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MINISTRY OF PLANNING AND
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ECO-INDUSTRIAL PARKS VIET NAM

VIETNAMESE POLICY DOCUMENTS FOR SUPPORTING COMMUNITIES TO MONITOR ENVIRONMENTAL IMPACTS FROM INDUSTRIAL ZONES



INCLUSIVE AND SUSTAINABLE INDUSTRIAL DEVELOPMENT

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ACRONYMS

CECoD	Center for Environment and Community Development
DoNRE	Department of Natural Resources and Environment of Viet Nam
EIA	Environmental Impact Assessment
IZ	Industrial zones
KH-UBND	Plan of the Peoples' Committee
ND-CP	Decree of the Government
QĐ-TTg	Decision of the Prime Minister
QĐ-UBND	Decision - Peoples' Committee
SAR	Search and Rescue
TT-BCT	Circular of the Ministry of Finance
UBND-VP3	Peoples' Committee - Office No. 3
UNIDO	United Nations Industrial Development Organization

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**CENTRE FOR ENVIRONMENT AND
COMMUNITY DEVELOPMENT**

INTRODUCTION

Capacity building is one of the pillar activities of the project “Implementation of Eco – industrial park initiative for sustainable industrial zone in Vietnam”. In August 2018, UNIDO signed a contract with the CECOD, to implement the assignment “Capacity building in communities to respond to environmental accidents or disasters from industrial zones” with focus on raising awareness and strengthening capacity of Vietnamese communities. This assignment has three main components:

- 1) Review and analyze international and domestic experience on environmental accidents;
- 2) Assess capacity building needs and set-up trainings; and,
- 3) Knowledge dissemination.

In conjunction with component 1, this report’s general objective is to provide a comprehensive review of international and national experiences on prevention, preparedness and response to environmental accidents to ensure that all stakeholders are able to respond in a timely and effective manner.

The objective of this report is to review Vietnamese policy documents regarding the rights and tasks of communities in preventing and responding to environmental accidents/ disasters, as well as environmental protection. Relevant guidelines will be developed for training programs for selected target groups (under component 2).

This report will discuss:

- Mechanisms for communities to participate in decision-making regarding environmental protection in industrial zones (IZ);
- The role of communities to monitor environmental impacts and respond to accidents and disasters (including the roles of the different stakeholders); and,
- The role of communities in preventative activities to respond to accidents and disasters (including the roles of stakeholders).

The contents of this report are presented by the order from law- decree - Prime Minister Decision and circular, and data issued from the past to present.

1. THE MECHANISMS FOR COMMUNITY TO PARTICIPATE IN DECISIONS ON ENVIRONMENTAL PROTECTION IN INDUSTRIAL ZONES

1.1. Law on Chemicals (2007, integrated in 2018)

Article 57. Rights and obligations of organizations and individuals in the protection of the environment and safety for the community

Clause 1: Organizations and individuals in localities where chemical facilities exist have the following rights:

- d) To give opinions on environmental protection measures and chemical accident prevention and response plans of investment projects on the building of hazardous chemical production or storage establishments in their localities.

1.2. Law on Environmental Protection (2014)

Article 21. Consultation to be required in the process of the strategic environment assessment

Clause 2: Project owners are obliged to consult with regulatory agencies, organizations and communities directly impacted by the project.

Clause 3: Projects that do not require the consultation include:

- Those in conformity with the planning for concentrated manufacturing, trading and service provision areas under the approval of the report on environmental impact assessment (EIA) at the infrastructural construction stage for the project.

Article 144. Responsibilities and rights of Vietnam Fatherland Front

Clause 2: Vietnam Fatherland Front provides advice and observations on the implementation of policies and laws on environmental protection, according to the law. State management agencies of all levels are responsible for creating favorable conditions for Vietnam Fatherland Front to take part in environmental protection.

Article 145. Responsibilities and rights of socio-political organizations, socio-occupational organizations

Clause 2: Socio-political organizations, socio-occupational organizations have the following rights:

- a) To be granted access to and the right to ask for information on environmental protection in accordance with the law;
- b) Consult about projects in relation to its functions, duties and authorities;

- c) Consult and respond about environmental protection to concerned state management agencies and owners of production, business and service entities in accordance with the law;
- d) Engage in activities of investigation into environmental protection at production, business and service entities in relation to its functions, duties and authorities; and
- d) Submit petitions to competent authorities for handling violations of the law on environmental protection.

1.3. Decree No. 18/2015/ND-CP dated 14 February 2015 regulating environmental protection planning, strategic environmental assessment, EIA and environmental protection planning

Article 12. Implementation of EIA

Clause 4: The project owner should consult with the People's Committee of communes, wards and towns (hereinafter referred to as communes). The project owner should consult with organizations or the community located in proximity to direct impacts of the project. The project owner should research and receive objective opinions and reasonable requests of relevant entities in order to minimize the negative effects of the project on the natural environment, biodiversity and community health.

Clause 6: The project owner should conduct a consultation in the form of a community meeting with the community under the direct impact of the project. The meeting should be co-chaired by the project owner and the People's Committee of the communes where the project is carried out. The Vietnamese Fatherland Front should have representatives in participation. The People's Committee of communes should convene socio-political organizations, socio-professional organizations, neighborhoods, and villages as well. All opinions of delegates attending the meeting must be accurately recorded in the meeting minutes.

1.4. Decree No. 19/2015/NĐ-CP dated on 14 February 2015 detailing the implementation of a number of articles of the law on environmental protection.

Article 52. Consultation and supervision of residential community on the environment

Clause 1: The following state guidelines and policies required consultation and supervision of the residential community on the environment before making a decision:

- a) Developing strategies, plans, programs and schemes of environmental protection at national, regional, inter-regional and provincial level;
- b) Developing legal normative documents on the environment; and
- c) Establishing environmental indicators in social-economic development strategies, and plans at national, regional, inter-regional and provincial level.

Clause 2: Before deciding the guidelines and policies specified in Clause 1 of this Article, the competent state management authorities must consult the residential community about the environment by publicizing the draft documents on their websites or by mass media.

Clause 3: The state management authorities on natural resources and environment shall receive and process

the environmental consultation opinions of the residential community. The state must provide feedback to the community on accepting or rejecting the environmental consultation opinions of the residential community through the forms specified in Clause 2, Article 51 of this Decree (Article 51, Clause 2).

One of the following forms should provide the environmental information:

- i. Printed materials, publications and other products addressing these issues are widely announced on mass media;
- ii. Posted on official websites of the state management authorities on natural resources and environment, the owner of projects or the services, and the business and production facilities;
- iii. Publicly posted at the services, business and production facilities and office of People's Committee of the communes;
- iv. Organization of press conference for public announcement;
- v. Hold a meeting for information dissemination to the residential community; and
- vi. Other forms under regulations of law.).



2. THE ROLE OF COMMUNITY ON MONITORING ENVIRONMENTAL IMPACTS AND IN RESPONDING TO ACCIDENTS AND DISASTERS (INCLUDING THE ROLE OF STAKEHOLDERS)

2.1. The Law on Fire safety and firefighting (2001) and the Law on amendments to the Law on Fire safety and firefighting (2013)

Article 5. Responsibilities for fire prevention and fighting

Clause 3: Heads of agencies or organizations within their duties and power shall:

- c) Implement, inspect and supervise the compliance with regulations on fire prevention and fighting.

Article 7. Responsibility of Vietnam Fatherland Front and its member organizations

Vietnam Fatherland Front and its member organizations shall have to organize and coordinate with the functional agencies in propagating and encouraging all people to implement and supervise the provisions of this law.

Article 59. Fire prevention and fighting inspectorate

Clause 2: The fire prevention and fighting inspectorate shall have the following tasks and powers:

- a) Organizing the inspection of the observance of law provisions on fire prevention and fighting;
- b) Requesting the inspected subjects to supply relevant documents and reply on matters necessary for inspection; and
- c) To handle violations of the legislation on fire prevention and fighting according to their competence.

2.2. Law on natural disaster prevention and control (2013)

Article 42. State management responsibility of the Government, ministries and ministerial-level agencies

Clause 3: The Ministry of Natural Resources and Environment has the following responsibilities:

- d) To check, inspect, settle complaints and denunciations, and handle violations of the law on natural disaster prevention and control according to its competence.

Clause 8: The Ministry of Industry and Trade has the following responsibilities:

- d) To examine, inspect, settle complaints and denunciations, and handle violations of the law on natural disaster prevention and control according to its competence.

Article 43. Responsibilities of People’s Committees at all levels

Clause 1: Provincial- and district-level People’s Committees have the following responsibilities:

- l) To examine, inspect, settle complaints and denunciations, and handle violations of the law on natural disaster prevention and control according to its competence.

2.3. Law on Environmental Protection (2014)

Article 66. Environmental protection in industrial parks, export-processing zones, and hi-tech zones

Clause 1: Management boards of industrial parks, export-processing zones, and hi-tech zones shall cooperate with local regulatory bodies in inspecting environmental protection tasks and report the environmental protection tasks in their industrial parks, export-processing zones, and hi-tech zones as prescribed by law.

Article 144. Responsibilities and rights of Vietnam Fatherland Front

Clause 2: Vietnam Fatherland Front shall provide advice, respond and observe the implementation of policies, law on environmental protection according to the law.

Article 145. Responsibilities and rights of socio-political organizations, socio-occupational organizations

Clause 2: Socio-political organizations, socio-occupational organizations shall take the following responsibilities:

- d) Engaging in activities of investigation into environmental protection at production, business and service entities in relation to its functions, duties and authorities.

