

**THE MINISTRY OF
NATURAL RESOURCES
AND ENVIRONMENT**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

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Hanoi, June 30, 2015

CIRCULAR

On management of hazardous wastes^(*)

Pursuant to the June 23, 2014 Law on Environmental Protection;

Pursuant to the Government's Decree No. 19/2015/ND-CP of February 14, 2015, detailing and guiding a number of articles of the Law on Environmental Protection;

Pursuant to the Government's Decree No. 38/2015/ND-CP of April 24, 2015, on the management of wastes and scraps;

Pursuant to the Government's Decree No. 21/2013/ND-CP of March 4, 2013, defining the functions, duties, powers and organizational structure 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,

The Minister of Natural Resources and Environment promulgates the Circular on the management of hazardous wastes.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular details Clause 3, Article 90, and Clause 6, Article 141 of the Law on Environmental Protection; and Clause 3, Article 8, Clause 11, Article 9, Clause 7, Article 10, Clause 5, Article 11, Clause 1, Article 13, Clause 6, Article 49, and Clause 1, Article 65, of the Government's Decree No. 38/2015/ND-CP of April 24, 2015, on management of wastes and scraps (below referred to as Decree No. 38/2015/ND-CP)

Article 2. Subjects of application

This Circular applies to state management agencies; and domestic or foreign organizations and individuals (below referred to as organizations and individuals) engaged in activities related to hazardous wastes.

Article 3. Unit of calculation of hazardous waste volume

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

^(*) *Công Báo Nos 953-954 (29/8/2015)*

Article 4. Provisions on the authentication of dossiers and papers and authorization

1. Copies of papers in dossiers, plans and reports referred to in this Circular are not required to be authenticated but must have seals appended on adjoining pages or on the top of every page by responsible organizations or individuals that shall take responsibility for the authentication of these copies, before being submitted to competent agencies.

2. Dossiers, plans, documents and reports made by organizations and individuals under this Circular must have seals appended on adjoining pages or on the top of every page for authentication before being submitted to competent agencies.

3. The authorization to sign and seal dossiers, contracts, documents, plans and reports made under this Circular is prescribed as follow:

a/ Hazardous waste source owners may only authorize hazardous waste-generating establishments indicated in hazardous waste source owner registration books;

b/ Hazardous waste disposers may only authorize hazardous waste disposal facilities indicated in hazardous waste disposal licenses granted under this Circular;

c/ Hazardous waste management practitioners may only authorize hazardous waste disposal facilities and transportation agents indicated in hazardous waste management practice licenses granted under regulations issued before the effective date of this Circular;

d/ Hazardous waste transporters or hazardous waste disposers and destroyers may only authorize establishments indicated in hazardous waste transportation practice licenses or hazardous waste disposal and destruction practice licenses granted under regulations issued before the effective date of this Circular.

Chapter II**LIST OF HAZARDOUS WASTES AND TECHNICAL REQUIREMENTS AND MANAGEMENT PROCESSES FOR HAZARDOUS WASTES****Article 5.** List, codes and management identification numbers of hazardous wastes

1. The list and codes of hazardous wastes (code of each type of hazardous waste) are provided in Appendix 1 to this Circular.

2. Hazardous waste management identification number means the identification number of the hazardous waste source owner registration book, hazardous waste disposal license or hazardous waste management license (used to collectively refer to hazardous waste management practice license, hazardous waste transportation practice license and hazardous waste disposal and destruction practice license granted under regulations issued before the effective date of this Circular).

Article 6. Hazardous waste classification and sorting

1. Hazardous waste classification must comply with Appendix 1 to this Circular and environmental technical regulations on hazardous waste threshold.

2. Waste source owners shall classify hazardous wastes when:

a/ Putting them in hazardous waste storage places at hazardous waste-generating establishments;

b/ Delivering them for disposal outside hazardous waste-generating establishments other than putting them in hazardous waste storage places at these establishments.

3. In case hazardous wastes are put into reuse, preliminary processing, recycling, disposal, co-disposal or general recovery in establishments after they are generated, hazardous waste source owners may, based on their existing technologies and techniques, choose to classify hazardous wastes or not.

Article 7. Technical requirements and management processes for hazardous waste source owners

1. To take the responsibilities specified in Article 7 of Decree No. 38/2015/ND-CP, for technical requirements and management processes specified in Clauses 1 thru 9 of this Article.

2. To arrange hazardous waste storage places; to store hazardous wastes in packages or containing equipment that meet the technical requirements and management processes prescribed in Appendix 2 (A) to this Circular.

3. To meet the following requirements when delivering hazardous wastes:

a/ To sign hazardous waste delivery contracts only with organizations or individuals that possess relevant hazardous waste disposal licenses or hazardous waste management licenses;

b/ When wishing to export hazardous wastes for overseas disposal, 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 Article 22 of this Circular.

4. To use hazardous waste documents upon each delivery of hazardous wastes as specified in Appendix 3 to this Circular, except the following cases:

a/ Self-reuse, preliminary processing, recycling, disposal, co-disposal and energy recovery from hazardous wastes within the premises of establishments;

b/ The cases specified in Clause 4, Article 23 of this Circular.

5. Past 6 (six) months after the date of delivery of hazardous wastes, if the hazardous waste source owner does not receive the last two sheets of the hazardous waste document from the organization or individual receiving hazardous wastes without a plausible reason in writing, to report such to the concerned provincial-level Departments of Natural Resources and Environment or the Vietnam Environment Administration for examination and handling under regulations.

6. To make and submit the following reports:

a/ Annual hazardous waste management reports (the reporting period is counted from January 1 through December 31) made according to the form provided in Appendix 4 (A) to this Circular, which shall be submitted to provincial-level Departments of Natural Resources and Environment prior to January 31 of the next year. For the case prescribed at Point a, Clause 3, Article 12 of this Circular, hazardous waste source owners shall report only once within 1 (one) month from the date of operation termination.

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

7. To keep for 5 (five) years all sheets of documents of hazardous wastes already used, hazardous waste management reports and relevant dossiers and documents for supply to competent agencies upon request.

