

*Pursuant to the Government's Decree No. 80/2006/ND-CP of August 9, 2006, detailing and guiding the implementation of a number of articles of the Law on Environmental Protection;*

*The Ministry of Natural Resources and Environment guides the practice conditions, procedures for compilation of dossiers, registration and licensing of practice and hazardous waste management identification numbers, as follows:*

**THE MINISTRY OF NATURAL RESOURCES  
AND ENVIRONMENT**

**CIRCULAR No. 12/2006/TT-BTNMT OF  
DECEMBER 26, 2006, GUIDING THE  
PRACTICE CONDITIONS, PROCEDURES  
FOR COMPILATION OF DOSSIERS,  
REGISTRATION AND LICENSING OF  
PRACTICE AND HAZARDOUS WASTE  
MANAGEMENT IDENTIFICATION  
NUMBERS**

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

*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 Natural Resources and Environment Ministry;*

**I. GENERAL PROVISIONS**

**1. Scope and subjects of application:**

This Circular guides the conditions for practicing the transportation, treatment and disposal of hazardous wastes; the procedures for compiling dossiers, registering generators of hazardous wastes, granting hazardous waste management licenses and hazardous waste management identification numbers; responsibilities of state agencies, domestic and foreign organizations and individuals (hereinafter collectively referred to as organizations and individuals) conducting production, business or service activities that generate hazardous wastes or taking part in the management of hazardous wastes in the Vietnamese territory.

1.2. This Circular applies to hazardous wastes in the solid, liquid or sludge form.

1.3. This Circular does not apply to radioactive wastes; exhaustion vapors and gases; wastewater treated at treating systems or facilities of production, business or service establishments or concentrated production, business or service quarters; household or personal garbage.

**2. Interpretation of terms**

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

2.1. Hazardous waste management means

activities related to the prevention, minimization, sorting, collection, transportation, storage, treatment (including recycling and recovery) and disposal of hazardous wastes.

2.2. Hazardous waste generator or generator means an organization or an individual that owns or administers a production, business or service establishment where hazardous wastes are generated.

2.3. Hazardous waste transporter or transporter means an organization or an individual that owns or administers an establishment with a practice license and a hazardous waste management identification number for conducting hazardous waste collection, transportation and temporary storage.

2.4. Hazardous waste treatment and disposal facility owner or treatment and disposal facility owner means an organization or individual that owns or administers an establishment with a practice license and a hazardous waste management identification number for conducting hazardous waste temporary storage, treatment (including recycling and recovery) and disposal.

2.5. Hazardous waste management-licensing agency (hereinafter referred to as the licensing agency) means agencies competent to grant, extend, adjust and withdraw hazardous waste transportation licenses, hazardous waste treatment and disposal licenses according to the provisions in Section 3, Part I below.

2.6. Hazardous waste generator register or generator register means a dossier granted to a hazardous waste generator, containing information on the type and volume of hazardous waste registered for generation and defining the environmental protection liability of that waste generator for the registered hazardous wastes.

2.7. Hazardous waste management license means the common title of hazardous waste management practice licenses granted by the licensing agency to

transporters (called hazardous waste transportation licenses) or treatment and disposal facility owners (called hazardous waste treatment and disposal licenses), indicating operation areas, special-use means and facilities permitted for operation, types of hazardous waste permitted to be managed as well as environmental protection responsibilities of hazardous waste transporters or hazardous waste treatment and disposal facility owners.

2.8. Hazardous waste list means a list of hazardous wastes promulgated by the Natural Resources and Environment Ministry. Hazardous waste code means the code of each type of hazardous waste on the hazardous waste list.

2.9. Hazardous waste management identification number means an identification number granted together with a generator register or an hazardous waste management license to serve the management of dossiers and database on hazardous waste generators, transporters, treatment and disposal facility owners.

2.10. Hazardous waste manifest means a list issued according to a form for nationwide application and supplied to a hazardous waste generator. A hazardous waste manifest serves as a written evidence of the transfer of liability for hazardous waste between a hazardous waste generator and a hazardous waste transporter or treatment and disposal facility owner.

2.11. Operation area means a geographical area determined by administrative units that are provinces or centrally run cities (hereinafter referred to as provinces) within which hazardous waste transporters or hazardous waste treatment and disposal facility owners are licensed to provide hazardous waste transportation, treatment and disposal services to generators.

**3. Competence to grant or adjust hazardous waste generator registers; grant, extend, adjust**

or withdraw hazardous waste management licenses:

3.1. Provincial/municipal Natural Resources and Environment Services shall grant and adjust hazardous waste generator registers to waste generators in their respective provinces or cities.

3.2. The Natural Resources and Environment Ministry shall authorize the Environmental Protection Department to grant, extend, adjust and withdraw hazardous waste management licenses to/from hazardous waste transporters and hazardous waste treatment and disposal facility owners operating in two or more provinces (including those operating within a province under hazardous waste management licenses granted by local licensing agencies but wishing to extend their operation to other provinces).

3.3. Provincial/municipal People's Committees or Natural Resources and Environment Services authorized by provincial/municipal People's Committees (hereinafter collectively referred to as local licensing agencies) shall grant, extend, adjust and withdraw hazardous waste management licenses to/from hazardous waste transporters and hazardous waste treatment and disposal facility owners operating within their respective provinces.

3.4. The withdrawal of hazardous waste management licenses shall be effected in accordance with law.

#### **4. Method of counting time limits specified in this Circular:**

4.1. Time limits which are specified in this Circular in months or years shall be counted in calendar months or years, including holidays provided by the Labor Code.

4.2. Time limits which are specified in this Circular in days shall be counted in working days, excluding holidays provided by the Labor Code.