Article 146. Rights and obligations of local communities

Clause 1: Representatives of local communities in the area under environmental effects of the production, business and service entities have the right to ask the owners of those production, business and service entities to provide information on environmental protection. This information can be through direct dialogs or in writing; an organized practical enquiry into environmental protection tasks by production, business and service entities; or collected and supplied information to competent agencies responsible for disseminating.

Clause 2: Representatives of the residential community in the area under environmental effects of production, business and service entities have the right to ask the relevant state management agencies to supply results of investigation, inspection and handling of the entities.

Clause 3: Representatives of the residential community have the right to take part in the evaluation of environmental protection tasks by production, business and service entities, as well as implementing all the measures to protect rights and interests of the residential community in accordance with the law.

Article 159. Responsibilities for organizing and directing the investigation and inspection of environmental protection tasks

Clause 1: The Minister of Natural Resources and Environment shall organize and direct the investigation and inspection of environmental protection in accordance with the law on a national scale.

Clause 3: Chairpersons of the Provincial People’s Committees shall organize and direct the investigation and inspection of environmental protection in accordance with the law in the commune.

2.4. Decree No. 19/2015/ND-CP dated 14 February 2015 of the Government detailing the implementation of a number of articles of the Law on Environmental Protection (2014).

Article 51. Providing environmental information for the residential community

Clause 1: The environmental information should be periodically provided to the residential community at least once a year and include:

- c) List of facilities causing severe environmental pollution; areas with severely polluted or degraded environment; areas prone to environmental accidents made; and be publicized by the state management authorities on natural resources and environment.

2.5. Decree No. 30/2017/ND-CP dated 21 March 2017 of the Government regulating the organization and operation of accident response, disaster and search and rescue (SAR).

Article 28. Responsibilities of the National Search and Rescue Committee

Clause 8: Assist the Prime Minister in examination, summary and commendation for accident response, search and rescue.

Article 29. Responsibilities of central regulatory authorities

Clause 17: Every central regulatory authority shall:

- d) Cooperate with the National Search and Rescue Committee in inspection, examination and summary of accident response, search and rescue.

Article 30. Responsibilities of People's Committees at all levels

Clause 8: Provide instructions and conduct inspections, examinations, summaries and commendations for accident response, search and rescue in the locality.

2.6. Decree No. 83/2017/ND-CP dated 18 July 2017 of the Government stipulating the rescue and salvage work of the fire prevention and fighting forces

Article 12. Examination of requirements for ensuring the safety of rescue

Clause 1: Chairpersons of People's Committees of communes, heads of agencies, organizations and establishments shall, within the ambit of their tasks and powers, conduct periodic or irregularly self-examination on their conditions for ensuring safety on fire, explosion, accidents, other accident situations and their conditions, methods, measures and plans for rescue.

Clause 2: The Fire and Rescue Police Agencies shall, within the ambit of their tasks and powers and according to this Decree, conduct periodic or irregular examination on the conditions for ensuring safety on fire, explosion, accidents, other accident situations and the conditions, methods, measures and plans for rescue of the subjects under management.

2.7. Decree No. 113/2017/ND-CP dated 9 October 2017 of the Government specifying and providing guidelines for implementation of certain articles of the Law on Chemicals

Article 20. Plans for prevention of and response to chemical accidents

Clause 9: Responsibilities of relevant ministries

- c) Develop and carry out periodic or irregularly inspection plans, as necessary, on compliance with regulations on chemical accident prevention, response plans by organizations, individuals under their management.

Clause 10: Responsibilities of provincial authorities

- a) Carry out inspections, supervision, monitoring of the compliance with regulations on chemical accident prevention, response plans by organizations, and individuals under their management.

Article 21. Measures for prevention of and response to chemical accidents

Clause 4: Responsibilities of provincial authorities

- a) Carry out inspections, supervision, monitoring of the compliance with regulations on chemical accident prevention, response measures by organizations, individuals under their management.

Clause 5: Responsibilities of relevant ministries

- b) Develop and carry out periodic or irregularly inspection plans, as necessary, on compliance with regulations on chemical accident prevention, response measures by organizations, and individuals under their management.

2.8. Decision No. 02/2013/QĐ-TTg of the Prime Minister promulgating the Regulation on oil spill accident response

Article 10. Organizing the implementation of oil spill accident response plans at all levels

Clause 2: Provincial-level People's Committees shall inspect establishment's implementation of oil spill accident response plans of establishments and projects under their respective management.

Clause 4: Regional Oil Spill Accident Response Centers coordinate with local authorities to inspect the implementation of the Oil Spill Accident Response Plan of local facilities in the area.

2.9. Decision No. 26/2016/QĐ-TTg of 1 July 2016 of the Prime Minister promulgating the Regulation on activities to respond to toxic chemical accidents

Article 8. Organization of implementation of chemical accident response plans

Clause 2: Provincial-level People's Committees shall implement approved provincial-level plans on response to chemical accidents and inspect the implementation prevention and response of chemical accident plans of establishments under their respective management.

Clause 3: Chemical accident response forces shall implement the approved chemical accident response plan and coordinate with the local authorities in inspecting the implementation of the chemical accident response plan of local establishments in the region.

2.10. Decision No. 15/2018/QĐ-TTg dated 12 March 2018 of the Prime Minister regulating the functions, missions, powers and organizational structure of Vietnam Environment Administration under the Ministry of Natural Resources and Environment.

Article 2. Tasks and powers

Clause 3: To guide, examine and organize the implementation of legal documents, mechanisms, policies, strategies, plans, programs, schemes, projects and tasks under their respective management of Vietnam Environment Administration.

Clause 7: In terms of control of pollution sources from production, business and service activities;

g) To guide and inspect the prevention and response to environmental accidents according to the provisions of laws.

Clause 12: In terms of monitoring and management of monitoring data, and the state of the environment reporting;

a) To guide, inspect, monitor and synthesize environmental monitoring programs nationwide;

g) To guide, inspect, monitor and summary reporting the state of the environment, thematic reports on the environment nationwide.

2.11. Circular No. 35/2015/TT-BTNMT dated 30 June 2015 of the Ministry of Natural Resources and Environment on environmental protection in economic zones, industrial parks, export processing zones and hi-tech parks

Article 14. Responsibilities of economic zones' and industrial parks' Management Board

Clause 3: To guide and inspect the constructing and trading infrastructure of industrial parks' investors, and production, business and service establishments operating in the economic zones or industrial parks under its management in implementing environmental protection regulations.

To detect and promptly report violations of the environmental protection law to competent state management agencies for settlement and handling. To mobilize forces to respond to and remedy environmental accidents occurring in the economic zones or industrial parks.

2.12. Circular No. 32/2017/TT-BCT dated 28 December 2017 of the Ministry of Industry and Trade specifying and guiding the implementation of a number of articles of the Law on Chemicals. Decree No. 113/2017/ND-CP of 9 September and October 2017 of the Government detailing and guiding the implementation of a number of articles of the Law on Chemicals

Article 10. Responsibilities of functional departments, Agencies under the Ministry of Industry and Trade, Provincial Department of Industry and Trade and Market Management authorities

Clause 1: The Vietnam Chemicals Agency shall act as the focal point to manage chemical-related activities on behalf of the Ministry of Industry and Trade.

d) Carrying out inspections, examinations, settling complaints and taking actions against violations of chemical-related activities within their power.

Clause 5: Provincial Departments of Industry and Trade shall:

d) Carrying out inspections, examinations, settling complaints and taking actions against violations of chemical-related activities.

d) Supervise compliance with regulations on chemical production/trade requirements, plans and measures for prevention and response to chemical accidents, and provide training courses in chemical safety at the entities having chemical-related activities in the area.



3. THE ROLE OF THE COMMUNITY IN PREVENTION AND RESPONSE TO ENVIRONMENTAL AND NATURAL ACCIDENTS (INCLUDING THE ROLE OF THE PARTIES)

3.1. Law on Chemicals (2007, integrated in 2018)

Article 36. Prevention of chemical accidents

Clause 2: Investors of projects related to chemicals outside the list specified in Clause 1, Article 38, of this Law shall work out chemical accident prevention and response measures suitable to the production scope, conditions, and properties of chemicals.

Clause 4: Investors of projects related to chemicals on the list specified in Clause 1, Article 38, of this Law shall elaborate chemical accident prevention and response plans and submit them to competent state management agencies for approval and may only commence their projects after these plans are approved. In case of expanding or changing the scope of operation, they shall amend and supplement their chemical accident prevention, and response plans, and submit them to competent agencies for approval.

Article 42. Responsibilities for coordination in chemical accident prevention and response

Clause 1: Organizations and individuals engaged in chemical-related activities concerning chemicals on the list specified in Clause 1, Article 38. This Law shall supply Peoples Committees at various levels and local fire brigades with information specified in Clauses 3, 4 and 5, Article 39, of this Law. Clause 3 of Article 39 forecasts about circumstances leading to chemical accidents and preventive measures.

Clause 4: Capacity for responding to chemical accidents shall include equipment devices, ‘manpower’ plans on coordination with local forces and plans for evacuating people and properties.

Clause 5: Plans for remedying the consequences of chemical accidents in accordance with the law on environmental protection and other relevant laws. Plans for coordinating responses to chemical accidents. For chemical facilities located in industrial parks, export-processing zones or economic zones, they must also supply such information to the management boards of the industrial parks, export-processing zones or economic zones.

Clause 2: Upon occurrence of chemical accidents, organizations and individuals engaged in chemical-related activities shall promptly apply chemical accident prevention, response measures or plans.

