

**MINISTRY OF NATURAL
RESOURCES AND
ENVIRONMENT**

No.: 41/2015/TT-BTNMT

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, 09 September 2015

CIRCULAR

ON ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

Pursuant to the Law on environmental protection dated 23/6/2014;

Pursuant to the Investment Law dated 26/11/2014;

Pursuant to the Decree No. 38/2015/ND-CP dated 24/4/2015 of the Government on management of waste and scrap;

Pursuant to Decree No. 21/2013 / ND-CP dated 04 March, 2013 of the Government defining the functions, duties, powers and organizational structure of the Ministry of Natural Resources and Environment;

Pursuant to Decision No. 73 / QD-TTg dated December 19, 2014 of the Prime Minister defining the List of scrap which are permitted to import from foreign countries as raw production materials;

At the request of the Director General of Vietnam Environment Administration and Director General of Department of Legal Affairs;

The Minister of Natural Resources and Environment issued the Circular on environmental protection in importing scrap as raw material production,

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular stipulates in detail of Clause 3, Article 56, Article 61 and reporting forms specified in Clause 1, Article 62, Clause 3, Article 63 of Decree No. 38/2015/ND-CP dated 24/4/2015 of the Government on management of waste and scrap (hereafter referred to as Decree No. 38/2015/ND-CP) and Article 5 of Decision No. 73/2014/QD-TTg dated 19/12/2014 of the Prime Minister stipulating the List of scrap which are permitted to import from foreign countries as raw production materials (hereafter referred to as Decision No. 73/2014/QD-TTg).

Article 2. Subjects of application

This Circular applies to state management organs, domestic and foreign organizations or individuals related to the import of scrap from foreign countries as raw production materials; import of scrap for testing as raw production materials; entrusted import for organizations or individuals using scrap from foreign countries as raw production materials;

Chapter II

ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

Section 1. ORDER, PROCEDURES FOR ISSUANCE, RE-ISSUANCE AND REVOCATION OF CERTIFICATION OF ELIGIBILITY FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

Article 3. Authority to issue, re-issue and revoke Certification of eligibility for environmental protection in import of scrap for use as raw production materials

1. The Ministry of Natural Resources and Environment shall issue, re-issue and revoke Certification of eligibility for environmental protection in import of scrap for use as raw production materials (hereafter referred to as Certification) to the following cases:

- a) Organizations or individuals directly import scrap for use as raw production materials with an amount of imported scrap specified in Annex I issued with this Circular;
- b) Organizations or individuals import scrap with entrustment for the organizations or individuals using scrap for use as raw production materials.

2. Department of Natural Resources and Environment of the provinces and centrally-run cities (hereinafter referred to as the Department of Natural Resources and Environment), shall issue, reissue and revoke the Certification of organizations or individuals directly importing scrap for use as raw production materials not falling into the cases specified in Clause 1 of this article.

Article 4. Dossier to request the issuance of Certification of eligibility for environmental protection in import of scrap for use as raw production materials

1. The dossier to request the issuance of Certification of organizations or individuals directly importing scrap for use as raw production materials:

- a) One (01) written request under the form specified in Annex 2a issued with this Circular;
- b) Seven (07) reports of conditions for environmental protection in importing scrap for use as raw production materials under the form specified in Annex 3a and 3b issued with this Circular;

c) Certification of business registration or Certification of enterprise registration and Certification of tax code registration;

d) One (01) of the following documents: Decision on approving the Report on environmental impact assessment and Decision on approving the additional Report on environmental impact assessment (if any); Certification of Registration of satisfaction of environmental standards; Certification of registration of commitment to environmental protection; Decision on approving the environmental protection scheme; Certification of registration of environmental protection scheme; Decision on approving the detailed environmental protection scheme; Certification of registration of simple environmental protection scheme; Certification of registration of environmental protection plan; Written notice of acceptance of registration of commitment to environmental protection;

dd) One (01) of the following documents: Certification of completion of works, measurements of environmental protection as prescribed by law on environmental protection of facility and projects; Certification of completion of detailed environmental protection scheme or equivalent documents or papers (if any);

e) Contract on transfer and handling of impurities and waste with units having suitable functions (in case of no accompanied technology and equipment to treat the generated impurities or waste);

g) Periodical report on environmental monitoring result of the facility (required addition in case the report has no environmental monitoring result of works and equipment of waste treatment during production, recycling and reuse of scrap).

h) Commitment to re-export or treatment of imported scrap under the form specified in Annex 4a issued with this Circular.

