

its signing. The director of the Science and Technology Department shall have to guide and inspect the implementation of this Decision.

Article 3.- The heads of the Departments, the Inspectorate and Office of the Ministry; the directors of the provincial/municipal Aquatic Resource Services and the provincial/municipal Agriculture and Rural Development Services involved in the management of aquatic resources, and aquatic-product processing establishments shall have to implement this Decision.

**For the Minister of Aquatic
Resources
Vice Minister
NGUYEN VIET THANG**

THE MINISTRY OF AQUATIC RESOURCES

DECISION No. 19/2002/QĐ-BTS OF SEPTEMBER 18, 2002 ISSUING THE REGULATION ON MANAGEMENT OF THE ENVIRONMENT AT AQUATIC PRODUCT- PROCESSING ESTABLISHMENTS

THE MINISTER OF AQUATIC RESOURCES

Pursuant to the December 27, 1993 Law on the Protection of Environment;

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

Pursuant to the Government's Decree No. 50/CP of June 21, 1994 defining the tasks, powers and organizational apparatus of the Ministry of Aquatic Resources;

At the proposal of the director of the Science and Technology Department,

DECIDES:

Article 1.- To issue together with this Decision the Regulation on management of the environment at aquatic product-processing establishments.

Article 2.- This Decision takes effect 15 days after

REGULATION ON MANAGEMENT OF THE ENVIRONMENT AT AQUATIC PRODUCT- PROCESSING ESTABLISHMENTS

(Issued together with Decision No. 19/2002/QĐ-BTS of September 18, 2002 of the Minister of Aquatic Resources)

Chapter I

GENERAL PROVISIONS

Article 1.- Subjects and scope of application

1. This Regulation prescribes the environment management contents in the elaboration and approval of the projects on construction of aquatic product-processing establishments and in the conducting of aquatic product-processing activities within the territory of the Socialist Republic of Vietnam.

2. This Regulation applies to all aquatic product-processing establishments such as establishments engaged in preliminarily processing and preserving aquatic raw materials; establishments engaged in processing frozen aquatic products, canned aquatic products, dried aquatic products, salted and smoked aquatic products, fish sauces and assorted pickled

aquatic products; and establishments engaged in processing fish powder and feed for aquatic resources.

Article 2.- Interpretation of terms

In this Regulation, the following terms are construed as follows:

1. "Production wastes" are solid, liquid or gaseous substances discharged or emitted from the aquatic product-processing processes.

2. "Daily-life wastes" are solid or liquid wastes discharged from the human beings' daily life.

Chapter II

**MANAGEMENT OF THE ENVIRONMENT AT
AQUATIC PRODUCT-PROCESSING
ESTABLISHMENTS**

Article 3.- Planning and technology requirements

1. When carrying out construction projects, the aquatic product-processing establishments (hereinafter called the establishments for short) must:

a/ Plan and arrange the grounds for workshops and equipment in line with the aquatic resource development plannings already approved by the State and the provincial/municipal People's Committees.

b/ Select advanced and clean technologies in order to minimize the level of pollution caused to the environment at the establishments and surrounding areas.

2. The operating establishments that are causing environmental pollution must upgrade their workshops, innovate their technologies and apply cleaner production technologies.

Article 4.- Environment impact assessment

1. Construction investment projects must make environment impact assessment reports according to the provisions in Circular No. 490/1998/TT-BKHCMNT of April 29, 1998 of the Ministry of Science, Technology and Environment, which guides the elaboration and evaluation of environment impact assessment reports with regard to investment projects (hereinafter referred to as Circular No. 490 for short), in which:

- Investment projects in building establishments with an annual capacity of 1,000 or more tons of products must make environment impact assessment reports with the contents prescribed in Appendix I.2 to the Government's Decree No. 175/CP of October 18, 1994 (hereinafter referred to as Decree No. 175/CP for short).

- Investment projects in building establishments with an annual capacity of under 1,000 tons of products must make "written registrations of satisfaction of environmental standards" as prescribed in Appendix III to Circular No. 490.