Organizations and individuals should promptly report the accident to the nearest fire brigades, concerned agencies and units and local authorities for coordination in responding to chemical accidents.

Clause 3: Upon occurrence of serious chemical accidents, the responsibilities for coordination in accident response are prescribed, as the following:

- b) Peoples Committees of communes, wards or townships where the accident occurs shall mobilize local forces, take other necessary measures and - at the same time - notify the accidents to the Peoples Committees of districts, provincial capitals or cities for arranging forces to implement response measures, rescue or evacuate people and properties. Peoples Committees of communes, wards or townships shall immediately report the cases to the presidents of the provincial-level Peoples Committees; and Article 1, Clause 2, Law 2013.
- c) Presidents of provincial-level Peoples Committees shall direct the response to and remedying of chemical accidents.
- d) Line ministries and the Ministry of Industry and Trade shall promptly coordinate with the provincial-level Peoples Committees of the localities where the accidents occur in responding to and remedying chemical accidents.
- e) Presidents of provincial-level Peoples Committees of localities where chemical accidents occur shall immediately notify the National Search and Rescue Committee and concerned agencies for coordination in handling these accidents in accordance with law.

Article 56. Responsibilities for protection of the environment and safety for the community

Organizations and individuals engaged or involved in chemical-related activities shall strictly abide by the chemical safety provisions in this law, the laws on environmental protection, protection of peoples health and labor safety and other relevant laws.

Article 57. Rights and obligations of organizations and individuals in the protection of the environment and safety for the community

Clause 1: Organizations and individuals in localities where chemical facilities exist have the following rights:

- a) To be supplied with information related to the facilities chemical safety.
- b) To request the application of measures to protect the environment and community health.
- c) To be compensated for damages to health, life or properties caused by chemical-related activities, as prescribed by law.
- d) To propose competent state agencies to terminate the operation of organizations and individuals that violate legal provisions on chemical safety.
- d) To provide opinions on environmental protection measures, chemical accident prevention and response plans of investment projects on building of hazardous chemical production or storage establishments in their localities.

Clause 2: Organizations and individuals in localities where chemical facilities exist have the following obligations:

- a) To promptly report to competent state agencies any violations of the law on chemical safety upon detection.
- b) To create favorable conditions for concerned agencies and organizations to remedy chemical accidents.

3.2. Law on fire prevention and fighting (2001) and Law on amending and supplementing some articles of Law on fire prevention and fighting (2013)

Article 5. Law 2001 and Article 1, Clause 2, Law 2013. Responsibilities for fire prevention and fighting

Clause 3: Heads of agencies or organizations within their duties and power shall:

- a) Propagate and disseminate knowledge about the fire prevention and firefighting; develop the all-people movement participating in fire prevention and firefighting; and plan and maintain the activities of team of fire prevention and fighting, as prescribed by law.
- b) To promulgate the rules and measures on fire prevention and fire fighting.
- d) Ensure the proper use of funding for the activities of fire prevention and fire fighting. Heads of organizations should equip, maintain the activities and means of fire prevention and fire fighting. They should formulate, prepare the conditions for firefighting, and practice a fire-fighting plan. They should ensure the conditions for professional training of fire prevention, firefighting and impede potential consequences caused by a fire.
- d) Perform other duties on fire prevention and fighting, as prescribed by law.

Clause 3a: Family holders shall:

- a) Urge and remind family members to comply with regulations on fire prevention and fire fighting.
- b) Regularly inspect, detect and promptly remedy the risk of fire or explosion.
- c) Coordinate with other organizations, agencies and family households in ensuring the conditions for fire prevention and fire fighting. Family holder should safely use and strictly control the use of flammable or explosive substances.

Clause 3b: The individuals shall:

- a) Comply with regulations, rules and requirements on fire prevention and firefighting of the competent persons or authority.
- b) Comply with the law and educate themselves about fire prevention and firefighting, as well as know how to use common tools and means of fire prevention and fire fighting.
- c) Ensure safety against fire or heat during fire prevention or firefighting. Ensure safety of equipment and tools exposed to the fire or heat and preserve the use of flammable materials.
- d) Prevent the risk of direct fire generation and violation of fire prevent and firefighting regulations.
- d) Comply with other regulations related to personal responsibility according to this Law.

Article 6. Law 2001 and Article 1, Clause 3, Law 2013. Responsibility for propagation, popularization and education on fire prevention and fighting

Clause 1: Information and propaganda agencies should organize the regular and widespread propagation and popularization of fire prevention and firefighting legislation and knowledge to all people.

Clause 2: Agencies, organizations and family households are responsible for organizing and implementing the propagation and dissemination of knowledge and skills of fire prevention and fire fighting.

Clause 2a: The state management authorities in education and training within their duties and power should integrate the knowledge and skills of fire prevention and firefighting into the curriculum courses and extracurricular activities in schools and other educational facilities in conformity with each discipline and educational level.

Article 21. Fire prevention for exclusive economic zones, industrial parks, export processing zones and hi-tech parks

Clause 1: The industrial parks, export processing zones and high-tech parks must have the fire prevention and fighting plans for the entire area. Industrial parks should develop and maintain the operation of technical infrastructure of fire prevention and fire fighting. To have a consistent plan for fire prevention and firefighting, industrial park should form forces with the means of fire prevention and fire fighting.

Clause 2: The facilities operating in industrial parks, export processing zones and high-tech parks must have the fire prevention and fighting plan for their facilities and form their teams of grassroots fire prevention and fire fighting.

Article 32. Information on fire alarms and fire fighting

Clause 1: Information on fire alarms is available by command or by phone.

- a) The specific telephone number for a fire alarm in the country is 114. The means of communication must be prioritized for the fire alarm and firefighting.

Article 39. Responsibility to handle big fires and fires that may cause serious damage

Clause 1: The presidents of commune-level People's Committees, the heads of the agencies or organizations where fire occurs, shall have to direct and command the fire fighting. They must ensure conditions are quickly reported in cases beyond their competence to the presidents of the People's Committees of rural districts, urban districts, provincial towns or cities or to the heads of the superior agencies for direction of the settlement. In necessary cases, they must report to the presidents of the People's Committees of the provinces or centrally run cities, as well as to the presidents of the People's Committees of rural districts, urban districts, and provincial towns or cities.

Clause 2: In cases where the handling goes beyond the local administration's jurisdiction, the Minister of Public Security shall have to assume the prime responsibility and coordinate with the ministries, ministerial-level agencies, agencies attached to the Government and People's Committees of the concerned provinces or centrally run cities in directing the settlement.

Clause 3: In particularly serious cases, the Minister of Public Security shall report them to the Prime Minister for decision.

Article 40. Overcoming of fire consequences

Clause 1: The overcoming of fire consequences includes the following jobs:

- a) Providing first aid to victims; providing relief and assistance for people suffering from fire-related damages to stabilize their life.
- b) Applying measures to ensure environmental hygiene, social order and safety.
- c) Quickly restoring production, business, service and other activities.

Clause 2: The presidents of commune- or higher-level People's Committees, the heads of agencies and organizations with establishments damaged by the fire will need to organize the implementation of the provisions in Clause 1 of this Article 40.

Article 46a. Volunteering for fire prevention and fire fighting

Clause 1: Communal-level People's Committee, head of facilities and police forces of fire prevention and firefighting are responsible for the facilitation, encouragement and participation of organizations and individuals to volunteer in fire prevention and fire fighting.

Clause 2: The persons who voluntarily participate in fire prevention and fighting will be added to the local militia team or the grassroots fire prevention and fighting team.

Article 48. Functions and tasks of the fire prevention and firefighting police force

Clause 2: Organizing the propagation and dissemination of law to help guide and mobilize the entire population to participate in fire prevention and firefighting activities. Task also include to train and foster professional skills and knowledge on fire prevention and fire fighting.

3.3. Law on natural disaster prevention and control (2013)

Article 22. Natural disaster response plans

Clause 4: The responsibility to guide, formulate and approve natural disaster response plans is the following:

- b) Heads of agencies or organizations shall organize the formulation of, and approval of their own natural disaster response plans. Heads of agencies or organizations should send their natural disaster response plans to the related local People's Committees and their superior agencies for coordinated direction of implementation.

Article 27. Responsibilities for natural disaster response

Clause 4: Based on forecasts, warnings, levels and progression of natural disasters, the direction and command is under the Central Steering Committee for Natural Disaster Prevention and Control, the National Committee for Search and Rescue and superior commanding committees for natural disaster prevention and control. Search and rescue is within the scope of their tasks and powers, as well as the local People's Committees and commanding committees for natural disaster prevention and control for search and rescue. These entities shall:

- a) Decide to select response plans and measures, as well as organize response activities suitable to the developments of natural disasters and local practical conditions.
- b) The direct functional agencies should summarize and promptly report on damages caused by natural disasters and take responsibility for the accuracy of information and data on the damages.
- c) Report cases that fall beyond their capacity to superior People's Committees or agencies in charge of directing and commanding natural disaster prevention and control.

Clause 6: Organizations, households and individuals should take initiative in taking natural disaster response measures and participate in natural disaster response, as mobilized by competent agencies.



Article 29. Search and rescue activities in natural disaster response

Clause 2: The search and rescue responsibilities are the following:

- a) Organizations and individuals should take initiative, participate in search and rescue activities, as mobilized by competent agencies.
- b) Local People's Committees and commanding committees for natural disaster prevention and control and search and rescue at all levels, should take initiative in organizing search and rescue activities in localities. They should report cases that fall beyond their capacity, to the superior People's Committees and commanding committees for natural disaster prevention, control as well as search and rescue, or to the Central Steering Committee for Natural Disaster Prevention, Control, and the National Committee for Search and Rescue for support.