8. To apply simultaneously the online declaration of hazardous waste documents and reporting on hazardous waste management on the information system of the Vietnam Environment Administration or via email when so requested in writing by competent agencies.

9. In case of self-reuse, preliminary processing, recycling, disposal and co-disposal of, and energy recovery from, hazardous wastes, to meet technical requirements and management processes prescribed in Appendix 2 (A) to this Circular which shall be registered in hazardous waste source owner registration books.

Article 8. Technical requirements and management processes related to conditions for grant of hazardous waste disposal licenses

1. Hazardous waste-storing, -transporting or -disposing vehicles and equipment (including the cases of preliminary processing, recycling and co-disposal of, and energy recovery from, hazardous wastes) must satisfy technical requirements and management processes specified in Appendix 2 (B) to this Circular.

2. Hazardous waste-transporting vehicles must be equipped with global positioning system (GPS) equipment connected with the Internet for positioning them en route and recording their itinerary of hazardous waste transportation.

3. A vehicle or an equipment may be registered for only one hazardous waste disposal license, except vehicles used for seaway, railway and airway transportation.

4. Environmental protection facilities at hazardous waste disposal establishments and hazardous waste transshipment stations (if any) must meet technical requirements and management processes specified in Appendix 2 (B) to this Circular.

5. An organization or individual registering for grant of a hazardous waste disposal license shall fully formulate the contents on the process of safe operation of systems, vehicles and equipment; plans on pollution control and environmental protection, occupational safety and health protection, incident prevention and response, annual training, and environmental pollution treatment and environmental protection upon operation termination; and programs on surveillance of environment, surveillance of hazardous waste disposal and assessment of hazardous waste disposal efficiency according to relevant contents specified in Appendix 5 (B) to this Circular.

6. An organization or individual registering for grant of a hazardous waste disposal license shall make instructions on the process of safe operation specified in Clause 5 of this Article in shortened form or in diagram in suitable sizes and install them at suitable easy-to-notice places on board vehicles or in hazardous waste disposal facilities and transshipment stations (if any).

Article 9. Technical requirements and management processes for hazardous waste disposers

1. To fulfill the responsibilities specified in Article 12 of Decree No. 38/2015/ND-CP and comply with technical requirements and management processes prescribed in Clauses 2 thru 13 of this Article.

2. To take management measures and full responsibility for the operation of vehicles operated not by their owners during transportation of hazardous wastes; to report to the Vietnam Environment Administration on modification, extension or termination of contracts on handover of vehicles operated not by their owners within 15 (fifteen) working days after such modification, extension or termination is effected.

3. When conducting domestic transportation of hazardous wastes during transboundary transportation, to coordinate with hazardous waste source owners or exporters representing hazardous waste source owners in implementing the provisions of the Basel Convention as specified in Article 22 of this Circular.

4. When wishing to use vehicles that meet technical requirements and management processes specified in Appendix 2 (B) to this Circular but not indicated in hazardous waste disposal licenses, to send written reports to the licensing agency for consideration and approval. Within 15 (fifteen) working days, the licensing agency shall give a written reply; in case of disapproval, the licensing agency shall clearly state the reason.

5. To make the following reports:

a/ Annual hazardous waste management reports (the reporting period is counted from January 1 through December 31) made according to the form prescribed in Appendix 4 (B) to this Circular within 1 (one) month from the last date 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, personnel (at-law representatives and subjects prescribed at Point a, Clause 5, Article 9 of Decree No. 38/2015/ND-CP) or programs and plans in registration dossiers, enclosed with hazardous waste disposal licenses, as compared to those at the time of grant of the licenses.

6. To compile hazardous waste delivery and receipt books for monitoring names, volumes and codes of hazardous wastes, time and units in charge of delivery and receipt of hazardous wastes with hazardous waste disposers, ensuring consistency with hazardous waste documents; operation records of systems, vehicles and equipment for hazardous waste disposal; books for monitoring volumes, quality and outlets of products recycled or recovered from hazardous wastes; online dossiers for monitoring the itinerary of vehicles with GPS and granting the right to access these dossiers to the licensing agency; and an automatic and continuous observation database (if any).

7. In case a hazardous waste disposer is also a household solid waste disposer or ordinary industrial solid waste disposer, the reports, dossiers, documents and records related to the management of household solid wastes and ordinary industrial solid wastes shall be integrated in the contents of reports, dossiers, documents and records on hazardous waste management.

8. When 2 (two) organizations or individuals wish to cooperate with one party being in charge of hazardous waste transportation only and transferring the hazardous waste disposal responsibility to the other (including establishments carrying out the trial disposal of hazardous wastes), the transferor or transferee shall send a written request enclosed with the contract to the licensing agency for consideration and approval before implementation. In case of contract termination, modification, supplementation or extension, a written request shall be sent to the licensing agency for consideration. The time limit for the licensing agency to give a written reply is 15 (fifteen) working days. The transfer may only be carried out between two parties under the contract approved by the licensing agency; hazardous wastes may not be transferred to a third party.

9. To apply the online declaration of hazardous waste documents and reporting on hazardous waste management on the information system of the Vietnam Environment Administration or via email upon written request of the Vietnam Environment Administration.

10. To keep for 5 (five) years all sheets of documents of hazardous wastes already used, hazardous waste management reports and related dossiers and documents.

11. In case of changing the persons in charge of management, administration and professional and technical guidance of hazardous waste disposal facilities as specified at Point

a, Clause 5, Article 9 of Decree No. 38/2015/ND-CP, the replacing person is required to obtain a hazardous waste management certificate within 6 (six) months after such replacement.

12. To transport hazardous wastes to disposal facilities for disposal with licensed hazardous waste disposal systems and equipment after receiving them from hazardous waste source owners, except the case of transfer to other hazardous waste disposal facilities as specified in Clauses 3 and 8 of this Article.

13. In the operation process, to ensure the systems, vehicles and equipment for hazardous waste transportation and disposal (including the cases of preliminary processing, recycling, co-disposal of, or energy recovery from, hazardous wastes) have been licensed, and environmental protection works in disposal facilities and transshipment stations (if any) meet technical requirements and management processes prescribed in Appendix 2 (B) to this Circular.