2. Dossier to request the issuance of Certification to the organizations or individuals that import scrap with entrustment for the organizations or individuals using scrap for use as raw production materials:

a) One (01) written request under the form specified in Annex 2a issued with this Circular.

b) Seven (07) reports of conditions for environmental protection in importing scrap for use as raw production materials under the form specified in Annex 3a and 3c issued with this Circular;

c) Dossiers specified under Points c, d, dd, e, g, Clause 1 of this Article in case the organizations or individuals import scrap with entrustment and have open storage for imported scrap specified under Points a and b, Clause 1, Article 56 of Decree No. 38/2015/ND-CP;

d) Principle contracts for entrusted import signed with organizations or individuals using the imported scrap for use as raw production materials issued with Certification;

dd) Valid Certification of organizations or individuals directly using the imported scrap for use as raw production materials;

e) Commitment to re-export or treatment of imported scrap under the form specified in Annex 4b issued with this Circular.

Article 5. Order and procedures for issuing Certification of eligibility for environmental protection in import of scrap for use as raw production materials

1. The organizations or individuals specified in Article 55 of Decree No. 38/2015/ND-CP shall prepare dossiers specified in Article 4 of this Circular and send them to the competent authorities specified in Article 3 of this Circular (hereafter referred to as competent authorities).

2. The competent authorities shall verify dossiers. In case the dossiers are incomplete, within five (05) working days, a written notice shall be sent to the organizations or individuals for completion.

3. The competent authorities shall decide to establish an inspection team under the form specified in Annex 5 issued with this Circular and inspect the environmental protection conditions in import of scrap for use as raw materials; in case of necessity, take sample for analysis and consultation with relevant organizations or individuals. The members of inspection team shall give their comments under the form specified in Annex 6 issued with this Circular. The result of inspection shall be recorded under the form specified in Annex 7 issued with this Circular. The competent authorities shall not organize the inspection team in case organizations or individuals import scrap with entrustment for use as raw production materials but have no storage or open storage for scrap.

4. Where the organizations or individuals meet all prescribed conditions of environmental protection, the competent authorities shall consider and issue the Certification or shall notify in writing the organizations or individuals of the completion of dossiers in case they have not met the prescribed conditions of environmental protection.

5. The organizations or individuals must comply with the requirements of the written notice, complete the dossiers and send them to the competent authorities for consideration; in case of necessity, the competent authorities shall re-inspect the conditions of environmental protection, consider and issue Certification. In case of failure to issue the Certification, the competent authorities shall give a written notice stating the reasons.

6. The organizations or individuals directly importing scrap for use as raw production materials shall not have to submit report specified under Point g, Clause 1, Article 4 of this Circular in case the scrap is required for import for the first time and the works and equipment for production, recycling and reuse of scrap have not been put into operation at the time of request for issuance of Certification. Within six (06) months after the issuance of Certification, the organizations or individuals must submit an additional report on environmental monitoring result of works and equipment of waste treatment during the production, recycling and reuse of scrap to the competent authorities; in case of necessity, the organ issuing the Certification shall perform the actual inspection and take sample for analysis; in case of not meeting the prescribed conditions, the competent authorities shall revoke such Certification as prescribed by law.

7. Where the organizations or individuals directly import scrap for use with change of type and increase in amount of imported scrap or where the organizations or individuals import scrap with entrustment with the change of organizations or individuals entrusting the import, the procedures for issuance or re-issuance of Certification shall be done in accordance with the provisions in Article 4 and 5 of this Circular.

8. Time limit for issuance of Certification:

a) The time limit for issuance of Certification under the authority of the Ministry of Natural Resources and Environment is forty (40) working days;

b) The time limit for issuance of Certification under the authority of the Department of Natural Resources and Environment is forty (40) working days;

c) The time limit specified under Point a and b of this Clause does not include the time the organizations or individuals must complete their dossier specified under Clause 2 and 5 of this Article.