## **II. CONDITIONS FOR PRACTICE OF HAZARDOUS WASTE TRANSPORTATION, TREATMENT AND DISPOSAL**

### **1. Conditions for practice of hazardous waste transportation:**

An organization or individual that registers to practice hazardous waste transportation according to the provisions of Section 2, Part III of this Circular must satisfy the following conditions:

1.1. Having made registration of the goods transportation practice in the business registration certificate.

1.2. Having made a written environmental protection commitment certified by a competent agency; or an environmental impact assessment report or a written environmental standard registration approved or certified by a competent agency before July 1, 2006. For establishments that commenced their operation before July 1, 2006, but have not had their environmental impact assessment reports approved or their written environmental standard registrations certified, they shall survey, measure or reassess the environmental impacts in the course of operation so as to elaborate appropriate processes, measures and plans mentioned at Point 1.6 of this Section.

1.3. Means and facilities exclusively used for hazardous waste collection, transportation, packaging, preservation and temporary storage must satisfy the following requirements:

a/ Means of transport have been registered;

b/ Means of transport are fit with devices for warning and emergency response to incidents in the course of operation;

c/ Means of transport used to carry hazardous wastes of high toxicity are equipped with the global positioning system for the purpose of accurately

positioning them en route and recording their itinerary of hazardous waste transportation at the request of the agency certifying the environmental protection commitment or the licensing agency;

d/ Means of transport and facilities are designed to prevent hazardous waste leakage or release into the environment, or the intermixing of assorted hazardous wastes; and are made of materials which do not interact or react with hazardous wastes;

e/ Means of transport and facilities bear caution signs made according to Vietnam Standard TCVN 6707-2000 "Hazardous wastes – caution signs."

1.4. Having a technical system, equipment or solution to control pollution and protect the environment at its establishment, especially at the zone for cleaning or keeping means of transport and the area for transshipping, temporarily storing or sorting hazardous wastes (if any).

1.5. Having at least one technician of intermediate or higher level in chemistry, environment science or a similar discipline to take charge of management, operation or professional or technical training; and a sufficient team of trained drivers and operators to ensure safe operation of means of transport and facilities.

1.6. Having elaborated the following processes and plans:

a/ Process of safe operation of special-use means and facilities;

b/ Plan on pollution control and environmental protection;

c/ Plan on labor safety and healthcare for managers, staff members and drivers;

d/ Plan on prevention of and response to incidents;

e/ Plan on annual training courses for managers, staff members and drivers on safe operation of special-use means and equipment; environmental protection; labor safety and healthcare; prevention

of and response to incidents;

f/ Plan on pollution treatment and environmental protection at the establishment when it terminates its operation.

1.7. Having initialed contracts on hazardous waste transportation with treatment and disposal facility owners having hazardous waste treatment and disposal licenses granted by the competent licensing agency according to the provisions of Section 3, Part I of this Circular.

## **2. Conditions for practice of hazardous waste treatment and disposal:**

An organization or individual that registers for practicing hazardous waste treatment and disposal according to the provisions of Section 3, Section II of this Circular must satisfy the following conditions:

2.1. Having made an environmental impact assessment report for hazardous waste treatment and disposal project approved by a competent agency; or a written registration of environmental standard conformity certified by the competent agency before July 1, 2006. Establishments that commenced operation before July 1, 2006, but have not yet had their environmental impact assessment reports approved or their written environmental standard registrations certified must conduct the survey, measurement and reassessment of environmental impacts in the course of operation so as to elaborate appropriate processes, plans and programs mentioned at Point 2.9 of this Section.

2.2. The hazardous waste treatment and disposal establishment must satisfy the conditions specified in Article 74 of the 2005 Law on Environmental Protection.

2.3. The hazardous waste landfill (if any) must comply with the provisions of Article 75 of the 2005 Law on Environmental Protection and the current relevant regulations and standards.

2.4. Methods, technologies, means and facilities exclusively used for hazardous waste treatment and disposal must be suitable to chemical, physical and biological properties of each type of hazardous waste registered for treatment and disposal; are fit with devices for warning and responding to emergency circumstances during the operation process; and can automatically stop working in case of unsafe operation.

2.5. Special-use means and facilities for temporary storage and internal transportation must satisfy the following conditions:

a/ Being designed to prevent hazardous waste leakage or release into the environment, or the intermixing of assorted hazardous wastes; and made of materials which do not interact or react with hazardous wastes;

b/ Bearing warning or danger signs made according to Vietnam Standard TCVN 6707-2000 "Hazardous wastes – caution signs."

2.6. Having a technical system, equipment or solution to control pollution and protect the environment.

2.7. Having an automatic environmental observation system installed at the request of the agency approving the environmental impact assessment report or the licensing agency.

2.8. Having at least two technicians of intermediate or higher level in chemistry, environment science or a similar discipline (if the waste generator registers for treatment and disposal of its own hazardous wastes, only one technician is required) to take charge of management, operation and professional and technical training at the treatment and disposal establishment; a sufficient team of trained operators to ensure the safe operation of means and facilities with its head possessing the intermediate or higher degree in chemistry, environment science or a similar discipline (if the waste generator registers for treatment and disposal

of its own hazardous wastes, the team may be headed by a technician).

2.9. Having elaborated the following processes, plans and programs:

a/ Process of safe operation of special-use technologies, means and facilities;

b/ Plan on pollution control and environmental protection;

c/ Program on environmental supervision, operation supervision and appraisal of efficiency of hazardous waste treatment and disposal;

d/ Plan on labor safety and healthcare for managers and staff members;

e/ Plan on prevention of and response to incidents;

f/ Plan on annual training courses for managers and staff members on safe operation of special-use technologies, means and equipment; environmental protection; labor safety and healthcare; prevention of and response to incidents;

g/ Plan on pollution treatment and environmental protection upon the operation termination.

### **III. PROCEDURES FOR COMPILATION OF DOSSIERS, REGISTRATION OF WASTE GENERATORS AND GRANT OF HAZARDOUS WASTE MANAGEMENT LICENSES AND HAZARDOUS WASTE MANAGEMENT IDENTIFICATION NUMBERS**

Organizations and individuals may concurrently carry out the procedures for registration of waste generators and registration for hazardous waste management licenses if they fully satisfy the practice conditions specified in Section 1 or 2, Part II of this Circular.

