the contents of the EIA report or EPP, a project owner shall determine and allocate funds for environmental protection in the total investment of the project and when necessary, adjust investment project contents to cover environmental protection measures and facilities.

3. A project owner shall send a certified copy of the decision approving the project's EIA report or of the certificate of the project's EPP to:

a/ The Directorate for Roads of Vietnam or a line state management department, for transport infrastructure construction investment projects managed by the Ministry of Transport;

b/ The concerned provincial-level Transport Department, for locally managed transport infrastructure construction investment projects.

4. For projects whose EIA reports are approved by the Ministry of Natural Resources and Environment, the project owner shall send a certified copy of the decision approving the EIA report to the Ministry of Transport.

5. Project owners shall re-make EIA reports in accordance with Clause 1, Article 15 of Decree No. 18/2015/ND-CP; or re-register EPPs in accordance with Clause 2, Article 35 of Circular No. 27/2015/TT-BTNMT.

6. The decision approving an EIA report shall be used by competent authorities as a basis for performing the tasks prescribed at Points a, b, d and dd, Clause 2, Article 25 of the Environmental Protection Law. The certificate of an EPP shall be used by the project owner as a basis for implementing the project.

## Section 2. PROJECT IMPLEMENTATION STAGE

### Article 12. For project owners

1. A project owner shall include in the bidding dossier and in the contracts with constructors its environmental protection commitment, waste treatment measures and measures for reduction of adverse impacts on the environment stated in the project's EIA report or EPP approved or certified by a competent agency.

2. A project owner shall organize and manage environmental protection work in construction activities and shall:

a/ Develop and approve an environment management plan of the project according to the forms provided in Appendices 2.9 and 2.10 to Circular No. 27/2015/TT-BTNMT, and send an official letter, made according to the form provided in Appendix 2.11 to Circular No. 27/2015/TT-BTNMT, to the commune-level People's Committee of the locality where it has held consultations when conducting EIA, for posting up this plan before construction starts;

b/ Guide and disseminate the contents of the environment management plan and waste treatment measures and measures for reduction of adverse impacts on the environment to employees of the contractor that executes the bidding package;

c/ Supervise and urge the contractor to take measures to manage, collect and treat waste (particularly hazardous waste), measures to reduce dust, noise and vibration, and measures to respond to incidents and ensure traffic safety during construction; weekly evaluate the contractor's compliance with environmental regulations and make and keep evaluation records according to the form provided in Appendix 3 to this Circular (*not translated*);

d/ Conduct periodical environmental monitoring and summarize, evaluate and make reports on the project's compliance with environmental protection regulations according to the construction schedule, and send these reports to the specialized environmental protection agency of the provincial-level People's Committees and the agency approving the EIA report;

dd/ Upon occurrence of an environmental incident, halt construction activities, take remedial measures and immediately report such to the agency approving the project investment decision and the commune-level People's Committee or district-level People's Committee or the provincial-level Natural Resources and Environment Department of the locality where the project is implemented;

e/ Send to the EIA report-approving agency an explanatory report in case the project intends to change its size, capacity or technology which will consequently increase adverse impacts on the environment as planned in the EIA report but not to the extent requiring the re-making of an EIA report, and may only effect such changes after obtaining written approval from the agency approving the EIA report;

g/ Keep the project's environmental protection dossier; cooperate with and provide relevant information to the environmental protection state management agency for examination and inspection;

h/ Handle the constructor's violations of environmental protection regulations in the bidding package under the terms of the signed contract.

**Article 13.** For constructors

1. A constructor shall comply with the law on environmental protection and environmental standards and technical regulations and must fully meet environmental protection requirements under the contract signed with the project owner.