Article 10. Responsibilities of the Vietnam Environment Administration

1. To manage and examine the conditions on, operation of, and dossiers, contracts, reports and documents related to, organizations and individuals that have hazardous waste disposal licenses or hazardous waste management licenses granted by the Ministry of Natural Resources and Environment.

2. To send copies of hazardous waste disposal licenses granted by the Ministry of Natural Resources and Environment or decisions on revocation of these licenses to People's Committees of provinces and centrally run cities (below referred to as provincial-level People's Committees) and provincial-level Departments of Natural Resources and Environment of the localities where the licensed disposal facilities are based, and publicize such information on the website managed by the Vietnam Environment Administration.

3. To develop and operate a national information system and database on hazardous wastes; to organize and guide the online registration of waste source owners, declaration of hazardous waste documents, and reporting on hazardous waste management; to intensify the use of information systems or emails for notification, guidance and exchange of information with organizations and individuals in the course of grant of hazardous waste disposal licenses.

Article 11. Responsibilities of provincial-level Departments of Natural Resources and Environment

1. To fulfill the responsibilities specified in Clauses 1 and 2, Article 14 of Decree No. 38/2015/ND-CP.

2. To manage the operation of, and dossiers, contracts, reports and documents related to, organizations and individuals that have hazardous waste management licenses granted by the provinces.

3. To publicize information on hazardous waste source owner registration books granted by the Departments on their websites (if any).

4. To make the following reports:

a/ Periodical hazardous waste management reports made according to the form prescribed in Appendix 4 (C) to this Circular (the reporting period counted from January 1 through December 31 every year) within 3 (three) months from the last date of the reporting period, including the contents on collection, transportation and disposal of hazardous wastes under plans approved by provincial-level People's Committees as prescribed in Article 23 and 24 of this Circular (if any);

b/ Extraordinary reports on hazardous waste management at the request of the Ministry of Natural Resources and Environment.

5. To give written replies on requests for opinions on the grant of hazardous waste disposal licenses specified in Clause 5, Article 17; Point b, Clause 3, Article 18; and Clause 3, Article 19, of this Circular.

Chapter III

REGISTRATION OF HAZARDOUS WASTE SOURCE OWNERS; ORDER AND PROCEDURES FOR GRANT, RE-GRANT AND MODIFICATION OF HAZARDOUS WASTE DISPOSAL LICENSES

Section 1

REGISTRATION OF HAZARDOUS WASTE SOURCE OWNERS

Article 12. Subjects registering hazardous waste source owners

1. Production, business or service establishments engaged in activities generating hazardous wastes shall register hazardous waste source owners with the provincial-level Departments of Natural Resources and Environment of the localities where the establishments are based.

2. Principles of identifying hazardous waste source owners:

a/ The identification of a hazardous waste source owner for waste source owner registration and hazardous waste management shall be based on the place of hazardous waste generation;

b/ A production, business or service establishment that generates hazardous wastes outside its establishment shall reach a written agreement with the organization or individual managing the place of generation to select either of them for registration of the hazardous waste source owner, except cases where hazardous wastes are generated due to an incident or in a *force majeure* event;

c/ A hazardous waste source owner may be registered for all hazardous waste-generating establishments under its ownership or management within a province, or it may choose a focal establishment to be registered as the waste source owner for hazardous waste-generating establishments lying dispersedly within a province.

3. The following subjects are not required to make a registration dossier for grant of a hazardous waste source owner registration book but shall only make registration with a periodical report on hazardous waste management:

a/ Hazardous waste-generating establishments that have operated for not more than 1 (one) year;

b/ Establishments that regularly or periodically generate a total of not more than 600 (six hundred) kg/year of hazardous wastes, except hazardous wastes on the list of persistent organic pollutants (POP) provided in the Stockholm Convention on Persistent Organic Pollutants (below referred to as the Stockholm Convention);

c/ Offshore oil and gas facilities.

Article 13. Dossiers of registration for hazardous waste source owners

1. A registration dossier for grant of a hazardous waste source owner registration book must comprise:

a/ A registration application made according to the form provided in Appendix 6 (A) to this Circular;

b/ A copy of the enterprise registration certificate or equivalent paper;

c/ The dossier and papers in case of registration for self-reuse, recycling, preliminary processing, disposal or co-disposal of, or energy recovery from, hazardous wastes must comply with Point 5.2, and a registration application shall be made according to the form provided Appendix 6 (A) to this Circular.

2. The dossier for registration of hazardous waste source owners provided in Clause 3, Article 12 of this Circular may be replaced with a report made according to the form provided in Appendix 4 (A) to this Circular.

Article 14. Order and procedures for registration of hazardous waste source owners

1. Making a registration dossier for grant of a hazardous waste source owner registration book:

a/ Hazardous waste source owners (except the subjects defined in Clause 3, Article 12 of this Circular) shall make 1 (one) registration dossier for hazardous waste source owner and submit it directly or send it by post to the provincial-level Department of Natural Resources and Environment of the locality where the hazardous waste-generating establishments are based;

b/ The provincial-level Department of Natural Resources and Environment shall examine the completeness and validity of the dossier. If the dossier is incomplete or invalid, the provincial-level Department of Natural Resources and Environment shall, within 5 (five) working days, notify such to the hazardous waste source owner for completion;

c/ After submitting the registration dossier under Point a of this Clause, the hazardous waste source owner shall be considered having fulfilled his/her/its responsibility for registration with the provincial-level Department of Natural Resources and Environment when he/she/it has a receipt of the provincial-level Department of Natural Resources and Environment or a written certification of the mail delivery unit (in case the dossier is sent by post), except the case where he/she/it receives from the provincial-level Department of Natural Resources and Environment a notice for dossier completion under Point b of this Clause. The receipt or written certification provided at this Point has a temporary legal validity to substitute the hazardous waste source owner registration book pending the grant of this book.

2. Within 15 (fifteen) working days after receiving a complete and valid dossier, the provincial-level Department of Natural Resources and Environment shall consider and grant a hazardous waste source owner registration book, except the cases provided in Clause 3 of this Article.