**1. Procedures for compilation of dossiers and issuance of registers of hazardous waste generators:**

1.1. A hazardous waste generator shall compile 03 (three) dossier sets for registration of hazardous waste generator, each comprising a registration application made according to the form set in Appendix 1 (A) and documents guided in Appendix 1 (B) to this Circular, and submit them to the concerned provincial/municipal Service of Natural Resources and Environment.

1.2. Within 07 (seven) days after receiving the dossier, the provincial/municipal Natural Resources and Environment Service shall examine its completeness and validity and notify incomplete or improper contents to the hazardous waste generator for amendment and supplementation. A complete and valid dossier is one made according to the set form and enclosed with required documents and containing accurate, specific and detailed information for the grant of a waste generator register. When the dossier is considered complete and valid, the provincial/municipal Natural Resources and Environment Service needs not notify the applicant and it is automatically understood that the dossier is accepted upon the expiration of the examination time limit.

1.3. Within 12 (twelve) days after the examination of dossier completeness and validity, the provincial/municipal Natural Resources and Environment Service shall grant the waste generator register made according to Appendix 1 (C) to this Circular.

1.4. The provincial/municipal Natural Resources and Environment Service and the waste generator may use the information network or emails to notify and exchange information on the amendment and supplementation of the registration dossier according to Point 1.2 above as well as relevant matters in the course of granting the waste generator register.

1.5. Together with the waste generator register, each waste generator shall be granted a hazardous waste management identification number specified

in Appendix 6 to this Circular. The waste generator register enclosed with the complete and valid dossier set shall be affixed with the stamp of the provincial/municipal Natural Resources and Environment Service for certification.

1.6. The waste generator register is valid until an adjustment thereto is required under the provisions of Point 1.7 below or upon the establishment's termination of operation.

1.7. The waste generator shall file an application for adjustment to the hazardous waste generator register, made according to the form set in Appendix 1 (A) to this Circular, and together with the register to the provincial/municipal Natural Resources and Environment Service in the following cases:

a/ The register was granted before the effective date of this Circular;

b/ There is a change in or an addition of hazardous waste types or the quantity of hazardous wastes increases by 15% or more compared to the registered volume;

c/ The establishment is relocated without change of the waste generator (the establishment owner or administrator), or the waste generator is changed without relocation of the establishment.

Within 12 (twelve) days after receiving the application for adjustment of the hazardous waste generator register, the provincial/municipal Natural Resources and Environment Service shall grant new one (enclosed with a new annex) and invalidate the old one. The registration dossier set enclosed with the old register shall be retained to be enclosed with the new register after the added application for register adjustment and other amended, supplemented or updated documents (if any), are affixed with the stamp of the provincial/municipal Natural Resources and Environment Service for certification.

## **2. Procedures for compilation of dossiers and grant of hazardous waste management licenses to hazardous waste transports:**

2.1. An organization or individual that registers to practice the hazardous waste transportation shall compile 03 (three) dossier sets for registration of hazardous waste transportation, each comprising a registration application made according to the form set in Appendix 2 (A.1) and documents guided in Appendix 2 (A.2) to this Circular, and submit them to the licensing agency defined in Section 3, Part I of this Circular.

2.2. Within 12 (twelve) days after receiving the dossier, the licensing agency shall examine the completeness and validity of the dossier and notify incomplete or invalid dossier contents to the hazardous waste transportation registration applicant for amendment and supplementation. Within 5 (five) days after receiving the amended or supplemented dossier, the licensing agency shall further examine the dossier completeness and validity and may request further amendment or supplementation in case of necessity. When the dossier is considered complete and valid, the licensing agency needs not notify the applicant and it is automatically understood that the dossier is accepted upon the expiration of the examination time limit.

2.3. Within 20 (twenty) days after the examination of dossier completeness and validity is finished, the licensing agency shall grant a hazardous waste management license to the organization or individual registering to practice the hazardous waste transportation, made according to the form in Appendix 2 (A.3) to this Circular. In case of refusal to grant a license, it shall notify in writing the reason therefor. When detecting that the organization or individual registering for hazardous waste transportation fails to satisfy the practice conditions specified in Section 1, Part II of this Circular, the licensing agency shall request in writing that organization or individual to take necessary

measures to satisfy those conditions. The registering organization or individual shall report to the licensing agency as soon as it/he/she satisfies the required conditions. The time from the date the licensing agency sends its written request to the date it receives the report of the registering organization or individual on satisfaction of the practice conditions is not included in the 20-day time limit for licensing consideration.

2.4. The licensing agency and the registering organization or individual may use the information network or emails to notify and exchange information on the amendment and supplementation of the registration dossier or the satisfaction of the practice conditions (according to Points 2.2 and 2.3 of this Section) as well as relevant matters in the course of licensing consideration.

2.5. In case of necessity, the licensing agency may, in the course of licensing consideration, provide the following assistance:

a/ Setting up, under a decision of its head, an advisory council that will advise and assist the licensing agency in examining the practice registration dossier and appraise the conditions of the registering organization or individual and a number of relevant matters to serve as a basis for licensing;

b/ Surveying neighboring establishments and areas (the survey time is not included in the 20-day time limit for licensing consideration);

c/ Holding symposiums;

d/ Organizing meetings with the registering organization or individual to request the latter to directly explain some unclear matters and reach agreement on specific requirements on the transporter before adding them to the license;

e/ Gathering criticisms of experts outside the advisory council, and concerned scientific and technological agencies, social and professional organizations and non-governmental organizations;

f/ Organizing its meetings to reach agreement on licensing.

2.6. Together with the hazardous waste management license, each transporter shall be granted a hazardous waste management identification number specified in Appendix 6 to this Circular. The hazardous waste management license enclosed with the complete and valid practice registration dossier set shall be affixed with the stamp of the licensing agency for certification.

2.7. A hazardous waste management license granted for the first time or renewed for a transporter is valid for 3 (three) years after the date of grant. It may be extended for many times with each extension not exceeding 5 (five) years. The procedures for extending a license shall be carried out in an order similar to that specified at Points 2.1 thru 2.5 of this Section and start at least 6 (six) months before that license expires. For each extension, the licensing agency shall give its certification in the section of license extension certification (or in a new license if that section of the existing license is full). The annex of the license shall also be renewed in case of a change. The enclosed registration dossier set shall be added with the application for license extension and the amended, supplemented and updated documents (if any), which are affixed with the stamp of the licensing agency for certification.