2. During transport infrastructure construction, a constructor shall:

a/ Organize the implementation of the project's environment management plan and waste treatment measures and measures for reduction of adverse impacts on the environment of the bidding package executed by the constructor;

b/ Regularly supervise and urge its employees to comply with environmental protection requirements of the bidding package in the course of construction; and raise their awareness and sense for environmental protection;

c/ Collect, store, transport and dispose of or discharge solid construction waste (such as sewage sludge and earth; dug mud, soil, sand and gravel; construction refuse and waste) at the right place, according to proper methods and in proper volumes according to regulations;

d/ Collect and store residential waste and contract with a local environmental sanitation unit to transport and treat or treat by itself waste according to required methods;

dd/ Collect and store hazardous waste and contract with a licensed hazardous waste management unit for transportation and treatment;

e/ Arrange toilets, equipment for waste collection and storage, and makeshift wastewater treatment facilities in the construction site, the construction site administration office and camps of workers;

g/ Take measures for reduction of dust, noise and vibration and for water drainage and internal water logging control; develop and organize the implementation of incident response plans and assurance of traffic safety during construction;

h/ Exploit minerals for use as construction materials, use water resources, discharge wastewater into water sources in accordance with the laws on minerals and water resources; manage industrial explosives and construction blasting in accordance with the law on industrial explosives;

i/ Manage, repair, and maintain the technical status of, vehicles and construction equipment and machinery according to regulations on technical quality and safety and environmental protection; comply with regulations on vehicle load; cover and prevent dispersal of materials and waste in transportation causing environmental pollution during construction;

k/ Restore the environment, clean up the construction site and river bed and channels after completing construction;

l/ Cooperate with and provide relevant information to environmental protection state management agencies for examination and inspection.

3. A constructor shall be encouraged to:

a/ Manage the environment according to ISO 14000 standards;

b/ Apply solutions to rationally and efficiently exploiting and using construction materials so as to ensure eco-balance;

c/ Re-use and recycle waste for useful purposes; apply scientific research outcomes or new technologies to turning construction refuse and waste into useful products which are conformable with technical regulations and environmental safety and sanitation standards;

d/ Set aside funds for environmental protection in accordance with Clause 1, Article 149 of the Environmental Protection Law.

**Article 14.** Environment consultants

1. A consultant for environmental monitoring must possess a certificate of eligibility for environmental monitoring service provision in accordance with the Government's Decree No. 127/2014/ND-CP of December 31, 2014, on conditions for organization and operation of environmental monitoring services. The certificate's contents must conform with environmental monitoring contents in the project construction.

2. A consultant for environmental monitoring shall comply with technical processes for environmental monitoring and environmental technical regulations and take responsibility before the project owner and law for information and data created in the course of environmental monitoring.

**Section 3. STAGE OF CONSTRUCTION COMPLETION AND OPERATION OF WORKS OF PROJECTS**

**Article 15.** Reports on environmental protection work completion

1. The owner of a project having a waste treatment facility shall operate this facility on a trial basis in accordance with Clause 4, Article 10 of Circular No. 27/2015/TT-BTNMT, and Clause 4, Article 16 of Decree No. 18/2015/ND-CP.

2. The owner of a project specified in column 4, Appendix II to Decree No. 18/2015/ND-CP shall prepare a dossier of reporting on results of implementation of environmental protection facilities serving project operation in accordance with Clause 2, Article 12 of Circular No. 27/2015/TT-BTNMT, and submit it to the agency approving the EIA report for examination and certification before officially operating the project.

3. The examination and certification of environmental protection facilities serving project operation must comply with Article 17 of Decree No. 18/2015/ND-CP and Chapter IV of Circular No. 27/2015/TT-BTNMT.

4. For projects whose EIA reports are approved by the Ministry of Transport, the Environment Department shall organize their examination and propose the Ministry to certify environmental protection facilities serving project operation.

**Chapter IV**

**EXAMINATION AND REPORTING**

**Article 16.** Annual environmental reports

1. A project owner shall make annual environmental protection reports for each investment project on transport infrastructure construction according to the form provided in Appendix 4 to this Circular (*not translated*), and send it before December 1 of the subsequent year to:

a/ The Directorate for Roads of Vietnam or the Ministry of Transport's line state management department, for transport infrastructure construction investment projects managed by the Ministry of Transport;

b/ The concerned provincial-level Transport Department, for locally managed transport infrastructure construction investment projects.

2. The Directorate for Roads of Vietnam and Departments under the Ministry of Transport shall summarize, copy and send annual environmental protection reports of transport infrastructure

construction investment projects under their state management to the Ministry of Transport before December 10 every year.

3. Provincial-level Transport Departments shall summarize, copy and send annual environmental protection reports of locally managed transport infrastructure construction investment projects to the Ministry of Transport before December 10 every year.