3. In case of registration of hazardous waste source owners that apply reuse, preliminary processing, recycling, disposal or co-disposal of, or energy recovery from, hazardous wastes in the premises of hazardous waste-generating establishments, the time limit for consideration and grant of a hazardous waste source owner registration book is 30 (thirty) working days after the receipt of a complete and valid dossier, specifically as follows:

a/ The provincial-level Department of Natural Resources and Environment shall conduct inspection of the establishment within 15 (fifteen) working days after receiving a complete and valid dossier for registration of hazardous waste source owner. Such inspection must not exceed 2 (two) working days;

b/ Within 15 (fifteen) working days after concluding the inspection, the provincial-level Department of Natural Resources and Environment shall grant a hazardous waste source owner

registration book, made according to the form provided in Appendix 6 (B) to this Circular, with 1 (one) hazardous waste management identification number as provided in Appendix 7 to this Circular. If the conditions for grant of a hazardous waste source owner registration book are not fully satisfied, the provincial-level Department of Natural Resources and Environment shall notify such in writing, clearly stating the reason. The hazardous waste source owner shall modify, supplement and submit the dossier as notified by the provincial-level Department of Natural Resources and Environment. The period of dossier modification and supplementation is not counted into the time limit for consideration and grant of a hazardous waste source owner registration book.

4. In case of not being required to make a registration dossier for grant of a hazardous waste source owner registration book under Clause 3, Article 12 of this Circular:

a/ The hazardous waste source owner shall make an initial report on hazardous waste management according to Appendix 4 (A) to this Circular, and submit it directly or send it by post to the provincial-level Department of Natural Resources and Environment;

b/ The provincial-level Department of Natural Resources and Environment shall issue a receipt right upon receiving the report on hazardous waste management. This receipt or the written certification of the mail delivery unit, enclosed with a copy of the initial report on hazardous waste management, is as valid as the hazardous waste source owner registration book.

Article 15. Re-grant of hazardous waste source owner registration books

1. Hazardous waste source owners defined in Clause 2, Article 6 of Decree No. 38/2015/ND-CP shall register for re-grant of a hazardous waste source owner registration book.

2. A registration dossier for re-grant of a hazardous waste source owner registration book must comprise:

a/ A registration application made according to the form provided in Appendix 6 (A) to this Circular;

b/ Papers and documents related to the modification or supplementation compared with the registration dossier for first-time grant of the book.

3. The order and procedures for registration for re-grant of a hazardous waste source owner registration book must comply with Clauses 1 thru 3, Article 14 of this Circular.

4. In case of re-grant of a hazardous waste source owner registration book, the ordinal number of this book upon each grant shall be counted in succession from the first-time grant to the subsequent re-grants.

Section 2

ORDER AND PROCEDURES FOR GRANT, RE-GRANT AND MODIFICATION OF HAZADOUS WASTE DISPOSAL LICENSES; REVOCATION OF HAZADOUS WASTE DISPOSAL LICENSES OR HAZADOUS WASTE MANAGEMENT LICENSES

Article 16. Registration dossier for grant of hazardous waste disposal licenses

1. A registration application made according to the form provided in Appendix 5 (A.1) to this Circular.

2. A copy of the environmental impact assessment report approved by the Ministry of

Natural Resources and Environment, for investment projects on waste disposal facilities, or a substitute document or paper provided in Appendix 5 (B.1) to this Circular.

3. A copy of the master plan containing waste management and disposal contents, approved by a competent agency of the provincial or higher level.

4. Lawful papers, for hazardous waste transshipment stations (if any), provided in Appendix 5 (B.1) to this Circular.

5. Descriptions and documents made according to the forms provided in Appendix 5 (B.1) to this Circular.

6. A plan on trial disposal of hazardous wastes, made according the form provided in Appendix 5 (C) to this Circular. This plan is separately bounded from the registration dossier.

Article 17. Order and procedures for grant of hazardous waste disposal licenses

1. Organizations and individuals shall submit 2 (two) sets of dossier under Article 16 of this Circular to the licensing agency for consideration and grant of a hazardous waste disposal license. Organizations and individuals may select to submit 2 (two) plans of trial disposal of hazardous wastes simultaneously with or after the time of dossier submission. If the dossier is incomplete or invalid, within 10 (ten) working days, the licensing agency shall notify such in writing to organizations and individuals for completion of the dossier.

2. Within 20 (twenty) working days after receiving a complete and valid dossier, the licensing agency shall consider and issue a written approval of the plan on trial disposal of hazardous wastes in the following order:

a/ Within 10 (ten) working days after concluding the consideration of the registration dossier under Clause 1 of this Article (or after receiving a plan on trial disposal if it is submitted after the time limit for dossier consideration), the licensing agency shall consider the plan on trial disposal of hazardous wastes and, if the plan is incomplete or unsuitable to the hazardous waste disposal facility, shall notify such to organizations and individuals for modification or supplementation;

b/ Within 10 (ten) working days after concluding the consideration of the plan on trial disposal of hazardous wastes, the licensing agency shall issue a written approval made according to the form provided in Appendix 5 (D) to this Circular, with the trial disposal duration not exceeding 6 (six) months (enclosed with 1 (one) plan on trial disposal of hazardous wastes, appended with the seal of the licensing agency).

3. After obtaining a written approval of the licensing agency, organizations and individuals making registration for grant of a hazardous waste disposal license shall conduct trial disposal of hazardous wastes according to the following regulations:

a/ To temporarily collect, transport or receive hazardous wastes for trial disposal;

b/ To take samples for environmental observation at least 3 (three) times at different times. To collect these samples only when disposal systems and equipment operate with the maximum capacity. When necessary, the licensing agency shall conduct an extraordinary inspection of an establishment and take a sample for supervision in the course of trial disposal of hazardous wastes;

c/ If wishing to extend the duration of trial disposal of hazardous wastes, to send a written explanation to the licensing agency at least 15 (fifteen) working days before the expiry date

stated in the written approval; the trial disposal duration may not be extended for more than once, except in *force majeure* events;

d/ If detecting risks which are likely to cause environmental pollution according to the relevant environmental technical regulations but the organizations or individuals fail to take immediate remedial measures, they shall suspend disposal systems and equipment for working out a handling plan before resuming operation under the approved plan and report such to the licensing agency.