2.8. The transporter shall register adjustments to its hazardous waste management license in the following cases:

a/ The license was granted before the effective date of this Circular;

b/ There is a need for a change in or an addition of types, tonnage, designed capacity and number of special-use means and facilities for hazardous waste transportation, packaging, preservation and temporary storage;

c/ There is a need for a change in or an addition of hazardous waste types registered for transportation;

d/ There is a need for relocation or expansion of the area for transportation activities (applicable only to licenses granted by the Environmental Protection Department to transporters operating in two or more provinces);

c/ The hazardous waste transporter (the establishment owner or administrator) is changed without relocation of the establishment, or the establishment is relocated without change of the transporter.

The procedures for license adjustment shall be carried out in an order similar to that specified at Points 2.1 thru 2.5 of this Section. In adjusting a license, the licensing agency shall grant a new license copy (enclosed with a new annex) which has the same hazardous waste management identification number and a validity duration of 5 (five) years after the date of adjustment, and invalidate the old license copy. The registration dossier set enclosed with the old license copy shall be retained to be enclosed with the new license copy after being added with the application for license adjustment and the amended, supplemented and updated documents affixed with the licensing agency's stamp for certification.

2.9. The transporter shall compile a dossier of registration for a new hazardous waste management license in the following cases:

a/ The transporter is changed and the establishment is relocated concurrently;

b/ A transporter that operates in a province under a hazardous waste management license granted by a local licensing agency and wishes to change or expand its operation area to another province shall carry out procedures for registration for a new hazardous waste management license with the Environmental Protection Department.

**3. Procedures for compilation of dossiers and grant of hazardous waste management licenses to hazardous waste treatment and disposal facility owners:**



3.1. An organization or individual that registers to practice the hazardous waste treatment and disposal shall compile 03 (three) dossier sets for registration of hazardous waste treatment and disposal practice, each comprising a registration application made according to the form set in Appendix 2 (B.1) and documents guided in Appendix 2 (B.2) to this Circular, and submit them to the licensing agency defined in Section 3, Part I of this Circular.

3.2. Within 12 (twelve) days after receiving the dossier, the licensing agency shall examine the completeness and validity of the dossier and notify incomplete or invalid contents to the registration applicant for amendment and supplementation. Within 7 (seven) days after receiving the amended or supplemented dossier, the licensing agency shall further examine its completeness and validity and may request further amendment or supplementation in case of necessity. When the dossier is considered complete and valid, the licensing agency needs not notify the applicant and it is automatically understood that the dossier is accepted upon the expiration of the examination time limit.

3.3. After the examination of dossier completeness and validity is finished, the registering organization or individual shall make a plan on and registration of the test operation under the licensing agency's guidance. The licensing agency shall coordinate with the concerned agencies and the advisory council (if any) in supervising and appraising the results of the test operation. If the results of the test operation satisfy the environmental standards and comply with the environmental impact assessment report for the hazardous waste treatment and disposal project, the licensing agency shall certify them in writing within 12 (twelve) days after receiving a report thereon. Such a written certification shall be included in the registration dossier. If the test operation results fail to satisfy the requirements, the test operation plan should be adjusted, improved and perfected for a second test.

For the first-time licensing, the above supervision, appraisal and certification of test operation shall be jointly conducted with the test operation and certification of observance of the environmental impact assessment report and satisfaction of the requirements set in the decision approving the environmental impact assessment report according to the Natural Resources and Environment Ministry's Decision No. 08/2006/TT-BTNMT of September 8, 2006, guiding strategic environmental assessments, environmental impact assessment reports and environmental protection commitments.

3.4. In case the licensing agency is the Environmental Protection Department, it shall gather written opinions of the Natural Resources and Environment Service of the province or city where hazardous waste treatment and disposal facilities of the registering organization or individual are located.

3.5. Within 30 (thirty) days after obtaining the written certification of test operation results or written opinions of the provincial/municipal Natural Resources and Environment Service, the licensing agency shall grant a hazardous waste management license, made according to the form set in Appendix 2 (B.3) to this Circular, to the registering organization or individual. When detecting that the registering organization or individual fails to satisfy the practice conditions specified in Section 2, Part II of this Circular, the licensing agency shall request in writing that organization or individual to take necessary measures to satisfy those conditions. The registering organization or individual shall report to the licensing agency as soon as it/he/she satisfies the required conditions. The time from the date the licensing agency sends its written request to the date it receives the report of the treatment and disposal facility owner on satisfaction of the practice conditions is not included in the 30-day time limit for licensing consideration.

3.6. The licensing agency and the registering organization or individual may use the information

network or emails to notify and exchange information on the amendment and supplementation of the registration dossier or the satisfaction of the practice conditions (according to Points 3.2 and 3.5 of this Section) as well as relevant matters in the course of licensing consideration.

3.7. In case of necessity, the licensing agency may, in the course of licensing consideration, conduct the following assisting activities:

a/ Setting up, under a decision of its head, an advisory council that functions to advise and assist the licensing agency in examining the practice registration dossier, appraising the conditions of the registering organization or individual, supervising the test operation, and in a number of relevant matters to serve as a basis for licensing;

b/ Surveying neighboring establishments and areas (the survey time is not included in the 30-day time limit for licensing consideration), apart from supervising the test operation;

c/ Holding symposiums;

d/ Organizing meetings with the registering organization or individual to request the latter to directly explain some unclear matters and reach agreement on specific requirements on the treatment and disposal facility owner before adding them to the license;

e/ Gathering criticisms of experts outside the advisory council, of the concerned scientific and technological agencies, social and professional organizations and non-governmental organizations;

f/ Organizing its meetings to reach unanimity on licensing.