Article 35. Rights and obligations of economic organizations

Clause 2: Economic organizations have the following obligations:

- a) To take the initiative in building and protecting their works and physical foundations to assure safety for their production and business activities during natural disasters.
- b) To elaborate and implement natural disaster prevention and control plans.
- c) To apply national technical regulations on safety against natural disaster risks in building works, and to observe regulations on protection of natural disaster prevention and control works.
- d) To participate in programs on communication, information and education about natural disaster prevention and control; to improve knowledge about natural disaster prevention and control; to organize trainings and drills in natural disaster prevention and control skills under plans of ministries, ministerial-level agencies, government-attached agencies and localities.
- đ) To comply with instructions and commands of competent agencies and persons in taking natural disaster prevention and control measures.
- e) To obey orders on urgent mobilization of ‘manpower’, supplies, means, equipment and essentials in response to accident circumstances.
- g) To take the initiative in conducting environmental sanitation, epidemic and disease prevention and control in natural disaster-hit areas under their management.
- h) To participate within their capacity in search, rescue, accident assistance and remediation of consequences of natural disasters in their localities.
- i) To contribute to the natural disaster prevention and control fund under the regulations of the Government.

3.4. Law on Environmental Protection (2014)

Article 33. Responsibility assumed by the project owner and owner of manufacturing or business establishment upon completion of certification of the environmental protection plan

Clause 2: Where an environmental accident occurs, all operations must be suspended, take remedial measures and promptly notify the following entities: the communal or People’s Committee of a commune or district where the project is executed, or the environmental protection agency affiliated to the provincial People’s Committee, as well as other relevant competent agencies.

Article 34. Responsibility of the agency in charge of certifying the environmental protection plan

Clause 3: Cooperate with project owners and owners of manufacturing or business establishments, and any relevant entity in settling environmental accidents that take place during the implementation of projects and alternatives for production, trading and service provision.

Article 60. Management of land environmental quality

Clause 5: The regulatory agency in charge of the environmental protection must be responsible for investigating, assessing and disclosing relevant information about the land environmental quality.

Article 63. Management of aerial environment quality

The regulatory agency in charge of the environmental protection shall take their responsibility for monitoring and assessing the quality of aerial environment, as well as disclose relevant information. For example, where air pollution is detected, a prompt alert and solution must be in place.

Article 66. Environmental protection in industrial parks, export-processing zones, and hi-tech zones

Clause 2: Management boards of industrial parks, export-processing zones, and hi-tech zones must have units specialized in environmental protection.

Clause 3: Investors in industrial parks, export-processing zones, and hi-tech zones must satisfy the requirements below:

- b) The concentrated wastewater collection and treatment system are conformable with environmental regulations. There is an automatic and continuous wastewater monitoring system, as well as wastewater flow-rate meters.
- c) The appropriate units are assigned to take charge of environmental protection tasks.

Article 108. Preventing environmental accidents

Clause 1: Owners of manufacturing establishments, business establishments or vehicles at risk of causing environmental accidents shall take the following measures:

- a) Make plans for preventing and responding to environmental accidents.
- b) Install equipment and devices serving response to environmental accidents.
- c) Provide training for intramural environmental accident response teams.
- d) Carry out regular inspections and implement safety measures, as prescribed by the law.
- d) Take measures to eliminate the causes of environmental accidents when finding any sign of environmental accidents.

Clause 2: Ministries, ministerial agencies, the People's Committees, within the area of their competence, are responsible for the following:

- a) Investigating, making statistics and assessing the risks of various types of environmental accidents, which may occur nationwide, in each region or locality.
- b) Making plans for environmental accident prevention, warnings, and responses.
- c) Making periodic and 5-year plans for environmental accident prevention and responses.

Article 109. Environmental accident response

Clause 1: Responsibility for environmental accident response:

- a) Any entity that causes an environmental accident shall take accident measures to ensure the safety of people and property. They must first rescue people and property, and then notify the local government or a local agency specialized in environmental protection.
- b) The head of the establishment and administrative division where the environmental accident occurs shall promptly mobilize forces, equipment and vehicles to accident responses.
- c) If an environmental accident occurs at multiple establishments or administrative divisions, the heads of these establishments and administrative divisions shall cooperate with each other in their accident response.

d) If the situation is beyond their capability, the heads shall request the superior agency to mobilize forces from other establishments or administrative divisions to respond to the environmental accident measures the requested establishments or administrative divisions shall implement the accident response measures within their competence.

Clause 2: Response to particularly serious environmental accidents should be implemented in accordance with regulations of the law on State of emergencies.

Article 110. Developing environmental emergency response forces

Clause 1: Manufacturing and business establishments shall improve their ability to prevent and respond to environmental accidents.

Clause 2: The State shall develop environmental accident response forces and environmental accident warning systems.

Clause 3: Investment in accident response services is encouraged.

Article 112. Responsibility for environmental remediation

Clause 1: Any entity that causes an environmental accident is obliged to:

- a) Comply with the requests of environment authorities during the investigations to determine the pollution scale, levels, and remedial measures.
- b) Immediately, take measures to prevent the pollution sources, stop the pollution from spreading and affecting local people's health.
- c) Take measures for pollution reduction environmental remediation at the request of environment authorities.
- d) Pay damages in accordance with this law and relevant regulations.
- d) Submit reports on environmental accident response and environmental remediation to the competent environment authorities.

Clause 2: If the environmental accident is caused by multiple entities and they fail to reach an agreement on responsibility, the environment authority shall cooperate with relevant entities to attribute responsibility for pollution reduction and environmental remediation of each entity.

Clause 3: If the environmental accident is caused by a natural disaster or an unknown cause, competent authorities shall mobilize forces to carry out pollution reduction and environmental remediation.

Clause 4: If an environmental accident occurs in multiple provinces, the Prime Minister shall direct the pollution reduction and environmental remediation.

3.5. Law on occupational safety and hygiene (2015)

Article 78. Plan for emergency rescue

Clause 1: According to the hazards of occupational accidents or occupational diseases at the workplace and regulations of the law, the employer shall formulate a plan for emergency rescue at the workplace.

Article 79. Establishment of rescue forces

Clause 3: The Minister of Health shall provide guidance on establishment, equipment and training for first aid and emergency aid force at the workplace.

3.6. Decree No. 66/2014/ND-CP dated 4 July 2014 of the Government detailing and guiding the implementation of a number of articles of the Law on Natural Disaster Prevention and Control

Article 18. Organizational structure and tasks of the Central Steering Committee for Natural Disaster Prevention and Control

Clause 4: Tasks of the Central Steering Committee for Natural Disaster Prevention and Control:

- b) To guide the formulation of plans on response to natural disasters.
- c) To direct and coordinate the response and the remediation of consequences of natural disasters nationwide. To direct the response of natural disasters at levels 3 and 4, and to coordinate and support localities in responding to natural disasters of levels 1 and 2.
- d) To decide on urgent measures, and mobilize resources of ministries, ministerial-level agencies, government-attached agencies, organizations and individuals, to respond and remedy consequences of natural disasters, in accordance with the Law on Natural Disaster Prevention and Control and this Decree No. 66/2014.
- đ) To direct the entity responsible for providing statistics on damages and needs for relief of localities, ministries, ministerial-level agencies and government-attached agencies, and propose to the Government or the Prime Minister for a decision on measures and resources for remediation of consequences of natural disasters nationwide.
- e) To check and urge ministries, sectors and localities to carrying out natural disaster prevention and control activities.

Article 19. Organization and tasks of commanding committees for natural disaster prevention and control and search and rescue of ministries, ministerial-level agencies and government-attached agencies

Clause 2: Tasks of a ministerial-level commanding committee for natural disaster prevention and control and search and rescue are the following:

- a) To advise and assist the minister in conducting natural disaster prevention and control and search and rescue under their management.
- b) To coordinate with other ministries, ministerial-level agencies and localities in discharging natural disaster prevention and control and search and rescue tasks nationwide, under the direction of the Prime Minister, the Central Steering Committee for Natural Disaster Prevention and Control and the National Committee for Search and Rescue.
- c) To decide on urgent measures and mobilize resources for response and remediation of consequences of natural disasters and search and rescue, under the management of the competent ministry for its support of localities.

Article 20. Organization and tasks of provincial-level commanding committees for natural disaster prevention and control and search and rescue

Clause 4: Tasks of a provincial-level commanding committee for natural disaster prevention and control and search and rescue are the following:

- b) To formulate and approve plans and projects on response to natural disasters.

- c) To command the response and search and rescue in the event of a natural disaster in the locality.
- d) To check and urge provincial-level departments and local agencies to discharge natural disaster prevention and control tasks.

3.7. Decree No. 79/2014/ND-CP of 31 July 2014 detailing the implementation of a number of articles of the Law on Fire Prevention and Fighting and the Law Amending and Supplementing a Number of Articles of the Law on Fire Prevention and Fighting

Article 32. Organization and management of civil-defense forces and grassroots and specialized fire prevention and fighting forces

Clause 2: Owners of infrastructure in industrial parks, export processing zones and hi-tech parks shall have to set up and directly maintain the operation of grassroots fire prevention and fighting teams operating on a full-time basis.