- Environment impact assessment reports, written registrations of satisfaction of environmental standards shall be submitted to the State management agencies in charge of environment for evaluation according to the responsibility decentralization prescribed in Appendix II to Decree No. 175/CP.

2. Operating establishments (excluding those mentioned in Clause 3 of this Article) must make environment impact assessment reports according to the form set in Appendix II to Circular No. 1420/Mtg of November 26, 1994 of the Ministry of Science, Technology and Environment, which guides the environment impact assessment with regard to operating establishments (hereinafter referred to as Circular No. 1420 for short).

3. Locally-run small establishments, cooperation groups and cooperatives engaged in processing aquatic products, households engaged in processing aquatic products for wholesale, which are located in population areas must make "written declarations of production activities which affect the environment" according to the form set in Appendix I to Circular No. 1420.

Article 5.- Waste management

In the course of operation, the establishments must meet the following requirements:

1. Gathering and storing production solid wastes and/or daily-life solid wastes in appropriate close containers, periodically transporting them to the establishments engaged in processing fish powder or animal feed, or destroying or burying them at dumping sites according to the regulations of local authorities.

2. Gathering polluting liquid wastes (waste water)

into tanks. Liquid wastes must be treated at the waste water treatment systems of the establishments or the areas before being discharged into the environment. Waste water tanks and treatment systems of the establishments must be designed and built to ensure that no pollution is caused to adjacent land, underground water, lakes and rivers.

3. Gaseous wastes with bad or hazardous smells must be treated before being discharged into the surrounding environment. Establishments engaged in processing frozen aquatic products using freezing agents CFCs must make plans on their substitution and proceed to eliminate their use according to the timetable specified in Appendix 1 to this Regulation.

4. The applied waste treatment technologies must ensure that the wastes, after being treated, meet the requirements prescribed in the Vietnamese standards: TCVN 5939-1995 "Air quality- Industrial exhaust gas standard for dust and inorganic substances," TCVN 5945-1995 "Industrial waste water-waste standard" and the branch standards, and must be approved by competent State management bodies.

Article 6.- Environmental monitoring

1. The establishments must monitor the environment in accordance with the contents set in the environment impact assessment reports or the written registrations of satisfaction of environmental standards, or materialize the provisions in the declarations of production activities that affect the environment, depending on their corresponding types as specified in Article 4 of this Regulation.

2. The establishments must have environment-monitoring documents, including: monitoring plans, to be-monitored factors, monitoring frequency, the use of noxious chemicals; plans on gathering and treating solid, liquid and/or gaseous wastes; results of the monitored criteria; and plans on reduction and elimination of CFCs (if any) used by the establishments.

3. The establishments must make and send to the provincial/municipal Science, Technology and Environment Services and the Aquatic Resource Services or the provincial/municipal Agriculture and Rural Development Services involved in the management of aquatic resources periodical reports on the environment management work, environmental incidents, enclosed with environment-monitoring

documents stated in Clause 2 of this Article, within the first 15 days of the prescribed reporting period.

Chapter III

RESPONSIBILITIES OF THE ESTABLISHMENTS AND STATE MANAGEMENT BODIES

Article 7.- Responsibilities of the establishments

1. To seriously comply with the provisions in Chapter II of this Regulation and other relevant regulations of the Ministry of Aquatic Resources on management of environment at aquatic product-processing establishments.

2. To create every favorable condition for the State management bodies in charge of the environment in the working process at the establishments.

3. The establishments mentioned in Clauses 1 and 2, Article 5 of this Regulation must appoint full-time officials to take charge of environment management and set up specialized environment management sections. Full-time officials in charge of environment protection must participate in training courses on environment protection knowledge, organized by the units of the Ministry of Aquatic Resources or the Ministry of Natural Resources and Environment.

4. To ensure all material and financial conditions necessary for monitoring the environment protection.

5. To organize education for those who are engaged in aquatic product-processing activities at the establishments to raise their awareness of and responsibility for keeping hygiene and protecting the environment.

Article 8.- Responsibilities of the Science and Technology Department of the Ministry of Aquatic Resources

1. To advise the Ministry on the formulation of strategies and policies on environment protection in the aquatic product-processing domain.