3.8. Together with the hazardous waste management license, each treatment and disposal facility owner shall be granted a hazardous waste management identification number specified in Appendix 6 to this Circular. The hazardous waste management license enclosed with the complete and valid practice registration dossier set shall be

affixed with the licensing agency's stamp for certification.

3.9. A hazardous waste management license granted for the first time or renewed for a treatment and disposal facility owner is valid for 3 (three) years after the date of grant. It may be extended for many times with each extension not exceeding 5 (five) years. The procedures for extending a license shall be carried out in an order similar to that specified at Points 3.1, 3.2, 3.4, 3.5, 3.6 and 3.7 of this Section (the test operation according to Point 3.3 is not required) and start at least 6 (six) months before the license expires. For each license extension, the licensing agency shall give its certification in the section of license extension certification (or in a new license copy if there is not more space in section of the existing license). The annex of the license shall also be renewed in case of a change. The enclosed registration dossier set shall be added with the application for license extension and the amended, supplemented and updated documents (if any), which are affixed with the licensing agency's seal for certification.

3.10. The treatment and disposal facility owner shall register adjustments to its hazardous waste management license in the following cases:

a/ The license was granted before the effective date of this Circular;

b/ There is a need for a change in or an addition of types or technology, increase of designed capacity and number of special-use means and facilities for hazardous waste treatment, disposal and temporary storage;

c/ There is a need for a change in or an addition of hazardous waste types or an increase by 15% or more of the hazardous waste volume registered for treatment and disposal;

d/ There is a need for relocation or expansion of the area for treatment and disposal activities (applicable only to licenses granted by the

Environmental Protection Department to treatment and disposal facility owners operating in two or more provinces or to licenses granted by local licensing agencies for the hazardous waste self-treatment and self-disposal converted into hazardous waste treatment and disposal licenses for many waste generators within the same province);

e/ There is a need for the change of the hazardous waste treatment and disposal facility owner (the establishment owner or administrator) without relocation of the treatment and disposal establishment; for the relocation of the treatment and disposal establishment without change of the treatment and disposal facility owner.

The procedures for license adjustment must be carried out in an order similar to that specified at Points 3.1 thru 3.7 of this Section (the test operation according to Point 3.3 is not required in case of a need for relocation or expansion of the area for operation according to Point d or a need for the change of the treatment and disposal facility owner without relocation of the establishment according to Point e of this Section). In adjusting a license, the licensing agency shall grant a new license copy (enclosed with a new annex) which has the same hazardous waste management identification number and a validity duration of 5 (five) years after the date of adjustment, and invalidate the old license copy. The registration dossier set enclosed with the old license copy shall be retained to be enclosed with the new license copy after being added with the application for license adjustment and the amended, supplemented and updated documents affixed with the licensing agency's stamp for certification.

3.11. The treatment and disposal facility owner shall compile a dossier of registration for a new hazardous waste management license in the following cases:

a/ The treatment and disposal facility owner is changed and the establishment is relocated

concurrently;

b/ A treatment and disposal facility owner that operates in a province under a hazardous waste management license granted by a local licensing agency (including also license for hazardous waste self-treatment and self-disposal) and wishes to change or expand its operation area to another province shall carry out procedures for registration for a new license with the Environmental Protection Department.

#### **IV. OBLIGATIONS AND RESPONSIBILITIES OF HAZARDOUS WASTE GENERATORS, TRANSPORTERS AND TREATMENT AND DISPOSAL FACILITY OWNERS**

An organization or individual may own concurrently a hazardous waste generator register, a hazardous waste transportation license and/or a hazardous waste treatment and disposal license but shall perform the corresponding responsibilities specified in this Section. Other responsibilities of a hazardous waste generator or specific requirements on a hazardous waste transporter or a hazardous waste treatment and disposal facility owner shall be entered into the hazardous waste generator register or the hazardous waste management license according to the regulations of the provincial/municipal Natural Resources and Environment Service and the licensing agency, when necessary.

##### **1. Responsibilities of a hazardous waste generator:**

1.1. To register itself with the provincial/municipal Natural Resources and Environment Service.

1.2. To strictly observe the contents of the approved environmental impact assessment report or the certified environmental protection commitment or environmental standard registration

(if any).

1.3. To apply measures to prevent or minimize hazardous wastes generated; to take liability for hazardous waste until they are safely treated or disposed of by selecting appropriate qualified transporters and treatment and disposal facility owners and monitoring and supervising the hazardous waste transfer, treatment and disposal with the support of hazardous waste manifests.

1.4. To sort hazardous wastes and not to intermix hazardous wastes of different types or hazardous wastes with other wastes; to arrange safe places for temporary storage of hazardous wastes; to package and preserve hazardous wastes according to their types in special-use tanks, containers or packages that satisfy the safety and technical requirements, ensuring no hazardous waste leakage, runoff or release into the environment, and are placarded with the following information:

a/ Hazardous waste name and code according to the hazardous waste list;

b/ Name and address of the generator;

c/ Description of hazards which might be caused by the hazardous waste;

d/ Caution and prevention signs according to Vietnam Standard TCVN 6707-2000 "Hazardous wastes – caution signs";

e/ Date of starting the packaging and preservation.

The hazardous waste must be quickly treated and disposed of. When necessary to temporarily store the hazardous waste for more than 6 (six) months pending the availability of a safe treating and disposing technology or an appropriate treatment and disposal facility owner, a registration must be made with the provincial/municipal Natural Resources and Environment Service and once every 6 (six) months a report must be sent to that Service.

1.5. To assign at least one full-time or part-time official who has been trained in hazardous waste

management to take charge of hazardous waste sorting and management, prevention of and response to incidents at the establishment. If being incapable of sorting and managing hazardous wastes, it shall sign contracts with units providing environmental consultancy for appropriate technical assistance.

1.6. To work out and implement plans and measures to prevent or respond to incidents caused by the hazardous waste, including: measures and processes of preventing and urgently responding to possible incidents of all kinds (fire, explosion, leakage, spill, labor accident, traffic accident, etc.); the plan of exit ways; procedures for announcing incidents and requesting assistance upon their occurrence (address, telephone number and order of reporting incidents to concerned agencies, such as environmental protection agency, police department, fire department, medical establishments, etc.); plans and places for giving first aid to victims; anticipated circumstances and plans on evacuation of people from the establishment and surrounding areas; measures to remedy environmental pollution after an incident is over; and other relevant matters.