3.8. Decree No. 19/2015/ND-CP dated 14 February 2015 detailing the implementation of a number of articles of the Law on Environmental Protection (2014)

Article 12. Control of environmental pollution of land in production, business and service establishments

Clause 1: Production, trading and service establishments shall have to apply measures to strictly monitor and supervise the stages and areas where the elements of environmental pollution may occur. Production, trading and service establishments shall promptly detect, isolate and handle elements likely to cause environmental pollution when there are signs of pollution. Production, trading and service establishments shall elaborate and implement plans on prevention and response to environmental accidents according to the provisions of the law.

3.9. Decree No. 38/2015/ND-CP dated 24 April 2015 of the Government on the management of waste and discarded materials

Article 22. Responsibilities and powers of daily-life solid waste treaters

Clause 1: Responsibilities of daily-life solid waste treaters:

- d) Take emergency measures to ensure the safety of persons and property; rescue persons, property and promptly inform to investors, local governments or specialized agencies in environmental protection (where the pollution or environmental accidents occurred) for cooperation in response upon detection of environmental accidents;

3.10. Decree 30/2017/NĐ-CP dated 21 March 2017 stipulating the regulation on response to accident, natural disaster and search and rescue.

Article 11. Preparation of accident response and SAR plans

Clause 1: Agencies, organizations and local authorities shall actively prepare an accident response and SAR plan, and annually adjust to suit the reality.

Article 13. Emergency response and SAR

Clause 1: When there are forecasts, warnings, alarms, announcements or occurrence accidents, and natural disasters, the heads of the ministries, branches and the People's Committees at all levels should organize and maintain activities of the Standing Committee for Natural Disaster Prevention and Control and Search and Rescue at all levels under decisions of competent authorities stipulated in this Decree.

Clause 2b: The Fire and Rescue Police Department that provides advice for the People's Committees at the same level shall establish a command station to respond to conflagration of high-rise buildings, urban complexes, industrial parks and residential areas.

Article 30. Responsibilities of People's Committees at all levels

Clause 2: Mobilize officers and citizens to participate in accident response and SAR.

Clause 3: Develop and approve accident response and SAR plans, implement such plans and mobilize resources from local organizations and authorities for the purpose of accident response and SAR, upon the request of the superior standing SAR authorities.

Clause 4: Provide instructions on mobilization of accident response teams, trainings and rehearsals.

Clause 5: Directly affiliate forces to apply accident response and SAR measures in order to protect people and their property.

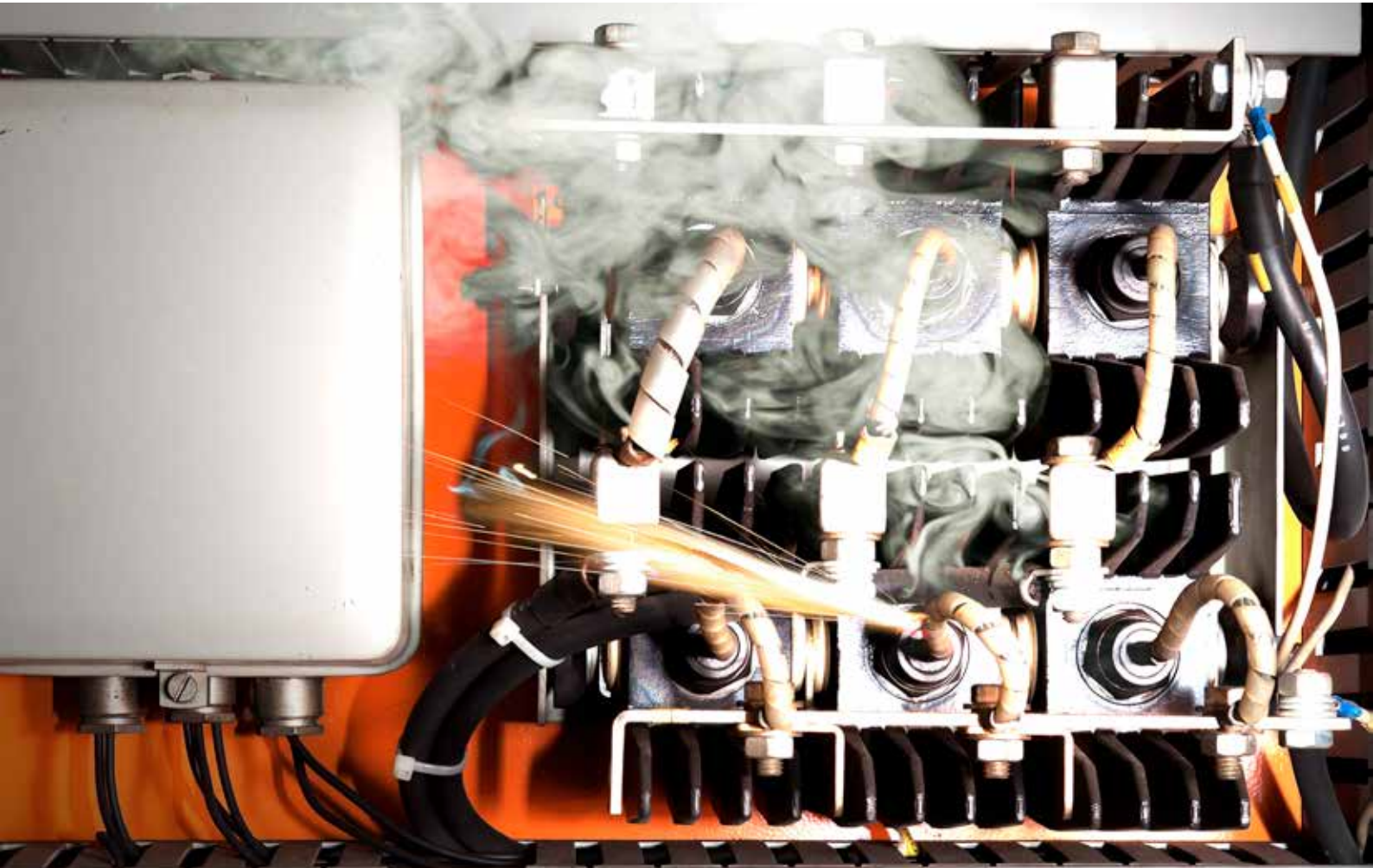
Clause 6: In cases beyond capability, request the superior SAR authorities to mobilize resources from other localities and cooperate with other localities in the implementation of accident response and SAR measures.

3.11. Decree No. 83/2017/ND-CP of 18 July 2017 of the Government stipulating the rescue and salvage work of the fire prevention and fighting forces

Article 7. Propagation, dissemination and education about the of knowledge on salvage and rescue

Clause 2: Heads of agencies, organizations, and households shall have to organize the propagation, education and dissemination of the laws on rescue and salvation suitable to each management subject.

Clause 4: The Fire and Rescue Police Agency shall propagate and provide knowledge on rescue operations. The Fire and Rescue Police Agency shall form the "*all people participating in rescue operations*" movement, grassroots fire prevention and fire fighting forces. Professional firefighters shall provide and organize the propagation of knowledge on rescue for officials, public employees, employees and laborers of the establishments. The patrol force shall provide and organize the propagation of knowledge on rescue, mobilize people to participate in local rescue operations.



Article 9. Building, training, practicing fire rescue and salvage plans of prevention and fighting forces

Clause 3: Responsibilities for formulating rescue and salvage plans

- a) Chairperson of People's Committees of communes and heads of establishments shall organize and command the formulation of rescue and salvage plans under their management in cases specified in Clause 1 Article 13 of this Decree (initial rescue and salvage plans).
- b) The Fire and Rescue Police Agency shall organize and command the formulation of rescue and salvage plans in cases specified in Clause 2 Article 13 of this Decree (rescue and salvage plans of the Fire and Rescue and salvage Police Agency).

Article 11. Training, fostering, training and guidance on knowledge of rescue and salvage

Clause 1: The Fire safety and Rescue Police force should provide training courses in law and professional skills on rescue, consulting skills, and the organization of rescue operations. The

Fire safety and Rescue Police force should consultant on initial medical measures and first aid for victims, the use of vehicles, equipment and tools for rescue, and other necessary skills.

Clause 2d: People's Committees of commune, ward or district-level town (hereinafter referred to as communes) shall instruct survival skills and necessary knowledge about rescue to the patrol force and the individuals and households living in the area.

d) Heads of agencies, organizations and establishments shall provide training courses in professional operations of rescue to the grassroots response teams and professional firefighters.

3.12. Decree No. 113/2017/ND-CP of 9 October 2017 detailing and guiding the implementation of a number of articles of the Chemical Law

Article 20. Plans for prevention of and response to chemical accidents

Clause 2: Investors of projects that involve production, trade, storage or use of chemicals containing at least one chemical mentioned in the annex to the article with the maximum storage volume equal to the volume stated in the Section 5 shall make plans for the prevention and response to chemical accidents for every hazardous chemical of the project. Investors must submit the plans to the relevant ministries for inspection and approval before putting projects into operation.

Clause 8: Responsibilities of entities having approved plans for the prevention of and response to chemical accidents are the following:

- a) Fulfill the requirements specified in the plan during the course of carrying out chemical-related activities.
- b) Retain the plan at the factory/store as the basic for supervising safety at the chemical factory/store and present it to competent authorities, if required.
- c) Annually, chemical facilities must organize rehearsals on the response to chemical accidents developed in the plan with the presence of representatives from the central or local specialized authorities.
- d) Submit to the inspection authority a report on any changes to the investment process and activities related to contents stated in the plan (if any). Any revisions to the plan, application and procedures shall proceed with all the responsibilities (submit for inspection and approval of the relevant ministries, etc.) similarly to those of the original plan. .

