

**THE MINISTRY OF NATURAL RESOURCES  
AND ENVIRONMENT**

**DECISION No. 03/2004/QĐ-BTNMT OF APRIL  
2, 2004 PROMULGATING THE ENVIRON-  
MENTAL PROTECTION REGULATION  
APPLICABLE TO DISCARDED MATERIALS  
IMPORTED FOR USE AS PRODUCTION RAW  
MATERIALS**

**THE MINISTER OF NATURAL RESOURCES  
AND ENVIRONMENT**

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

*Pursuant to the Government's Decree No. 175/  
CP of October 18, 1994 guiding the implementation  
of the Law on Environmental Protection;*

*Pursuant to the Prime Minister's Decision No.  
46/2001/QĐ-TTg of April 4, 2001 on management  
of goods export and import in the 2001-2005 period;*

*At the proposals of the director of the  
Department for Evaluation and Assessment of  
Environmental Impacts, the director of the  
Environmental Protection Department and the  
director of the Legal Department,*

**DECIDES:**

**Article 1.-** To promulgate together with this  
Decision the Environmental Protection Regulation

applicable to discarded materials imported for use as production raw materials.

**Article 2.-** This Decision takes implementation effect 15 days after its publication in the Official Gazette, and replaces Decision No. 65/2001/QĐ-BKHCNMT of December 11, 2001 of the Minister of Sciences, Technology and Environment.

**Article 3.-** The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies, the provincial/municipal People's Committee presidents and the concerned organizations as well as individuals shall have to implement this decision.

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

## **ENVIRONMENTAL PROTECTION REGULATION APPLICABLE TO DISCARDED MATERIALS IMPORTED FOR USE AS PRODUCTION RAW MATERIALS**

*(Promulgated together with Decision No. 03/2004/QĐ-BTNMT of April 2, 2004 of the Minister of Natural Resources and Environment)*

### **Chapter I**

#### **GENERAL PROVISIONS**

**Article 1.-** Regulation scope

This Regulation prescribes the environmental

protection applicable to the import, transportation, storage and use of discarded materials as raw materials for production in Vietnam; and does not prescribe the cross-border transshipment and transit of discarded materials.

**Article 2.-** Subjects of application

This Regulation shall apply to the agencies performing the State management over environment; organizations and individuals that import, transport, store and/or use discarded materials as production raw materials.

**Article 3.-** Term interpretation

In this Regulation, the below terms and phrases shall be construed as follows:

1. Discarded materials means products and materials which are excluded from production or consumption but meet the requirements of production raw materials, including:

a) Second-rate raw materials mean those which fail to satisfy the requirements on specifications and/or quality for the production of a certain type of product but can be processed for reproduction of such products or production of other types of product;

b) Scrap raw materials means raw materials discarded from a production process (odds and ends, sheet margins, shavings, tangled fibres, fragments);

c) Fullest-use materials mean materials identical in substance, which are disassembled, separated and recovered from used products, second-rate products or faulty products.

2. Wastes means matters excluded from production, consumption or other activities, which are not identical to imported discarded materials

in substance, and in forms of block, clod, bar or specific item.

3. Hazardous impurities mean matters which are not identical in substance to discarded materials, stick fast to discarded materials and bear hazardous nature, such as toxic chemicals; radioactive substances; inflammables, explosion-prone substance, eroding matters; medical wastes; organic compounds originating from animals, plants and/or foodstuff with pathogenic danger.

**Article 4.- Principles for import and use of imported discarded materials**

The import of discarded materials and the use of discarded materials imported for use as production raw materials must ensure the following principles:

1. Only importing discarded materials for use as production raw materials;

2. Not taking advantage of the import of discarded materials to import wastes in any forms;

3. Organizations and individuals that import and/or use imported discarded materials for production must bear self-responsibility for the imported discarded materials upon the occurrence of environmental pollution;

4. Where the international treaties which Vietnam has signed or acceded to contains provisions different from this Regulation, the provisions of such international treaties shall apply.

**Chapter II**

**SPECIFIC PROVISIONS**

**Article 5.- Discarded materials imported for use as production raw materials**

Assorted discarded materials permitted to be imported for use as production raw materials shall include:

1. Metal and alloy group:

a) Second-rate materials;

b) Scrap materials in loose form or pressed into block or bar;

c) Fullest-use materials, including:

- Steel rails, steel sleepers, steel sheets, steel plates, steel rods, steel shapes, steel pipes, cast bars steel wires and nets or various kinds;

- Pig iron, steel, copper, copper alloy, aluminium, aluminium alloy, zinc, zinc alloy, nickel, nickel alloy, which are recovered from cutting for demolition, dismantlement of construction works, transport means, machinery, equipment and other products;

- Copper or aluminium cores of electric wires, cables, which have already been stripped off their insulated coats of plastic, rubber or other insulated substance;

- Electromagnetic wires (copper wires coated with insulated enamel paints, cotton fibres or paper).