1.7. If the hazardous waste generator wishes to practice hazardous waste transportation and/or treatment and disposal, it shall satisfy all the conditions for practice of hazardous waste transportation and/or treatment and disposal specified in Section 1 or 2 of Part II, and carry out the registration procedures in order to be granted a hazardous waste management license according to the provisions in Section 2 or 3 of Part III, and then discharge the responsibilities specified in Section 2 or 3, Part IV of this Circular, as the case may be.

1.8. To sign contracts with hazardous waste transporters and hazardous waste treatment and disposal facility owners licensed to manage hazardous wastes in appropriate operation areas, if the hazardous waste generator is unable to transport, treat or dispose of hazardous wastes by itself.

1.9. To issue hazardous waste manifests supplied by the provincial/municipal Natural Resources and Environment Service to transporters and treatment and disposal facility owners upon each transfer of hazardous wastes. The hazardous waste generator shall reach agreement with transporters and treatment and disposal facility owners on information to be declared in hazardous waste manifests, which are consistent with the signed hazardous waste transportation or treatment and disposal contracts and provisions of hazardous waste management licenses of those transporters and treatment and disposal facility owners.

1.10. To transfer to the transporter only hazardous waste of the type and volume consistent with those stated in the hazardous waste generator register, the transportation contract, the treatment and disposal contract, and the declared hazardous waste manifest.

1.11. To strictly observe the procedures for issuing the hazardous waste manifest (consisting of 6 originals) guided in Appendix 3 to this Circular. The hazardous waste generator shall request and ensure the return of two last originals of the hazardous waste manifest and check certifications of the transporter and the treatment and disposal facility owner upon completing the hazardous waste transfer, then send the sixth original to the provincial/municipal Natural Resources and Environment Service within 15 (fifteen) days after receiving it. If the hazardous waste generator acts concurrently as the transporter and/or the treatment and disposal facility owner for some types of hazardous waste, it shall sign and keep originals of the hazardous waste manifest by itself.

Within 60 (sixty) days after transferring hazardous waste to the transporter, if the generator does not receive the fifth and sixth originals of the hazardous waste manifest from the treatment and disposal facility owner, it shall report such to the provincial/municipal Natural Resources and

Environment Service for application of monitoring and handling measures.

1.12. When wishing to export hazardous wastes for overseas treatment and disposal, the hazardous waste generator has also the following responsibilities:

a/ To coordinate with the overseas transporter and treatment and disposal facility owner in observing the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous wastes and their Disposal (hereinafter referred to as the Basel Convention for short) on registration of hazardous waste export for overseas treatment and disposal by supplying adequate information on the expected export shipment to the Environmental Protection Department under the guidance in Appendix 5 (A) to this Circular;

b/ To export hazardous wastes only after obtaining written approval of the Environmental Protection Department and submit to the inspection and supervision by the concerned agencies in strict compliance with Vietnamese law;

c/ To request the transboundary transporter to compile a transboundary transportation dossier containing all information guided in Appendix 5 (B) to this Circular;

d/ To take full responsibility for illegal transboundary transportation of hazardous wastes without the written approval of the Environmental Protection Department.

1.13. To make and send once every 6 (six) months a report on hazardous waste generation and management to the provincial/municipal Natural Resources and Environment Service, according to the form set in Appendix 4 (A) to this Circular.

1.14. To submit to the inspection and examination by the central or local state agency in charge of environmental protection.

1.15. To archive for 5 (five) years all used

hazardous waste manifests (the first and fifth originals) and relevant documents and dossiers for explanation and supply to competent agencies when so requested.

1.16. To notify in writing the termination of its operation and return the hazardous waste generator register to the provincial/municipal Natural Resources and Environment Service.

## **2. Responsibilities of a hazardous waste transporter:**

2.1. To commence its operation only after being granted a hazardous waste management license by the licensing agency.

2.2. To notify, after being granted a hazardous waste management license, the contents of that license to the People's Committees of the district and the commune where the transportation establishment is located.

2.3. To implement the contents of the certified environmental protection commitment or equivalent dossier or document according to the provisions of Point 1.2, Section 1, Part II of this Circular.

2.4. To strictly observe the procedures for declaring and using the hazardous waste manifest under the guidance in Appendix 3 to this Circular. If the transporter is concurrently the generator and/or treatment and disposal facility owner for some specified types of hazardous waste, it shall sign and keep corresponding originals of the hazardous waste manifest by itself.

2.5. To collect and transport only the hazardous waste type and volume from the generator or the first transporter (if it is the second transporter) and transfer that hazardous waste type and volume to the second transporter (if it is the first transporter) or to the treatment and disposal facility owner in strict compliance with the contents declared in the hazardous waste manifest

by special-use means and facilities and in the operation area indicated in the hazardous waste management license. It is allowed to transfer hazardous waste between at most two transporters. It is prohibited to transfer hazardous wastes to a third transporter. All acts of transporting hazardous wastes at variance with the provisions of the hazardous waste management license or without any hazardous waste management license, at variance with the hazardous waste manifest or without any hazardous waste manifest shall be treated as acts of illegal transportation of hazardous wastes and handled according to law.

2.6. To transport hazardous wastes in an optimal route and distance, within an optimal length of time, ensuring traffic safety and prevention of and response to incidents and in compliance with the competent agency's regulations on traffic.

2.7. If the transporter is concurrently the generator and wishes to practice hazardous waste treatment and disposal, it shall satisfy all the conditions for treatment and disposal practice specified in Section 2, Part II, and carry out the procedures for registration of the hazardous waste generator and/or for a hazardous waste treatment and disposal license according to the provisions in Section 1 or 3 of Part III, then fulfill the responsibilities specified in Section 1 or 3, Part IV of this Circular, as the case may be.