Article 21. Measures for the prevention of and response to chemical accidents

Clause 1: Entities proposing measures:

- a) Investors of projects involved in production, trade, storage or use of chemicals except for the chemicals mentioned in Clause 2 Article 20 (herein) shall propose measures before the project comes into operation.
- b) Investors shall make decisions on the issuance of such measures and present to competent authorities, if required.

3.13. Decree No. 82/2018/ND-CP dated 22 May 2018 regulating the management of industrial parks and economic zones

Article 31. Rights and obligations of enterprises operating within industrial parks, economic zones and investors in development of infrastructure in industrial parks and economic zones

Clause 7: Comply with regulations on public security, order, maintenance of labor safety and sanitation, corporate culture, environmental protection, fire and explosion prevention. Cooperate with police forces and competent authorities in formulating plans for fire prevention and firefighting, maintenance of public security, order and social safety within local jurisdictions where investors are operating.

Article 63. Duties and powers of the Management Board of industrial parks and economic zones

Clause 2: The Management Board of industrial parks and economic zones shall perform the following duties:

- e) To check and supervise the compliance of the law on construction, labor safety and hygiene, fire and explosion prevention, security and order and environmental protection of projects in industrial parks and economic zones.
- g) Cooperate with police units and other competent agencies in inspecting maintenance of public security and order, fire and explosion prevention and control, formulate and propose measures to maintain public security, order, and organize security forces and fire prevention and fighting forces in industrial parks and economic zones.
- i) To carry out the provisions of labor law and measures to protect the environment in industrial parks and economic zones.

3.14. Decision No. 02/2013/QĐ-TTg of the Prime Minister promulgating the Regulation on oil spill accident response

Article 7. Formulation, assessment, and approval for oil spill accident response plans at all levels

Clause 1: National Search and Rescue Committee shall take charge and cooperate with the Ministries, agencies and local governments in formulating and submitting the national oil spill response plan, and is in charge of the implementation of such plan.

Clause 2: The People's Committee of the province facing a risk of a medium oil spill or above must formulate a provincial oil spill response plan and submit it to the National Search and Rescue Committee for assessment and approval.

Clause 4: The businesses trading oil and gas that face a risk of a small onshore oil spill shall formulate their oil spill response plans and submit them to the People's Committee of the district for assessment and approval. The approved plans must be reported to the People's Committee of the province for integration into the provincial oil spill response plan.

Clause 10: After approval, oil spill accident response plans mentioned in Clauses from 2 to 4 of this Article shall be informed to relevant agencies, units, and local governments for cooperation in implementation within the area of their competence in the plans.

Article 8. Building up resources for oil spill accident response at all levels

Clause 3: The People's Committees of provinces shall establish and run training courses and drills to raise the efficiency of local oil spill accident response and recovery.

Clause 5: Facilities, ports and projects must invest in or sign contracts for oil spill accident response with the facilities that have vehicles and instruments response.

Facilities, ports and projects must invest in or sign contracts with local oil spill accident response centers at a level corresponding to the risk of oil spills in their areas.

Article 10. Organizing the implementation of oil spill accident response plans

Clause 2: The People's Committees of provinces shall implement the approved oil spill accident response plans and inspect the implementation of oil spill accident response plans of the local facilities and projects.

Clause 4: Local oil spill accident response centers shall implement the approved oil spill response plans and cooperate with local competent authorities in inspecting the implementation of oil spill accident response plans of the local facilities.

Clause 5: Facilities shall implement the approved oil spill accident response plans.

Article 12. Recipients of information on oil spill accidents

Clause 1: The organization or individual that causes an oil spill accident or discovers an oil spill accident shall immediately inform one of the agencies below:

- c) The local oil spill accident response center
- e) The Service of Natural Resources and Environment
- g) The nearest local government
- h) The standing agencies in charge of organizations and individuals of relevant Ministries, agencies and localities

Article 15. Responding to oil spill accidents at facilities or projects

Clause 1: Every facility must formulate an emergency oil spill accident response plan and assemble a force, which corresponds to the risk of oil spill accidents, to prevent and respond promptly and effectively to oil spills caused by the facility.

Clause 2: If capacity is limited, the facility must sign contracts with a local facility capable of oil spill accident responses or with a local oil spill accident response center for assistance in responding when an oil spill accident occurs.

Clause 3: The facility shall comply with every request and guidance of the Service of Natural Resources and Environment and competent authorities in order to quickly prevent or minimize damage caused by oil pollution.

Clause 4: If the response of the facility is considered ineffective, or the oil spill threatens to cause serious damage, the People's Committee of the province shall directly command at the site or appoint a site commander.

Clause 5: If the oil spill is beyond capacity, the facility shall notify the People's Committee of the province where the oil spill occurred and deploy the response in accordance with the Emergency oil spill accident response plan of the province. The People's Committee of the province shall directly command at the site and appoint a side commander.

Article 28. Investigation into causes of oil spill accidents

Clause 1: the governing body shall investigate the facility or project that causes an oil spill accident in cooperation with relevant agencies.

Clause 2: The People's Committee of the province shall carry out the investigation into the facility or project under the management of a local government.

Article 33. Responsibility for compensation

Clause 2: The owner of the facility or ship that causes the oil spill accident is responsible for providing compensation, and covering the cost of response, economic and environmental damages. The party responsible for compensation shall cooperate with competent authorities in providing compensation.

Clause 3: If the damage caused by the oil spill is limited within a province, the People's Committee of the province shall determine the damage and compensation. The People's Committee of the province shall establish a provincial Steering Committee (composed of several agencies) to oversee the oil spill recovery.

Clause 4: If the oil spill affects multiple provinces, National Search and Rescue Committee shall take charge and cooperate with relevant Ministries, agencies and local governments in establishing a Steering Committee on oil spill response.

Clause 5: If the oil spill accident is extremely serious and affects multiple countries, National Search and Rescue Committee shall request the Prime Minister to establish a national Steering Committee for the oil spill accident response.

Article 34. Claiming compensation

Clause 1: The organizations and individuals that suffered damages caused by oil spills are entitled to directly - or hire lawyers to - file complaints against and claim compensation from the facilities or projects owners of ships that cause oil spill.



3.15. Decision No. 26/2016/QĐ-TTg dated July 1, 2016 of the Prime Minister promulgating the Regulation on operations to respond to toxic chemical accidents

Article 6. Formulation and approval of plans on response to toxic chemical accidents

Clause 1: The Ministry of Industry and Trade shall assume the prime responsibility for formulating the national plan for response to toxic chemical accidents. The Ministry of Industry and Trade shall coordinate the plan with the National Committee for Search and Rescue, the Ministry of Natural Resources and Environment, the Ministry of Communications and Transport and the concerned ministries and branches. Inclusively, the plan must be submitted to the Prime Minister for approval.

Clause 2: Provincial-level People's Committees shall elaborate, review, update and supplement provincial-level toxic chemical accident prevention and response plans, clearly stating the scenarios for response to chemical accidents. The toxic chemical accident prevention and response plans should be submitted to the Ministry of Industry and Trade for approval.

Clause 3: Chemical establishments must check the list of chemicals produced, used, traded, stored and preserved for the elaboration of plans and measures to prevent and respond to chemical accidents according to regulations of the Chemical Law.

Article 8. Organization of implementation of toxic chemical accident response plans

Clause 1: The National Committee for Search and Rescue shall assume the prime responsibility for, and coordinate with, the Ministry of Industry and Trade, the Ministry of Natural Resources and Environment and concerned ministries and branches when implementing the national toxic chemical accident response plan.

Clause 2: Provincial-level People's Committees shall implement approved provincial-level toxic chemical accident response plans and inspect the implementation of toxic chemical accident response plans of establishments under their respective management.

Clause 3: The chemical accident response forces shall implement the approved plans and coordinated with the local authorities to ensure the toxic chemical accident response plans are implemented by establishments in the area.

Article 9. Focal points for receiving information on toxic chemical accidents

Clause 1: The establishment where the toxic chemical accident occurred shall have to immediately report to one of the following agencies:

- a) The nearest local authorities
- b) The local Steering Committee for Natural Disaster Prevention and Search and Rescue

Article 13. Response to toxic chemical accident at grassroots level

Clause 1: When a toxic chemical accident occurs, the establishment shall promptly deploy its forces to ensure a prompt and effective response to the toxic chemical accident. The response should be relevant

to the possibility of toxic chemicals leakage; dispersion caused by the establishment according to toxic chemicals prevention and response plan and measures approved and certified by competent authorities.

Clause 2: In cases where response is beyond grassroots level capacity, the facility must inform the local Steering Committee for Natural Disaster Prevention, Search, and Rescue.

Clause 3: Cases of toxic chemicals occurring on the sea shall comply with maritime regulations.

Article 14. Response to toxic chemical accident at provincial level

Clause 1: When toxic chemical accidents occur beyond the establishments' response capability, the provincial-level People's Committees shall take responsibility for the implementation of the approved chemical accident prevention and response plans.

Clause 2: In cases where a 'toxic chemical accident' exceeds the capacity or threatens to spread into another province, the provincial-level People's Committee of the locality where the toxic chemical accident occurred must report to the National Committee for Search and Rescue.

Article 15. Response to toxic chemical accident at national level

Clause 1: In cases where a large-scale, inter-regional toxic chemical accident or serious toxic chemical accident occurs beyond a province's capability to cope with, the National Committee for Search and Rescue shall lead accident response activities.