2. To send representatives to participate in the Council for evaluation of environment impact assessment reports of the establishments, which is under the prime responsibility of the Ministry of Natural Resources and Environment.

3. To formulate annual reports to evaluate the actual situation of the environment in the aquatic product-processing domain.

4. To manage the import of technologies and equipment in service of aquatic resource-processing and environmental treatment domains, particularly the import of equipment involving the use of freezing agents belonging to the group of CFCs.

Article 9.- Responsibilities of the provincial/municipal Aquatic Resource Services and the provincial/municipal Agriculture and Rural Development Services involved in the management of aquatic resources

1. To direct the implementation of the policies on the environment protection in the aquatic product-processing domain in their respective localities.

2. To direct their attached units to supervise and monitor the implementation of this Regulation at the establishments in the areas under their respective management.

3. To coordinate with the provincial/municipal Science, Technology and Environment Services in guiding the establishments in the localities to compile dossiers of application for evaluation of environment impact assessment reports.

4. To participate in evaluating the environment impact assessment reports of the establishments; to join in the teams to inspect and supervise the environment at the establishments, which are organized under the prime responsibility of the provincial/municipal Science, Technology and Environment Services.

5. Within the first 15 days of every six-month period to make and send to the Ministry of Aquatic Resources (the Science and Technology Department) periodical reports on the management of the environment at aquatic product-processing establishments in the localities.

Chapter IV

COMPLAINTS, COMMENDATION, AND HANDLING OF VIOLATIONS

Article 10.- Complaints and complaint settlement

Organizations and individuals shall be entitled to complain or denounce State agencies or individuals that violate this Regulation. The settlement of complaints and denunciations shall comply with the provisions of the Complaint and Denunciation Law and the Government's Decree No. 67/1999/ND-CP of August 7, 1999 guiding the implementation thereof.

Article 11.- Commendation

Organizations and individuals that record achievements in the implementation of the Law on the Protection of Environment and the provisions of this Regulation shall be commended and/or rewarded according to law provisions.

Article 12.- Sanctioning

1. Organizations and individuals that violate the provisions in this Regulation shall, depending on the nature and seriousness of their violations, be administratively sanctioned under the Government's Decree No. 26/CP of June 24, 1996 prescribing the sanctioning of administrative violations in the environment protection and other law provisions, or be examined for penal liability.

2. If, in the course of operation, the establishments cause environmental pollution or degradation, they shall have to make compensations therefor or overcome consequences according to law provisions.

Chapter V

IMPLEMENTATION PROVISIONS

Article 13.- Implementation guidance

The Science and Technology Department, the provincial/municipal Aquatic Resource Services and the provincial/municipal Agriculture and Rural Development Services involved in the management of aquatic resources shall guide the implementation of this Regulation according to their responsibility and powers.

Article 14.- Amendment and supplement to the Regulation

Any amendment and supplement to this Regulation shall be considered and decided by the Minister of Aquatic Resources.-

Appendix

LIST OF CFCs USED IN THE AQUATIC PRODUCT-PROCESSING INDUSTRY AND THE ELIMINATION TIMETABLE

I. The use of CFCs has been banned since 1996. The developing countries may, however, consider continuing their use for a longer time but must stop using them completely before January 1, 2010.

Group	Substance	Ozone layer depletion potential
CFCl_3	(CFC-11)	1,0
CF_2Cl_2	(CFC-12)	1,0
$\text{C}_2\text{F}_3\text{Cl}_3$	(CFC-113)	0,8
$\text{C}_2\text{F}_4\text{Cl}_2$	(CFC-114)	1,0
$\text{C}_2\text{F}_5\text{Cl}$	(CFC-115)	0,6
CF_3Cl	(CFC-13)	1,0
C_2FCl_5	(CFC-111)	1,0
$\text{C}_2\text{F}_2\text{Cl}_4$	(CFC-112)	1,0
C_3FCl_7	(CFC-211)	1,0
$\text{C}_3\text{F}_2\text{Cl}_6$	(CFC-212)	1,0
$\text{C}_3\text{F}_3\text{Cl}_5$	(CFC-213)	1,0
$\text{C}_3\text{F}_4\text{Cl}_4$	(CFC-214)	1,0
$\text{C}_3\text{F}_5\text{Cl}_3$	(CFC-215)	1,0
$\text{C}_3\text{F}_6\text{Cl}_2$	(CFC-216)	1,0
$\text{C}_3\text{F}_7\text{Cl}$	(CFC-217)	1,0