2.8. When undertaking to transport hazardous waste overseas for treatment and disposal, the transporter has also the following responsibilities:

a/ To coordinate with the generator and the overseas treatment and disposal facility owner in observing the provisions of the Basel Convention, assisting the generator in registering the export of hazardous wastes for overseas treatment and disposal under the guidance in Appendix 5 (A) to this Circular;

b/ To obtain the written approval of the Environmental Protection Department before exporting hazardous wastes and submit to the inspection and supervision by the concerned agencies in accordance with Vietnamese law;

c/ To compile a transboundary transportation dossier consisting of all information guided in Appendix 5 (B) to this Circular; to send two transportation dossier sets to the generator or the exporter representing the generator and the Environmental Protection Department after the overseas treatment and disposal facility owner certifies the receipt of hazardous wastes.

d/ To bear joint responsibility and be handled under law for illegal transboundary transportation of hazardous wastes without the written approval of the Environmental Protection Department.

2.9. In case of chartering seagoing vessels or railway means of transport (including case of transboundary transportation), to coordinate with the charterer in working out appropriate plans on hazardous waste packaging and preservation to ensure safe transportation, and submitting them to the licensing agency for approval (or to the Environmental Protection Department in case of transboundary transportation).

2.10. To send once every 6 (six) months a report on hazardous waste management, made according to the form set in Appendix 4 (B) to this Circular, to the licensing agency.

2.11. To submit to the inspection and examination of the central or local state agency in charge of environmental protection.

2.12. To archive for 5 (five) years all used hazardous waste manifests (the second and/or third originals) and relevant dossiers and documents for explanation and supply to competent agencies when so requested.

2.13. To organize annual training courses for its

managers, staff members and drivers according to the training plan (made upon compilation of the practice registration dossier).

2.14. To organize the implementation of the plan on pollution control and environmental protection; the plan on labor safety and healthcare; the plan on prevention of and response to incidents (made upon compilation of the practice registration dossier).

2.15. To notify in writing the termination of its operation and return the hazardous waste management license to the licensing agency; and to ensure the fulfillment of the plan on pollution control and environmental protection following the operation termination (made upon compilation of the practice registration dossier).

### **3. Responsibilities of a hazardous waste treatment and disposal facility owner:**

3.1. To commence operation only after being granted a hazardous waste management license by the licensing agency.

3.2. To notify, after being granted a hazardous waste management license, the contents of that license to the People's Committees of the district and the commune where his/her/its hazardous waste treatment and disposal facility is located.

3.3. To strictly implement the contents of the certified environmental impact assessment report or equivalent dossiers or documents according to the provisions of Point 2.1, Section 2, Part II of this Circular.

3.4. To strictly observe the procedures for declaring and using the hazardous waste manifest under the guidance in Appendix 3 to this Circular. If the treatment and disposal facility owner is concurrently the generator and/or transporter for some specified types of hazardous wastes, he/she/it shall sign and keep corresponding originals of the hazardous waste manifest by him/her/itself.

3.5. To sign hazardous waste treatment and disposal contracts with hazardous waste generators in his/her/its operation area indicated in the hazardous waste management license. To receive, treat and dispose of only the hazardous waste type and volume with special-use technologies and facilities permitted for use in accordance with contents of the signed contracts, hazardous waste manifests uniformly filled in and provisions of the hazardous waste management license. All acts of treating and disposing of hazardous waste at variance with the provisions of the hazardous waste management license or without any hazardous waste management license, at variance with the hazardous waste manifest or without any hazardous waste manifest shall be treated as illegal acts and handled according to law.

3.6. If the treatment and disposal facility owner is concurrently the hazardous waste generator and/or wishes to conduct hazardous waste transportation, he/she/it shall satisfy all the conditions for practice of hazardous waste transportation specified in Section 1, Part II, and carry out the procedures for registration of the hazardous waste generator and/or for the hazardous waste transportation license according to the provisions in Section 1 or 2 of Part III, then fulfill the responsibilities specified in Section 1 or 2, Part IV of this Circular, as the case may be.

3.7. If the treatment and disposal facility owner is incapable of thoroughly treating and disposing of hazardous wastes (some hazardous waste elements subject to management remain after the treatment and disposal process), he/she/it has the following responsibilities:

a/ To sign a contract with a second treatment and disposal facility owner for treatment and disposal of hazardous waste part not yet treated and disposed of to the extent that it is no longer hazardous (according to the hazard threshold specified in the list of hazardous wastes and current standards) as

well as other hazardous wastes generated from that treatment and disposal process. In this case, the first treatment and disposal facility owner is treated as a hazardous waste generator for the hazardous waste transferred to the second treatment and disposal facility owner and shall carry out procedures for hazardous waste generator registration according to the provisions of Section 1, Part III and fulfill the responsibilities specified in Section 1, Part IV of this Circular. This secondary transfer of hazardous waste shall be conducted with a new set of contract and hazardous waste manifest.

b/ To transfer the hazardous waste part already treated and disposed of to the extent that it is no longer hazardous (according to the hazard threshold specified in the list of hazardous wastes and current standards) to units treating and disposing of ordinary waste (non-hazardous waste). In this transfer, the treatment and disposal facility owner is not treated as a hazardous waste generator.

3.8. To organize the implementation of the program on environmental supervision, operation supervision and appraisal of efficiency of hazardous waste treatment and disposal (on its own or with consultations provided by environmental consultancy units under contracts); and to send once every 6 (six) months a report on hazardous waste management, made according to the form set in Appendix 4 (C) to this Circular, to the licensing agency.

3.9. To submit to the inspection and examination by the central or local state agency in charge of environmental protection.

3.10. To archive for 5 (five) years all used hazardous waste manifests (the fourth original) and relevant dossiers and documents for explanation and supply to competent agencies when so requested.

3.11. To organize annual training courses for its managers and staff members according to the



training plan (made upon compilation of the practice registration dossier).

3.12. To organize the implementation of the plan on pollution control and environmental protection; the plan on labor safety and healthcare; the plan on prevention of and response to incidents (made upon compilation of the practice registration dossier).