Article 26. Responsibility for compensation

Clause 1: The Ministry of Natural Resources and Environment shall assume the prime responsibility and coordination with concerned ministries, branches and local authorities in determining damages and requesting establishments causing toxic chemical accidents to pay compensations for damage caused to national-level accidents.

Clause 2: Provincial-level People's Committees shall determine and request establishments causing toxic chemical accidents to compensate for the provincial-level accidents.

Clause 3: The establishment that caused a toxic chemical accident has to take responsibility for payment of response costs, compensation for damages and cooperation with competent agencies to settle the compensation.

Clause 4: In case of serious toxic chemical accidents or cases that affect many countries, the National Committee for Search and Rescue shall report to the Prime Minister on the setting up of the Government's Steering Committee for settling the consequences of toxic chemical accidents.

Clause 5: The agencies assuming the prime responsibility for responding to toxic chemical accidents shall have to sum up the costs incurred by organizations and individuals involved in coping with toxic chemical accidents and request the inciting party to pay them.

3.16. Circular No. 35/2015/TT-BTNMT of 30 June 2015 of the Ministry of Natural Resources and Environment on environmental protection in economic zones, industrial parks, export processing zones and hi-tech parks

Article 12. Prevention, response to and remediation of environmental accidents in industrial parks

Clause 1: An industrial park's program on environmental management and supervision must include a plan on prevention, response to and remediation of environmental accidents with the following major contents:

- a) Identification and assessment of risks of environmental accidents that may occur during the operation of the industrial park, circumstances for each type of risk of environmental accidents that are likely to occur.
- b) Preventive measures for each environmental accident and measures to eliminate causes of environmental accidents.
- c) A plan for arranging on-the-spot forces to be ready to respond to and remedy each specific environmental accident circumstance. A plan on training and drilling in the prevention, response to and remediation of environmental accidents.
- d) Installation and inspection of necessary equipment, tools and facilities for responding to environmental accidents.
- d) Implementation mechanisms, notifications and alert methods and mobilization of 'manpower,' equipment and facilities inside and outside the industrial park to cope with environmental accidents of different levels. A mechanism for coordination among related organizations and individuals in the area for responding to environmental accidents.
- e) Solutions for addressing environmental pollution when an environmental accident occurs.
- g) A plan to mobilize financial sources for the implementation of the plan on prevention, response to and remediation of environmental accidents.

Clause 2: Industrial park infrastructure constructing and trading Investors have responsibilities in building and the implementation of environmental accident prevention, response and remediation plans according to Clause 1 of this Article 12.

Article 14. Responsibilities of Management Board of economic zones or industrial parks

Clause 1: To establish a specialized section to organize the environmental protection of the economic zone or industrial park in accordance with law.

Clause 2: To draft a regulation for environmental protection of the economic zone or industrial park between the economic zone or industrial park management board and the provincial-level Department of Natural Resources and Environment of Viet Nam (DoNRE) and the People's Committee of the district, provincial city or town. The regulation shall be submitted to the People's Committee of the province (below referred to as provincial-level People's Committee) or centrally run city for approval.

Clause 3: To mobilize forces for response and remedy of environmental accidents occurring in the economic zones or industrial parks.

Clause 4: To make a regular report on environmental protection of the economic zone or industrial park and submit it to the provincial-level People's Committee and the Ministry of Natural Resources and Environment before January 15 every year. The report form is provided in Section, General Observations to this report.

Clause 5: To publicize information on environmental protection of the economic zones or industrial parks. To educate and disseminate legal documents on environmental protection to industrial park infrastructure constructing, trading owners, and production, trading, and service establishments operating in the economic zones or industrial parks.

Clause 6: To coordinate with functional agencies in settling environmental disputes among production, business and service establishments operating in the economic zones or industrial parks or organizations and individuals outside the economic zones or industrial parks.

Clause 7: Jointly examine, inspect, and handle violations of environmental protection committed by industrial park infrastructure constructing and trading owners, production, trading and service establishments operating in the economic zones or industrial parks.

Clause 8: To implement environment management and protection in other economic zones and industrial parks under their assigned or authorized functions and tasks.

Article 15. Responsibilities of Industrial park infrastructure constructing and trading investors

Clause 3: To implement the environmental monitoring program in the industrial parks in accordance with the law.

Clause 4: To summarize and report on results of environmental monitoring and environmental protection in the industrial park and at production, trading and service establishments operating therein to the economic zones' or industrial parks' Management Board and the provincial DoNRE before December 31 every year. The report form is provided in Section 5, General Observations to this report.

Article 16. Responsibilities of owners of project, production, business and service establishment operating in industrial parks

Clause 3: To carry out environmental monitoring and reporting programs according to the provisions of law and notify the results of monitoring to industrial park infrastructure constructing and trading investors.

Clause 4: To perform other environmental protection responsibilities according to the provisions of law.

3.17. Circular No. 32/2017/TT-BCT dated 28 December 2017 specifying and guiding the implementation of a number of articles of the Law on Chemicals. Decree No. 113/2017/ND-CP of 9 October 2017 of the Government detailing and guiding the implementation of a number of articles of the Law on Chemicals

Article 5. Plans and measures to prevent and respond to chemical accidents in industrial sector

Clause 2: For those who developed measures to prevent and respond to chemical accidents, within 10 working days after the issuance of the decision on promulgation of measures, the investor shall send one copy of chemical accident prevention and response decision. The investor shall send one copy of measures to provincial and municipal Department of Industry and Trade Services of the provinces where the projects on chemical activities are constructed for supervision and management.

Clause 3: In case of any changes in the investment process and activities related to the contents of the approved plan, the organization or individual shall send a report to the Chemicals Agency for guidance.



4. OTHER DOCUMENTATION GUIDELINES

4.1. Central Government

Resolution No.76/2018/NQ-CP of the Government dated 18 June 2018 on natural disaster prevention and control. Some specific tasks:

a) Ministries and central agencies:

The Central Steering Committee for Disaster Prevention and Control:

- To assume the prime responsibility and coordination with the National Committee for Response to Disaster, Disaster and Search and Rescue in directing and organizing the building and consolidation of the disability force at the commune level with the militia core to enhance civilian capacity in disaster response at grassroots level [Completed in 2020].

National Committee for Disaster Response, Disaster and Search and Rescue:

- To work out active plans, ready forces and means to promptly respond to situations of accidents, natural disasters and search and rescue. Develop the regulation for general use of accident telephone numbers (112) for search and rescue situations, and the scheme for costumes to use during full-time search and rescue forces. National Committee for Disaster Response, Disaster and Search and Rescue shall submit these plans to the competent authorities for promulgation.

Ministry of Defense:

- To regularly organize and direct training courses, practical exercises, to ensure effective handling of accidents and natural disasters.
- To be ready for forces and means to assist localities and people in response to and recovering the consequences of natural disasters, rescue and salvage, upon request.

Official Letter No. 5183/BTNMT-TCMT dated 2 October 2017 of the Ministry of Natural Resources and Environment on the implementation, urging the prevention, response and remedy of environmental accidents and accidents.

The Ministry of Natural Resources and Environment shall provide temporary guidance on the prevention, response and readiness of environmental accidents and accidents caused by discharge (excluding chemical accidents and oil spills.) Request People's Committees of provinces and cities under central government, to guide and urge establishments in the district to implement regulations on elaboration and implementation of environmental accident response plans for industrial parks according to the provisions of Circular No. 35/2015. [Circular No. 35/2015/TT-BTNMT dated 30 June 2015 of the Minister of Natural Resources and Environment on environmental protection in economic zones, industrial parks, export processing zones and high technology zones.]

4.2. Cần Thơ

Plan No. 184/QĐ-UBND of Cần Thơ People's Committee dated 22 January 2018 approving the plan for prevention and response to chemical accidents in Cần Thơ city.

3.1.1. Establish mechanisms to coordinate and direct the prevention of chemical accidents in the city. Cần Thơ export processing zones and industrial parks' Management Board.

- In the case of a chemical accident occurring in industrial zones, neighbor companies and local authorities should be informed for evacuations or to take part in the rescue.
- To mobilize on-spot forces and existing equipment to take part in the rescue under the guidance of the Steering Committee.

District People's Committee in the area

- Inform to the entire population in the affected area.
- Provide assistance to evacuate people and property.
- Support for security and social order in the area.
- To coordinate with enterprises in overcoming consequences caused by accidents.

3.5. Annually, the Department of Industry and Trade shall plan to check and inspect the chemical safety at the unit's operating chemical activities in the city, check the availability of the chemical accident response force at grassroots level, as well as the chemical response force.

Plan No. 131/KH-UBND on 29 August 2018 by Cần Thơ People's Committee to implement Resolution No. 76/NQ-CP dated 18 June 2018 by the Government on disaster prevention and control in Cần Thơ city.

Some specific tasks:

b) Municipal Military Command

- To be the main force in the response to natural disasters and search and rescue and overcoming natural disaster consequences.

p) District, Commune People's Committees:

- To organize propaganda and communication to raise public awareness on natural disaster prevention and control.
- To integrate natural disaster prevention and control into programs and activities of local authorities and mass organizations at all levels.
- To build the pioneer force for disaster prevention at the grassroots level, at the commune level, with the militia and self-defense force serving as the core, the time for completion in 2020.

4.3. Đà Nẵng

Decision No. 33/2018/QĐ-UBND dated 1 October 2018 of the People's Committee of Đà Nẵng City promulgating the regulation on environmental protection in Đà Nẵng city.

Article 6. Public consultation in the process of environmental impact assessment

Clause 2: People's committees of communes, wards and project owners co-chaired the consultation with participants including:

- a) Communities affected directly by the project
- b) Represent the commune-level Fatherland Front Committees, socio-political organizations, socio-professional organizations, population groups and villages.