2. Group of paper and cardboard materials:

a) Second-rate raw materials;

b) Scrap raw materials;

c) Fullest-use materials, including paper, cardboard recovered from used products; paper and cardboard in forms of faulty products, discarded materials.

3. Group of glass materials:

a) Second-rate raw materials;

b) Scrap raw materials;

c) Fullest-use materials: assorted glass

materials recovered from used products.

4. Group of plastic materials:

a) Second-rate raw materials;

b) Scrap raw materials;

c) Fullest-use materials: assorted used containers of mineral water, purified water.

**Article 6.-** Conditions on imported discarded materials

Before being imported, the discarded materials must satisfy the following conditions:

1. Not being mixed with materials, products and/or goods which are banned from import under Vietnamese laws and international treaties which Vietnam has signed or acceded to;

2. Not containing hazardous impurities;

3. Not mixed with wastes, except for non-hazardous impurities sticking fast thereto or being separated therefrom in the course of loading, unloading and transportation.

**Article 7.-** Conditions on discarded material-importing organizations, individuals

Only organizations and individuals that fully meet the following conditions are permitted to import, or to entrust the import of, discarded materials for use as production raw materials:

1. Having storehouses and/or yards used exclusively for storage of imported discarded materials, which satisfy the environmental conditions in the course of storing discarded materials;

2. Being fully capable of treating impurities accompanying imported discarded materials.

**Article 8.-** Responsibilities of organizations and individuals that import discarded materials and/or use the imported discarded materials

Organizations and individuals that import discarded materials and/or use imported discarded materials shall have the responsibilities:

1. To abide by the law provisions on environmental protection and other relevant law provisions;

2. To import only discarded materials compatible with the categories of production raw materials of their own establishments;

3. Within at least five (5) working days before unloading and transporting imported discarded materials from border-gates to storehouses or gathering yards, to notify in writing the provincial/municipal Services of Natural Resources and Environment of the localities where exist production establishments or imported discarded material storehouses, storing yards of the categories, volume, weight of the imported discarded materials; the bordergates where discarded materials are imported; discarded material transportation routes; locations of discarded material storehouses or storing yards; locations where discarded materials are put into production;

4. To organize the treatment of impurities after they are separated from imported discarded materials used as production raw materials; not to give or sell such impurities.

**Article 9.-** Responsibilities of provincial/municipal Services of Natural Resources and Environment

The provincial/municipal Services of Natural Resources and Environment of the localities where

exist the production establishments using discarded materials; warehouses or yards for storage of imported discarded materials; and/or establishments for environmental treatment related to imported discarded materials, shall have the responsibilities:

1. To examine the observance of environmental protection regulations applicable to discarded materials imported for use as production raw materials under this Regulation and the law provisions on environmental protection;

2. To detect, prevent and handle in time violations of regulations on environmental protection according to the current law provisions on environmental protection;

3. To report once every six months in writing to the Ministry of Natural Resources and Environment (via the Environmental Protection Department) on the situation of implementation of law provisions on environmental protection in activities of importing and/or using discarded materials imported for use as production raw materials in localities under their respective management;

4. To report to the Ministry of Natural Resources and Environment on problems and obstacles related to the import and use of discarded materials as production raw materials for timely solution.

**Article 10.-** Handling of violations

1. Organizations and individuals that import discarded materials and/or use imported discarded materials as production raw materials and violate regulations on environmental protection shall, depending on the seriousness of their violations, be handled according to current regulations on sanctioning administrative violations in the field of environmental protection or examined for penal

liability.

2. Officials and public servants who fail to fulfill their responsibilities while performing their official duties, causing adverse consequences or troubles, harassment for organizations and/or individuals, that import discarded materials and/or use imported discarded materials as production raw materials, shall, depending on the seriousness of their violations, be disciplined or examined for penal liability.

**Chapter III**

**IMPLEMENTATION PROVISIONS**

**Article 11.-** Organization of implementation

1. The Environmental Protection Department has the responsibility to guide, monitor and examine the implementation of regulation on environmental protection for discarded materials imported for use as production raw materials; biannually and annually reports to the Minister on the implementation situation.

2. The Ministry's Inspectorate has the responsibility to coordinate with the Environmental Protection Department in detecting violations, inspecting and handling them in time according to its competence or propose the handling of violations.

3. If difficulties or problems arise in the course of implementation of this Regulation, the ministries, branches, localities, organizations and individuals shall report them in time to the Ministry of Natural Resources and Environment for consideration and settlement.

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