3.13. To notify in writing the termination of its operation and return the hazardous waste management license to the licensing agency; and to complete the treatment and disposal of residual hazardous wastes and ensure the fulfillment of the plan on pollution control and environmental protection following the operation termination (made upon compilation of the practice registration dossier).

## **V. ORGANIZATION OF IMPLEMENTATION**

1. The Environmental Protection Department has the following responsibilities:

1.1. To grant, extend, adjust and withdraw hazardous waste management licenses according to its competence defined at Point 3.2, Section 3, Part I of this Circular. After granting, extending, adjusting or withdrawing licenses, it shall notify such to People's Committees of provinces where establishments of hazardous waste transporters or hazardous waste treatment and disposal facility owners are located.

1.2. To formulate and apply the "one-stop shop" mechanism to handling applications of organizations and individuals registering for hazardous waste management practice which fall under its competence from the stage of receiving applications and dossiers to the stage of notifying results through only one contact unit being the "dossier reception and result notification section." To intensify the notification and exchange of information with

organizations and individuals registering for hazardous waste management practice via the information network or emails in the course of receipt and examination of dossiers and grant of licenses so as to shorten the handling duration and reduce papers.

1.3. To coordinate with provincial/municipal Natural Resources and Environment Services in inspecting environmental protection and hazardous waste management activities of hazardous waste transporters and hazardous waste treatment and disposal facility owners with hazardous waste management licenses it grants.

1.4. To organize propaganda and training to raise public awareness about hazardous waste management and the provisions of this Circular throughout the country.

1.5. To coordinate with provincial/municipal Natural Resources and Environment Services in making annual statistics on total volume of hazardous wastes generated by the registered generators, and assessing and reporting on the hazardous waste management throughout the country to the Natural Resources and Environment Minister.

1.6. To function as Vietnam's authorized body for the Basel Convention to carry out procedures for exporting hazardous wastes in strict compliance with the Basel Convention.

1.7. To build a national information system and database on hazardous wastes; to organize and guide the registration of dossiers and declaration of hazardous waste manifests, and make online hazardous waste management reports.

**2. Provincial/municipal People's Committees or provincial/municipal Natural Resources and Environment Services authorized by provincial/municipal People's Committees have the following responsibilities:**

2.1. To grant, extend, adjust and withdraw hazardous waste management licenses according to their competence defined at Point 3.3, Section 3, Part I of this Circular.

2.2. To urge hazardous waste transporters and hazardous waste treatment and disposal facility owners having licenses granted before the effective date of this Circular to carry out procedures for adjusting those licenses or for granting new ones according to the relevant provisions of Points 2.8 and 2.9, Section 2 or Points 3.10 and of 3.11, Section 3, Part III of this Circular.

2.3. To apply the “one-stop shop” mechanism according to the provisions of the Prime Minister’s Decision No. 181/2003/QĐ-TTg of September 4, 2003, promulgating the Regulation on application of the “one-stop shop” mechanism at local state administrative agencies. To intensify the notification and exchange of information with organizations and individuals registering for hazardous waste management practice via the information network or emails in the course of receipt and examination of dossiers and grant of licenses so as to shorten the handling duration and reduce papers.

2.4. To notify the grant, extension, adjustment or withdrawal of hazardous waste management licenses to the Environmental Protection Department and People’s Committees of districts where establishments of hazardous waste transporters or hazardous waste treatment and disposal facility owners are located.

3. Provincial/municipal Natural Resources and Environment Services have the following responsibilities:

3.1. To grant and adjust hazardous waste generator registers according to their competence defined at Point 3.1, Section 3, Part I of this Circular. To urge hazardous waste generators already granted registers before the effective date of this Circular to carry out procedures for adjustment according to

relevant provisions of Point 1.7, Section 1, Part III of this Circular.

3.2. To apply the “one-stop shop” mechanism according to the provisions of the Prime Minister’s Decision No. 181/2003/QĐ-TTg of September 4, 2003, promulgating the Regulation on application of the “one-stop shop” mechanism at local state administrative agencies. To intensify the notification and exchange of information with organizations and individuals registering as hazardous waste generators via the information network or email in the course of receipt and examination of dossiers and grant of generator registers so as to shorten the handling duration and reduce papers.

3.3. To organize the inspection of environmental protection and hazardous waste management activities by hazardous waste generators, transporters and treatment and disposal facility owners within their respective localities. To detect and handle organizations and individuals generating hazardous wastes or engaged in hazardous waste transportation, treatment and disposal without registering hazardous waste generators or hazardous waste management licenses.

3.4. To conduct propaganda and training to raise public awareness about hazardous waste management and the provisions of this Circular in their respective localities.

3.5. To make annual statistics on total volume of hazardous wastes generated by the registered generators, and to assess and send reports on hazardous waste management in their respective localities, made according to the form set in Appendix 4 (D) to this Circular, to provincial/municipal People’s Committees and the Natural Resources and Environment Ministry.

3.6. To coordinate with one another in building information systems and databases on hazardous wastes; to organize the registration of hazardous waste generators and declaration of hazardous waste

manifests, and make online hazardous waste management reports in their respective localities.

4. The specialized environmental protection inspectorate shall perform the function of inspecting the hazardous waste management.

5. Assorted licenses for hazardous waste collection, transportation, storage, treatment and disposal equivalent to hazardous waste management licenses granted before the effective date of this Circular will be valid until June 30, 2007. Those licenses which cease to be valid between July 1, 2006, and June 30, 2007, will be extended to June 30, 2007. Organizations and individuals that own these licenses shall carry out procedures for registering adjustments or new hazardous waste management licenses according to the provisions of this Circular in order to avoid interrupted operation.

6. Difficulties or problems arising in the course of implementation of this Circular should be promptly reported by ministries, branches, localities, organizations and individuals to the Natural Resources and Environment Ministry for study and appropriate supplementation.

7. This Circular takes effect 15 days after its publication in "CONG BAO."

***For the Minister of Natural  
Resources and Environment  
Vice Minister  
PHAM KHOI NGUYEN***

*Note: All the appendices are not printed in this Circular.*