Article 6. Certification of eligibility for environmental protection in import of scrap for use as raw production materials

1. The Certification shall specify the type of scrap, HS code and total amount of scrap permitted for import within the duration of Certification and the conditions for environmental protection of organizations or individuals importing scrap.

2. In cases specified in Clause 6, Article 5 of this Circular, the Certification shall specify the additional amount of scrap permitted for import within 06 months after the issuance of Certification to be sufficient enough for the facility to operate their works and equipment of production, recycling and reuse of scrap.

3. The Certification is valid for two (02) year....s after its issuance and under the form specified in Annex 8a and 8b issued with this Circular.

Article 7. Re-issuance of Certification of eligibility for environmental protection in import of scrap for use as raw production materials

1. The re-issuance of Certification is done in case it is expired or lost or damaged.

2. The dossiers to request the re-issuance of Certification due to its expiration of the organizations or individuals directly using scrap as raw production materials include:

a) One (01) written request for re-issuance under the form specified in Annex 2b issued with this Circular;

b) Three (03) report of conditions on environmental protection in import of scrap as raw production materials are under the form specified in Annex 3a and 3b issued with this Circular;

c) The periodical latest report on environmental monitoring result of the facility but not more than six (06) months before the date the facility request the competent authority to consider and issue the Certifications due to its expiration.

3. The dossier to request the re-issuance of Certification due to its expiration of organizations or individuals importing scrap with entrustment for use as raw production materials include:

a) One (01) written request under the form specified in Annex 2b issued with this Circular;

b) Three (03) reports of conditions for environmental protection in importing scrap for use as raw production materials under the form specified in Annex 3a and 3c issued with this Circular;

4. Where the organizations or individuals submit their dossiers to request the issuance of Certification before its expiration, the order and procedures for re-issuance of Certification due to its expiration are done in accordance with the provisions in Clauses 1, 2, 3, 4 and 5, Article 5 of this Circular.

5. Where the organizations or individuals submit their dossiers to request the re-issuance after the expiration date of Certification, the order and procedures shall comply with the provisions in Article 5 of this Circular.

6. The time limit for re-issuance of Certification due to expiration:

a) The time limit for re-issuance of Certification under the authority of the Ministry of Natural Resources and Environment is twenty-five (25) working days;

b) The time limit for re-issuance of Certification under the authority of the Department of Natural Resources and Environment is twenty (20) working days;

c) The time limit specified under Point a and b of this Clause does not include the time of completion of dossier of organizations or individuals as prescribed in Clause 2 and 5, Article 5 of this Circular.

7. Where the Certification is lost or damaged, the organizations or individuals shall request in writing the re-issuance under the form specified in Annex 2c issued with this Circular from the competent authorities. The time limit for re-issuance of Certification is ten (10) working days after the receipt of application from the organizations or individuals;

Article 8. Revocation of Certification of eligibility for environmental protection for imported scrap

1. The revocation of Certification is done in the following cases:

a) Violation of regulations on environmental protection in importing scrap for use as raw production materials or the provisions in the Certification to the extent that the Certification must be revoked as prescribed by law;

b) The organizations or individuals importing scrap fail to do so one (01) year.... after being issued with the Certification except for unforeseen cases;

c) The organizations or individuals importing scrap have stopped their import of scrap for use as raw production materials or gone bankrupt or dissolved.

2. The competent organ which has granted the Certification issues the Certification revocation Decision stating the name of organizations or individuals whose Certification shall be revoked, the grounds and reasons for revocation.

Article 9. Importing scrap not included in the List of scrap permitted for import for testing as raw production materials

1. The organizations or individuals wish to import scrap not included in the List of scrap permitted for import as stipulated by the competent authorities for testing as raw production materials shall send as raw production materials written request for import of scrap for analysis under the form specified in Annex 9 issued with this Circular to the Ministry of Natural Resources and Environment for consideration and approval in writing. In case of disapproval, the Ministry of Natural Resources and Environment shall reply in writing stating the reasons.

2. The organizations or individuals specified in Clause 1 of this Article must meet the conditions specified under the Points a, b, c, d and e, Clause 1, Article 56 of Decree No. 38/2015/ND-CP.