4. After concluding the trial disposal of hazardous wastes, organizations and individuals shall submit a report on the trial disposal result, specifically as follows:

a/ To submit 2 (two) reports on the result of trial disposal of hazardous wastes, made according to the form provided in Appendix 5 (DD) to this Circular, to the licensing agency. Within 6 (six) months after receiving a written approval, if the organizations and individuals fail to send a report or a written registration for extension or an explanation to the licensing agency, they shall re-register for trial disposal;

b/ If the report on the result of trial disposal of hazardous wastes shows non-satisfaction of the relevant environmental technical regulations or is incomplete, the licensing agency shall, within 10 (ten) days after receiving the report, notify such to organizations and individuals for modification or completion of the report or for trial disposal again.

5. Collection of opinions of provincial-level Departments of Natural Resources and Environment of localities where hazardous waste disposal facilities are based:

a/ The licensing agency shall collect written opinions of the provincial-level Department of Natural Resources and Environment of the locality where the hazardous waste disposal facility is located; the time for sending written requests for opinions must not be later than the time for the licensing agency to issue a written approval of trial disposal;

b/ The provincial-level Department of Natural Resources and Environment shall give a written reply within 30 (thirty) days after receiving a written approval of the licensing agency; in case of disagreement, it shall clearly state the reason.

6. Within 25 (twenty-five) working days after receiving the report on the result of trial disposal of hazardous wastes and the written reply of the provincial-level Department of Natural Resources and Environment, the licensing agency shall conduct field inspection at a hazardous waste disposal facility and a hazardous waste transshipment station (if any), and at the same time select to carry out either of the following activities for assessment of conditions and grant of a hazardous waste disposal license:

a/ To establish a group of technical consultancy on licensing of hazardous waste disposal, which is composed of experts on the environment and related fields;

b/ To collect opinions of experts or related organizations and individuals.

7. If organizations and individuals fail to fully satisfy the prescribed conditions, technical requirements and management processes, the licensing agency shall notify such in writing or include it in the inspection record prescribed in Clause 6 of this Article, to organizations and individuals for satisfaction, implementation or explanation.

8. Within 20 (twenty) working days after receiving the registration dossier modified and supplemented under regulations, the licensing agency shall consider and grant the hazardous waste disposal license.

9. A hazardous waste disposal license is prescribed as follows:

a/ It must have 2 (two) originals made according to the form provided in Appendix 5 (E) to this Circular, 1 (one) of them shall be sent directly or by post to the hazardous waste disposer and the other one shall be kept at the licensing agency;

b/ It is valid for 3 (three) years from the date of its grant, and shall be enclosed with the registration dossier appended with the seal of the licensing agency;

c/ It has 1 (one) hazardous waste management identification number as provided in Appendix 7 to this Circular.

10. In the course of carrying out the licensing procedures, past the 6 (six)-month time limit, if organizations and individuals fail to re-submit the dossier or to give a written explanation as prescribed, their registration dossier shall be considered as it is just submitted .

Article 18. Re-grant of hazardous waste disposal licenses

1. The re-grant of a hazardous waste disposal license is provided in Clause 1, Article 11 of Decree No. 38/2015/ND-CP.

2. A registration dossier for re-grant of a hazardous waste disposal license must comprise:

a/ A registration application made according to the form provided in Appendix 5 (A.2) to this Circular;

b/ Reports, and copies of inspection and examination records and conclusions as provided in Appendix 5 (B.2) to this Circular.

3. Order and procedures for re-grant of a hazardous waste disposal license:

a/ A registration dossier for re-grant of a hazardous waste disposal license shall be submitted at least 3 (three) months before the license expires or within 1 (one) month from the date the license is detected lost or damaged;

b/ Within 20 (twenty) working days after receiving a complete and valid dossier as provided in Clause 2 of this Article, the licensing agency shall re-grant a hazardous waste disposal license. When necessary, the licensing agency shall collect opinions of the provincial-level Department of Natural Resources and Environment of the locality where the hazardous waste disposal facility is based under Clause 5, Article 17 of this Circular, and conduct a field inspection at the facility.

4. In case of any modification or supplementation, the dossier, order and procedures must comply with the provisions on license modification in Article 19 of this Circular; in case of re-grant under Point b, Clause 1, Article 13 of Decree No. 38/2015/ND-CP, and any modification or supplementation, the dossier, order and procedures must comply with Article 17 of this Circular.

Article 19. Modification of hazardous waste disposal licenses

1. The modification of a hazardous waste disposal license is provided in Clause 2, Article 11 of Decree No. 38/2015/ND-CP.

2. A registration dossier for modification of a hazardous waste disposal license must comprise:

a/ A registration application made according to the form provided in Appendix 5 (A.1) to this Circular;

b/ Documents and papers evidencing the modification and supplementation as compared to the dossier for first-time grant of a hazardous waste disposal license (if any);

c/ A written explanation of modifications and supplementations, reports, and copies of examination and inspection records and conclusions as provided in Appendix 5 (B.3) to this Circular;

d/ A plan on trial disposal of hazardous wastes as provided in Appendix 5 (C) to this Circular, in case of addition of disposal systems and equipment subject to trial operation.

3. The order and procedures for modification of a hazardous waste disposal license must comply with Article 17 of this Circular. When necessary, the licensing agency shall collect opinions of the provincial-level Department of Natural Resources and Environment under Clause 5, Article 17 of this Circular.

4. Cases in which trial operation is not required:

a/ Change or addition of locations of operation (excluding the change of places of disposal facilities);

b/ Change of places and number of hazardous waste transshipment stations;

c/ Change or addition of systems, vehicles or equipment for packaging, preservation, storage, transportation, transshipment or preliminary processing of hazardous wastes; or systems and equipment for disposal of hazardous wastes without directly making adverse impacts on the environment;

d/ Addition of types of hazardous wastes with the nature and disposal method similar to those of hazardous wastes or groups of hazardous wastes having gone through trial disposal and licensed;

e/ Increase of number and volumes of licensed types of hazardous wastes.