Article 13. Protection of the air environment

Clause 2: The DoNRE, the Management Board of Industrial Parks and Export Processing Zones, the High-Tech Park Management Board, the People's Committee of the district and related agencies monitor and assess the ambient air quality. In cases where the ambient air environment is polluted, it must be warned and handled timely.

Article 20. Waste water management

Clause 1: Wastewater from production, business and service establishments in industrial parks, hi-tech parks, industrial clusters and craft villages must be treated to meet the input requirements of the concentrated wastewater treatment systems or regulations. Owners of technical infrastructure systems of industrial parks, hi-tech parks, industrial clusters and craft villages.

Oil spill accident response plan for Đà Nẵng city on 21 October 2016

Decision No. 9494/QĐ-UBND dated 29 December 2014 of Đà Nẵng People's Committee approving the plan on prevention and response of chemical accidents at the provincial level in Đà Nẵng city.

4.4. Ninh Bình

Official letter No. 390/UBND-VP3 dated 25 October 2017 of the People's Committee of Ninh Binh province on prevention, response and remedy of environmental accidents

The provincial People's Committee assigns DoNRE to take the lead and coordinate with the Departments of Planning and Investment, Construction, Agriculture and Rural Development, Transportation, Health, Management Boards of Industrial Zones, People's Committees Districts and cities and relevant units to guide and urge the districts' establishments to implement the regulations. The DoNRE shall urge establishments to implement their environmental accident response plans for industrial parks.

Plan No. 78/KH-UBND dated 22 September 2016 of *Ninh Binh* People's Committee to cope with the collapse of constructions and high buildings in the province in 2016-2020.

3. Assignment of common tasks

8. Heads of agencies managing high buildings, urban areas, industrial parks and population quarters shall regularly guide, inspect and propagate the compliance of regulations on fire prevention and fighting in their establishments. To consolidate and improve the fire fighting force of the specialized branches and establishments. To ensure the means and necessary conditions for the prompt response to major fire situations in the establishments is in place.

Part 5 Assignment of tasks when there is a major fire situation occurs

3. Assign tasks

8. Management Board of Industrial Parks in *Ninh Binh* Province should be aware of fire and explosion accident situations in industrial parks and clusters and be prepared to mobilize forces in the industrial parks to participate in firefighting, when requested.

12. Heads of departments, localities, industrial clusters, markets, trade centers, production establishments, high buildings, street population groups, and heads of villages or hamlets where the fire situation occurs should be ready to coordinate with police offices and functional units in mobilizing all resources for fire prevention and fighting. Provide relevant information and be responsible for solving problems after fire accident in their area.

5. GENERAL OBSERVATIONS

5.1. *Types of documents and relevant regulation*

Legal documents directly regulating community roles in monitoring environmental impacts from industrial zones include laws, decrees, and decisions of the Prime Minister, circulars and decisions of the People's Committees. The direct regulations include the Law on Environmental Protection (2014), the Law on Chemicals (2007) and the integrated in 2018, the Law on Fire Prevention and Fighting (2001) and the amendments and additions in 2013, the Law on Disaster Prevention and Control (2013), The Law on Occupational Safety and Health (2015). Relating to the role of communities and stakeholders in the prevention and response to environmental accidents and natural disasters, according to the author, the following regulations are most relevant:

Environment Protection Law (2014), decrees, and circulars:

- Decree detailing the implementation of some articles of the Law on Environmental Protection 2014 (2015);
- Decree on environmental protection planning, strategic environmental assessment, EIA and environmental protection plan (2015);
- Decree on waste and scrap management (2015); and,
- Circular of the Ministry of Natural Resources and Environment on environmental protection in economic zones, industrial parks, export processing zones and high technology zones (2015).

Chemical Law (2007) and decrees, decisions, circulars:

- Decision of the Prime Minister promulgating the Regulation on oil spill accident response (2013)
- Decision of the Prime Minister promulgating the Regulation on activities to respond to toxic chemical accidents (2016);
- Decree detailing and guiding the implementation of a number of articles of the Chemical Law (2017); and,
- Circular of the Ministry of Industry and Trade specifying and guiding the implementation of a number of articles of the Law on chemicals and the Government's decree detailing and guiding the implementation of a number of articles of the Law on chemicals (2017).

Law on Fire Prevention and Fighting (2001), and amendments and supplements in 2013 and decrees:

- Decree detailing the implementation of a number of articles of the Law on Fire Prevention and Fighting and the Law amending and supplementing a number of articles of the Law on Fire Prevention and Fighting (2014); and,
- Decree regulating on rescue operations of fire prevention and fighting forces (2017).

Law on Disaster Prevention and Control (2013) and decrees, resolutions:

- Decree detailing and guiding the implementation of a number of articles of the Law on natural disaster prevention and combat (2014);
- Decree regulating organization and operation of accident response, disaster and search and rescue (2017); and,
- The Government's resolution on natural disaster prevention and control (2018).

The Law on Occupational Safety and Health (2015).

In addition, authorities of the project partner provinces have also issued local legal documents or executive directives, specifically:

Cần Thơ has the following documents:

- The plan for prevention and response to chemical accidents in *Cần Thơ* city (2018); and,
- The plan for implementation of Resolution No. 76/NQ-CP dated 18 June 2018 by the Government on disaster prevention and control in *Cần Thơ* city.

Đà Nẵng has the following documents:

- Decision No. 33/2018/QĐ-UBND dated 1 October 2018 of the People's Committee of *Đà Nẵng* City Promulgating the regulation on environmental protection in *Đà Nẵng* city;
- The plan on prevention and response of chemical accidents at the provincial level in *Đà Nẵng* city (2014); and
- Oil spill accident response plan for *Đà Nẵng* city (2016).

Ninh Bình has the following documents:

- The plan to cope with the collapse of constructions and high buildings in the province in 2016-2020; and,
- The official letter of *Ninh Bình* People's Committee for prevention, response and remedy of environmental accidents (2017).

5.2. Stipulated contents

Mechanisms for community participation in environmental protection decisions:

Community participation is regulated in the Law on Chemicals and Environmental Protection Law, Decree detailing the implementation of some articles of the Law on Environmental Protection (2014), the Decree on environmental protection planning, strategic environmental impact assessment, EIA and environmental protection plan. It specifies how the community participates in consultation and provide recommendations. Participation can be through attending a community meeting or through a representative and other socio-political organizations that are involved in environmental decision-making in the form of consultations and recommendations.

The role of communities and stakeholders in supervising environmental impacts and responding to environmental and natural accidents:

A list of establishments, which could cause serious environmental pollution, polluted areas, seriously degraded areas and areas at risk of environmental accidents should be provided to the general population and public.

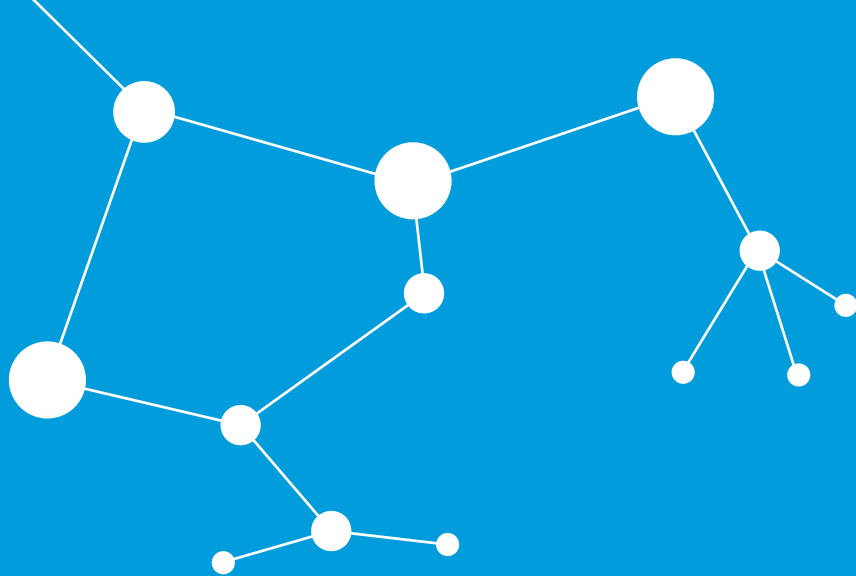
The supervising of communities is mainly through representation and socio-political organizations and socio-professional organizations that participate in environmental protection checking and supervising at production, business or service establishments according to their functions, tasks and powers.

The competent authorities and functional bodies carry out other inspection and supervision functions. For the Management Board of the Industrial Parks, the Board has the role of coordinating the inspection and supervision of the compliance of the law on construction, labor safety and hygiene, fire and explosion prevention, security and order environmental protection for projects in industrial parks.

On the role of communities and stakeholders in prevention and response to environmental and natural accidents:

Communities participate in the form of:

- To take the initiative in taking measures to cope with natural accidents and take part in coping with natural accidents according to the handling by competent agencies.
- To participate in training, awareness raising on fire prevention and fire fighting, and explosion warning information to the competent authority.
- To promptly report to competent state agencies upon detecting acts of violating the provisions of the environmental legislation in general and chemical safety in particular.
- To be entitled to compensation for damage caused to health, life and property caused by chemical activities according to the provisions of law.
- Requesting competent state agencies to suspend the operation of organizations or individuals that commit acts of violating the provisions of law on chemical safety.





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INDUSTRIAL DEVELOPMENT ORGANIZATION**

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