4. The Environment Department shall summarize annual environmental protection reports of transport infrastructure construction investment projects sent by the agencies specified in Clauses 2 and 3 of this Article in making annual environmental protection reports of the transport sector.

**Article 17.** Inspection of environmental protection work

1. A plan on environmental protection work inspection must comply with the following provisions:

a/ The plan shall be made annually and notified to concerned agencies, units and project owners;

b/ Inspection contents must cover observance of the law on environmental protection and the contents approved in the project's EIA report or EPP in construction activities;

c/ Inspection shall be notified in writing to the project owner at least 5 days in advance.

2. The Environment Department, the Directorate for Roads of Vietnam and Departments of the Ministry of Transport shall coordinate in developing and implementing environmental protection work inspection plans for centrally managed transport infrastructure construction investment projects.

3. Provincial-level Transport Departments shall develop and implement environmental protection work inspection plans for locally managed transport infrastructure construction investment projects.

4. In addition to the inspection prescribed in Clause 2 of this Article, when necessary, the Environment Department shall, at the instruction of the Ministry's leadership, conduct extraordinary inspection of environmental protection work for transport infrastructure construction investment projects under the Ministry of Transport's state management.

Chapter IV

ORGANIZATION OF IMPLEMENTATION

**Article 18.** Responsibilities of general departments, departments, corporations and companies under the Ministry of Transport

1. To strictly comply with the law on environmental protection and this Circular.

2. To appoint a section and full-time or part-time officers in charge of environmental protection work.

3. To organize the appraisal and approval of outlines and cost estimates of EIA reports and EPPs of transport infrastructure construction investment projects under their investment deciding competence.

4. To disseminate and guide their attached agencies and units and officials, civil servants, public employees and workers under their management to implement the law on environmental protection and this Circular.

**Article 19.** Responsibilities of advisory agencies of the Ministry of Transport

1. The Environment Department shall:

a/ Guide and conduct environmental protection in transport infrastructure development in accordance with this Circular;

b/ Annually make and submit reports on environmental protection of the transport sector to the Ministry of Transport's leadership;

c/ Assume the prime responsibility for developing and submitting to the Ministry of Transport's leadership environmental protection work inspection plans and inspecting the implementation of the law on environmental protection and this Circular in transport infrastructure construction investment.

2. The Planning and Investment Department shall assume the prime responsibility for proposing the Ministry's leadership to approve the allocation of the Ministry's state budget funds for environmental protection in the development and adjustment of transport development strategies, master plans and plans and in transport infrastructure construction investment projects.

3. The Organization and Personnel Department shall assume the prime responsibility for, and coordinate with the Environment Department in, proposing the Ministry's leadership to decide on commendation and rewards for agencies, organizations and individuals with achievements in environmental protection in transport infrastructure construction investment projects in accordance with the law on environmental protection and this Circular.

4. The Office, Inspectorate and Departments of the Ministry shall, according to their functions and tasks, coordinate with the Environment Department in organizing the implementation of the law on environmental protection and this Circular in transport infrastructure construction investment.

**Article 20.** Responsibilities of local agencies

1. Provincial-level People's Committees shall organize the implementation of this Circular in the development and adjustment of local transport development strategies, master plans and plans and in transport infrastructure construction investment projects under their management.

2. Provincial-level Transport Departments shall strictly comply with the law on environmental protection and this Circular; proactively grasp the situation and environmental developments in transport infrastructure construction sites in their localities; and join the Ministry of Transport's environmental protection work inspection teams for local transport infrastructure construction investment projects under their management.

**Article 21.** Effect

This Circular takes effect on September 10, 2015, and replaces the Transport Minister's Circular No. 09/2010/TT-BGTVT of April 6, 2010, on environmental protection in transport infrastructure development, and Circular No. 13/2012/TT-BGTVT of April 24, 2012, amending and supplementing a number of articles of Circular No. 09/2010/TT-BGTVT of April 6, 2010.

**Article 22.** Implementation responsibilities

The Chief of the Ministry's Office, the Ministry's Chief Inspector, directors of departments, the director of the Directorate for Roads of Vietnam, heads of specialized departments, heads of agencies, directors of provincial-level Transport Departments, and related organizations and individuals shall implement this Circular.-

*Minister of Transport*  
DINH LA THANG