5. The modification of a hazardous waste disposal license shall be made in either of the following forms:

a/ Grant of a hazardous waste disposal license in replacement of the previous license, with the validity duration of 3 (three) years from the date of grant;

b/ Additional issuance of appendices to the granted hazardous waste disposal license, clearly stating the modifications compared to the granted license. In this case, the validity duration of the granted license shall not be changed.

Article 20. Integration and replacement of procedures related to grant of hazardous waste disposal licenses

1. The following procedures shall be integrated and replaced with procedures for grant of hazardous waste disposal licenses:

a/ Examination and certification of the completion of environmental protection facilities under environmental impact assessment reports, examination of the implementation of environmental protection facilities under detailed environmental protection schemes (or equivalent dossiers and papers) of projects containing hazardous waste disposal items;

b/ Certification of the satisfaction of environmental protection requirements, for household solid waste and ordinary industrial solid waste disposal facilities if the hazardous waste disposal facilities dispose both household solid wastes and ordinary industrial solid wastes (including the use of the shared hazardous waste disposal systems and equipment or use of separate disposal systems and equipment).

2. Hazardous waste disposal facilities disposing both household solid wastes and ordinary industrial solid wastes, that have been licensed under regulations issued before the effective date of this Circular and carried out procedures for examination and certification of the completion of environmental protection facilities to serve the disposal of household solid wastes and ordinary industrial solid wastes before June 15, 2015, shall carry out the procedures specified in Clause 4, Article 18 of this Circular, if they wish to integrate the certification of satisfaction of environmental protection requirements on household solid waste and ordinary industrial solid waste disposal facilities into the hazardous waste disposal licenses.

Article 21. Revocation of hazardous waste disposal licenses or hazardous waste management licenses

1. A hazardous waste disposal license or hazardous waste management license shall be revoked in the following cases:

a/ The hazardous waste disposal facility's violations of the regulations on hazardous waste management or the provisions of the hazardous waste disposal license or hazardous waste management license are so serious, requiring license revocation in accordance with law;

b/ The hazardous waste disposer does not operate after 1 (one) year from the date of grant of the hazardous waste disposal license, except in *force majeure* events;

c/ The hazardous waste transporter, hazardous waste disposer-destroyer, hazardous waste management practitioner or hazardous waste disposer terminate their activities related to hazardous wastes or goes bankruptcy or dissolves.

2. The licensing agency shall issue a decision to revoke the license it has granted, specifying the name of the organization or individual having the licensed revoked, hazardous waste management identification number, date of grant, grounds and reasons for revocation.

Chapter IV

A NUMBER OF SPECIAL CASES

Article 22. Transboundary movement of hazardous wastes

1. A registration dossier for transboundary movement of hazardous wastes must comprise:

a/ A registration application for transboundary movement of hazardous wastes, made according to the form provided in Appendix 8 (A) to this Circular;

b/ 1 (one) copy of the hazardous waste disposal contract signed with the hazardous waste disposal unit of the importing country;

c/ 1 (one) movement notification in English, made according to the form provided in the Basel Convention (<http://www.basel.int/techmatters/forms-notif-mov/vCOP8.pdf>).

2. Order and procedures for registration of transboundary movement of hazardous wastes:

a/ An organization or individual registering transboundary movement of hazardous wastes shall submit 2 (two) dossiers as prescribed in Clause 1 of this Article to the Vietnam Environment Administration that is the competent authority for the Basel Convention in Vietnam (or the National Single-Window Portal as prescribed);

b/ Within 10 (ten) working days, the Vietnam Environment Administration shall consider the completeness and validity of the dossier and send a notice to the organization or individual for dossier completion if the dossier is incomplete or invalid as prescribed;

c/ Within 10 (ten) working days after receiving a complete and valid dossier, the Vietnam Environment Administration shall send a notice enclosed with 1 (one) movement notification in English to the competent authority for the Basel Convention in the importing country and country of transit (if any) in accordance with the Basel Convention;

d/ Within 20 (twenty) working days after receiving a written reply from the competent authority for the Basel Convention in the importing or country of transit (if any), the Vietnam Environment Administration shall issue a written approval made according to the form provided in Appendix 8 (B) to this Circular. In case of disapproval, the Vietnam Environment Administration shall reply in writing, clearly stating the reason.

3. The domestic transportation of hazardous wastes to border gates shall be carried out by organizations and individuals possessing hazardous waste disposal licenses or hazardous waste management licenses.

4. After receiving a written approval of the Vietnam Environment Administration on export of hazardous wastes, an organization or individual shall make at least 2 (two) sets of movement dossier in English for each shipment of hazardous wastes licensed for export according to the form provided in the Basel Convention (www.basel.int/pub/move.pdf).

5. After completing the hazardous waste disposal, an organization or individual shall keep 1 (one) set of movement dossier and send the other which was certified by a foreign disposal unit to the Vietnam Environment Administration.

Article 23. Collection, transportation and disposal of hazardous medical wastes

1. Packages, storage equipment, storage or transshipment areas, vehicles (if any), and disposal systems and equipment of medical hazardous wastes must meet the technical requirements and management processes provided in Appendices 2 (A) and 2 (B) to this Circular.

2. Provincial-level Departments of Natural Resources and Environment shall make and submit to provincial-level People's Committees for approval the plans on collection, transportation and disposal of hazardous medical wastes in localities as suitable to local conditions and the law on environmental protection; provincial-level People's Committees shall report the approved plans to the Ministry of Natural Resources and Environment and the Ministry of Health.

3. A plan on collection, transportation and disposal of hazardous medical wastes mentioned in Clause 2 of this Article must comprise the following principal contents:

a/ Location and model of disposal of hazardous medical wastes;

b/ Scope and method for collection and transportation of hazardous medical wastes;

c/ Information about organizations and individuals participating in the collection, transportation and disposal of hazardous medical wastes;

d/ Other relevant issues.

4. A hazardous medical waste delivery and receipt book may be used to substitute the hazardous waste document in case such is guided in the plan on collection, transportation and disposal of hazardous medical wastes of the provincial-level People's Committee.