II. Hydrochlorofluorocarbon, the schedule for its reduction as compared with its use volume in 1989 is as follows:

- By 2004, the use volume must be reduced to 65%.
- By 2010: to 35%
- By 2015: to 10%
- By 2040: To be banned from use.

Group	Substance	Ozone layer depletion potential
CHFCI_2	(HCFC-21)**	0,04
CHF_2Cl_2	(HCFC-22)**	0,005
CH_2FCl	(HCFC-31)	0,02
C_2HFCl_4	(HCFC-121)	0,01 - 0,04
$\text{C}_2\text{HF}_2\text{Cl}_3$	(HCFC-122)	0,02 - 0,08
$\text{C}_2\text{HF}_3\text{Cl}_2$	(HCFC-123)	0,02 - 0,06
CHCl_2CF_3	(HCFC-123)**	0,02
$\text{C}_2\text{HF}_4\text{Cl}$	(HCFC-124)	0,02 - 0,04

CHFCICF ₃	(HCFC-124)**	0,022
C ₂ H ₂ FCI ₃	(HCFC-131)	0,007 - 0,05
C ₂ H ₂ F ₂ Cl ₃	(HCFC-132)	0,008 - 0,05
C ₂ H ₂ F ₃ Cl	(HCFC-133)	0,02 - 0,06
C ₂ H ₃ FCI ₂	(HCFC-141)	0,005 - 0,07
CH ₃ CFCl ₂	(HCFC-141b)**	0,11
C ₂ H ₃ F ₂ Cl	(HCFC-142)	0,008 - 0,07
CH ₃ CF ₂ Cl	(HCFC-142b)**	0,065
C ₂ H ₄ FCI	(HCFC-151)	0,003 - 0,005
C ₃ HFCI ₆	(HCFC-221)	0,015 - 0,07
C ₃ HF ₂ Cl ₅	(HCFC-222)	0,01 - 0,09
C ₃ HF ₃ Cl ₄	(HCFC-223)	0,01 - 0,08
C ₃ HF ₄ Cl ₃	(HCFC-224)	0,01 - 0,09
C ₃ HF ₅ Cl ₂	(HCFC-225)	0,02 - 0,07
CF ₃ CF ₂ CHCl ₂	(HCFC-225 ca)**	0,025
CF ₂ CICF ₂ CHCIF	(HCFC-225 cb)**	0,033
C ₃ HF ₆ Cl	(HCFC-226)	0,02 - 0,10
C ₃ H ₂ Cl ₅	(HCFC-231)	0,05 - 0,09
C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)	0,008 - 0,10
C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)	0,007 - 0,23
C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)	0,01 - 0,28
C ₃ H ₂ F ₅ Cl	(HCFC-235)	0,03 - 0,52
C ₃ H ₃ FCI ₄	(HCFC-241)	0,004 - 0,09
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)	0,0005 - 0,13
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)	0,007 - 0,12
C ₃ H ₃ F ₄ Cl	(HCFC-244)	0,009 - 0,14
C ₃ H ₄ FCI ₃	(HCFC-251)	0,001 - 0,01
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)	0,005 - 0,04
C ₃ H ₄ F ₃ Cl	(HCFC-253)	0,003 - 0,03
C ₃ H ₅ FCI ₂	(HCFC-261)	0,002 - 0,02
C ₃ H ₅ F ₂ Cl	(HCFC-262)	0,002 - 0,02
C ₃ H ₆ FCI	(HCFC-271)	0,001 - 0,03

** To determine the most frequently-traded substances with the potential ozone layer depletion values already enumerated for the purpose of this Protocol.-