5. Before participating in implementation of the plan specified in Clause 2 of this Article, which, however, falls beyond the scope of the granted license, the hazardous waste disposer and hazardous waste management practitioner shall report such to the licensing agency.

Article 24. Collection, transportation, storage and transshipment of hazardous wastes by means and equipment not stated in hazardous waste disposal licenses

1. Provincial-level Departments of Natural Resources and Environment shall make and submit to provincial-level People's Committees for approval the plans on collection, transportation, storage and transshipment of hazardous wastes, for hazardous waste source owners annually generating less than 600 (six hundred) kg of hazardous wastes or hazardous waste source owners in deep-lying areas, remote areas, or areas where conditions do not permit the hazardous waste disposers to transport, store or transship hazardous wastes with the vehicles and equipment stated in the hazardous waste disposal licenses, to suit local conditions and comply with the law on environmental protection. The disposal of hazardous wastes of the above hazardous waste source owners shall be carried out by organizations and individuals possessing appropriate hazardous waste disposal licenses.

2. Provincial-level People's Committees shall send to the Ministry of Natural Resources and Environment the approved plans specified in Clause 1 of this Article.

3. The use of means and equipment not stated in hazardous waste disposal licenses for transportation and storage of hazardous wastes which cannot yet be disposed of at home or are specified in treaties to which the Socialist Republic of Vietnam is a contracting party shall be reported in writing to the licensing agency for consideration and approval on a case-by-case basis. Within 15 (fifteen) working days, the licensing agency shall reply in writing. In case of disapproval, it shall clearly state the reason.

Article 25. Re-use of hazardous wastes

Organizations and individuals may only re-use hazardous wastes generated within the premises of their facilities generating hazardous wastes and shall register such re-use in the hazardous waste source owner registration books.

Article 26. Collection and transportation of hazardous wastes from offshore petroleum facilities to the mainland

1. An organization or individual collecting and transporting hazardous wastes from offshore petroleum facilities to the mainland by vehicles not stated in the hazardous waste disposal license as specified in Clause 3, Article 8 of Decree No. 38/2015/ND-CP must satisfy the following requirements:

a/ Packages, storage equipment, storage or transshipment areas and vehicles must meet the requirements provided in Appendix 2 (B) to this Circular;

b/ Having a contract for transfer of hazardous wastes signed with the organization or individual possessing an appropriate hazardous waste disposal license or hazardous waste management license;

c/ Having a plan on hazardous waste collection, storage and transportation and a list of vehicles.

2. Before collecting and transporting hazardous wastes or upon change of the content specified at Point b or c, Clause 1 of this Article, organizations and individuals defined in Clause 1 of this Article shall report such to the licensing agency for consideration and approval in writing. Within 15 (fifteen) working days, the licensing agency shall reply in writing. In case of disapproval, it shall clearly state the reason.

Article 27. Research and development of hazardous waste disposal technologies in laboratory

1. If wishing to receive hazardous wastes for technology testing or assessment in laboratory, an organization or individual conducting technology research and development shall, before doing so, submit a written explanation enclosed with the plan on trial disposal made according to the form provided in Appendix 5 (C) to this Circular to the Ministry of Natural Resources and Environment for consideration and approval in writing.

2. An organization or individual may only receive hazardous wastes suitable to trial from hazardous waste disposers or hazardous waste management practitioners. If transporting such hazardous wastes by their own vehicles, such vehicles must satisfy the requirements provided in Appendix 2 (B) to this Circular, and shall be stated in the Ministry of Natural Resources and Environment's written approval of the plan on trial disposal. Within 15 (fifteen) working days, the Ministry of Natural Resources and Environment shall reply in writing. In case of disapproval, it shall clearly state the reason.

3. The duration of trial disposal of hazardous wastes must not exceed 6 (six) months. If wishing to extend this duration, an organization or individual shall report such to the Ministry of Natural Resources and Environment for approval; at most 3 (three) extensions are allowed with each extension not exceeding 6 (six) months. After concluding the trial, the organization or individual shall report such to the Ministry of Natural Resources and Environment.

Article 28. Other cases

The following activities are not regarded as transportation and disposal of hazardous wastes and not subject to hazardous waste disposal licensing:

1. Transportation, maintenance and repair of vehicles, equipment and products (which have not yet expired, have their use value retained according to initial purposes, and have not yet been identified as wastes by waste source owners) for further use according to their original purposes.
2. Transportation of hazardous waste samples for analysis.

Chapter V

HAZARDOUS WASTE MANAGEMENT CERTIFICATES

Article 29. Subjects eligible for training in, and grant of certificates of, hazardous waste management

The subjects defined at Point a, Clause 5, Article 9 of Decree No. 38/2015/ND-CP (that are compulsory subjects) and persons wishing to get training in, and obtain certificates of, hazardous waste management (who are voluntary subjects).

Article 30. Requirements on hazardous waste management training institutions

1. To provide training in hazardous waste management for subjects eligible for grant of hazardous waste management certificates, an institution must satisfy the following requirements:

a/ Having the function of training in the environment or a relevant discipline in accordance with law;

b/ Its trainers of major subjects on hazardous waste management possess university or higher degree and have at least 3 (three) years' experience in the field of hazardous waste management.

2. The training will be organized on a full-time basis or in places where there is a training demand, based on the contents and time specified in the framework training program provided in Appendix 9 (A) to this Circular. At least 10 (ten) working days before organizing the training, a training institution shall notify in writing the training plan to the Vietnam Environment Administration. When necessary, the Vietnam Environment Administration shall inspect such training.

Article 31. Competence of and responsibilities for training, and grant, re-grant and revocation of hazardous waste management certificates

1. The Vietnam Environment Administration shall grant, re-grant and revoke hazardous waste management certificates.

2. The Vietnam Environment Administration shall formulate and approve the training program on hazardous waste management; the dossier for grant of a hazardous waste management certificate as specified in Article 32 of this Circular is not required in case of organizing training courses on a full-time basis or in places where there is a training demand.

Article 32. Order and procedures for grant of hazardous waste management certificates

1. A training institution shall make a dossier for grant of a hazardous waste management certificate as prescribed in Clause 3 of this Article, and send it directly or by post to the Vietnam Environment Administration for consideration and grant of the certificate.

2. Within 15 (fifteen) working days after receiving a complete and valid dossier, the Vietnam Environment Administration shall consider and grant a hazardous waste management certificate, made according to the form provided in Appendix 9 (B) to this Circular. In case of refusal, it shall clearly state the reason.

3. A dossier for grant of a hazardous waste management certificate must comprise:

a/ An application for a hazardous waste management certificate, made according to the form provided in Appendix 9 (C) to this Circular;

b/ A table summarizing the training results, made according to the form provided in Appendix 9 (D) to this Circular;

c/ Copies of identity cards of the subjects to be granted the certificate;

d/ Copies of relevant documents and papers as prescribed in Article 30 of this Circular.

4. A hazardous waste management certificate is valid for 3 (three) years, and may not be extended. The holder of an expired certificate shall be retrained to get the new certificate in accordance with this Circular, except the case specified in Clause 5 of this Article.

5. The holder of an expired hazardous waste management certificate, who, by the time of license expiration, has at least 2 (two) consecutive years operating the field of hazardous waste management and disposal, shall submit 1 (one) application made according to the form provided in Appendix 9 (DD) to this Circular, and a written certification by his/her workplace to the Vietnam Environment Administration. Within 7 (seven) working days, the Vietnam Environment Administration shall consider and grant a certificate. In case of refusal, it shall clearly state the reason.

Article 33. Re-grant and revocation of hazardous waste management certificates

1. Re-grant of hazardous waste management certificates:

a/ The holder of a damaged or lost hazardous waste management certificate shall submit 1 (one) application made according to the form provided in Appendix 9 (E) to the Vietnam Environment Administration for consideration and re-grant of a certificate;

b/ Within 7 (seven) working days, the Vietnam Environment Administration shall re-grant a hazardous waste management certificate;

c/ The validity duration of a re-granted hazardous waste management certificate must equal the remaining duration of the damaged or lost one.

2. A hazardous waste management certificate shall be revoked in case it is erased, modified or used for purposes not permitted by law.

Article 34. Archive of training dossiers

A training institution shall archive dossiers of every training course for at least 3 (three) years from the closing date of the course. The dossiers include:

1. Dossiers of trainees (including information on their full names, dates of birth, serial numbers of identity cards, occupations and addresses) and training results.

2. A list of trainers (including information on their full names, years of birth, occupations, professional qualifications, and addresses of their workplaces).

3. Textbooks, teaching materials, test sheets, and answer sheets of trainees.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 35. Transitional provisions

1. Hazardous waste source owner registration books granted under regulations issued before the effective date of this Circular remain valid, except cases subject to re-grant under Clause 2, Article 6 of Decree No. 38/2015/ND-CP.

2. Hazardous waste management licenses granted under regulations issued before the effective date of this Circular remain valid until their expiry date. Organizations and individuals that have been granted hazardous waste disposal or destruction practice licenses or hazardous waste management practice licenses shall be considered having carried out procedures for examination and certification of the completion of environmental protection facilities under regulations for items related to the disposal of hazardous wastes.

3. Registration dossiers for hazardous waste source owners, and registration dossiers for grant, extension or modification of hazardous waste management practice licenses received before the effective date of this Circular must comply with the law applicable at the time of their receipt.

4. Organizations and individuals already granted hazardous waste management practice licenses shall comply with Article 9 (except Clause 11) of this Circular and satisfy the following technical requirements and management processes:

a/ To apply the national standard on the environment management system (ISO 14001) before June 15, 2017, at the latest;

b/ To fully, systematically and synchronously take environment management measures according to the contents of the registration dossiers appended with a certification seal by the licensing agency, enclosed with the granted hazardous waste management practice licenses.

Such dossiers serve as grounds for the environmental management, inspection, examination and supervision of hazardous waste management practitioners;

c/ To supervise activities of hazardous waste transportation agents and take responsibility for agents' violations on environmental protection and hazardous waste management. To report on modification, extension or termination of an agent contract to the licensing agency within 15 (fifteen) days after such modification, extension or termination.

5. Organizations and individuals granted hazardous waste transportation practice licenses shall comply with Article 9 (except Clause 11 and technical requirements and management processes related to the disposal of hazardous wastes) of this Circular, and the following technical requirements and management processes:

a/ To sign a tripartite contract with a hazardous waste source owner and hazardous waste disposer (or hazardous waste management practitioner or hazardous waste disposer-destroyer) on the transfer of hazardous wastes, or sign a contract with a hazardous waste source owner to the witness and with the confirmation of the hazardous waste disposer (or hazardous waste management practitioner or hazardous waste disposer-destroyer);

b/ To fully realize the contents of the registration dossier for hazardous waste transportation practice, appended with a certification seal by the licensing agency, enclosed with the hazardous waste transportation practice license. Such dossier serves as a ground for the environmental management, inspection, examination and supervision of the hazardous waste transporter.

6. Organizations and individuals granted hazardous waste disposal-destruction practice licenses shall comply with Article 9 (except Clause 11 and technical requirements and management processes related to the transportation of hazardous wastes if having no hazardous waste transportation practice licenses) of this Circular, and fully realize the contents of the registration dossier for hazardous waste disposal-destruction practice appended with a certification seal by the licensing agency, enclosed with the hazardous waste disposal-destruction practice license. Such dossier serves as a ground for the environmental management, inspection, examination and supervision of the hazardous waste disposer-destroyer.

Article 36. Effect and implementation responsibility

1. This Circular takes effect on September 1, 2015. The Minister of Natural Resources and Environment's Circular No. 12/2011/TT-BTNMT of April 14, 2011, on the management of hazardous wastes, ceases to be effective on the effective date of this Circular.

2. Minister, heads of ministerial level agencies, provincial-level People's Committees, directors of the provincial-level Departments of Natural Resources and Environment, and other related organizations and individuals shall implement this Circular.

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

4. Any problem arising in the course of implementation should be promptly reported to the Ministry of Natural Resources and Environment for study and appropriate amendment and supplementation.-

Minister of Natural Resources and Environment
NGUYEN MINH QUANG