3. The written approval of the Ministry of Natural Resources and Environment specified in Clause 1 of this Article is the ground for the customs authorities to consider and permit the import of scrap sample into Vietnam.

4. After analysing the imported scrap sample for testing, the organizations or individuals shall send the dossier for importing scrap for testing to the Ministry of Natural Resources and Environment. The dossier includes:

a) One (01) written request under the form specified in Annex 10 issued with this Circular;

b) Seven (07) reports of conditions for environmental protection in importing scrap for use as raw production materials under the form specified in Annex 3a and 3b issued with this Circular;

c) Certification of business registration or Certification of enterprise registration and Certification of tax code registration;

d) One (01) of the following documents: Decision on approving the Report on environmental impact assessment and Decision on approving the additional Report on environmental impact assessment (if any); Certification of Registration of satisfaction of environmental standards; Certification of registration of commitment to environmental protection; Decision on approving the environmental protection scheme; Certification of registration of environmental protection scheme; Decision on approving the detailed environmental protection scheme; Certification of registration of simple environmental protection scheme; Certification of registration of

environmental protection plan; Written notice of acceptance of registration of commitment to environmental protection;

dd) One (01) of the following documents: Certification of completion of works, measurements of environmental protection as prescribed by law on environmental protection of facility and projects; Certification of completion of detailed environmental protection scheme or equivalent documents or papers (if any);

e) Contract on transfer and handling of impurities and waste with units having suitable functions (in case of no accompanied technology and equipment to treat the generated impurities or waste);

g) Periodical report on environmental monitoring result of the facility (required addition in case the report has no environmental monitoring result of works and equipment of waste treatment during the production, recycling and reuse of scrap).

h) One (01) sample of imported scrap and the result of analysis which has been done by an inspecting organization or an organization having Certification of eligibility for environmental monitoring activities in accordance with the criteria for analysis and implementation.

i) Other relevant documents (if any).

5. Within forty (40) working days after fully receiving dossier, the Ministry of Natural Resources and Environment shall:

a) Review dossier as stipulated in Clause 1 and 2 of this Article;

b) In case of necessity, inspect the scrap sample to be imported and consult the relevant organizations or individuals;

c) Inspect the environmental protection conditions at the facility which plan to test the imported scrap.

6. Based on the implementation result specified in Clause 5 of this Article, the Ministry of Natural Resources and Environment shall submit it to the Prime Minister for consideration and decision on the type, quantity, environmental protection protection of the imported scrap for testing and duration of testing.

Section 2. SOME PROVISIONS ON ENVIRONMENTAL PROTECTION IN IMPORTING SCRAP FOR USE AS RAW PRODUCTION MATERIALS

Article 10. Environmental protection requirements in checking and customs clearance of imported scrap

1. Before going through the procedures for importing each batch of scrap, the organizations or individuals shall send a written notice of the imported batch of scrap under the form specified in Annex 11 issued with this Circular to the competent authorities. Within five (05) working days

after receiving the written notice, the competent authorities shall notify in writing under the form specified in Annex 12 issued with this Circular to the organizations, individuals and the customs authorities of import border gate (by fax or e-mail).

2. In addition to the customs dossier as prescribed by the current regulations of law on customs, the organizations or individuals directly using scrap as raw production materials shall submit the following additional documents to the customs authorities:

a) One (01) Certification (certified copy);

b) A written notice of imported batch of scrap for checking and customs clearance under the form specified in Annex 12 issued with this Circular (the copy).

c) A Certification of security deposit for imported scrap issued by the Vietnam Environment Protection Fund or commercial bank where the organizations or individuals make security deposit for imported scrap.

d) A document certifying the conformity with the environmental technical regulation of the imported batch of scrap from a conformity certification organization named in the list appointed by the Ministry of Natural Resources and Environment.

3. In addition to the customs documents under the current regulations of customs law, the organizations or individuals importing scrap for use as raw materials with entrustment shall submit the following additional documents to the customs authorities:

a) One (01) Certification of scrap importing of the organizations or individuals importing scrap with entrustment;

b) One (01) valid Certification of scrap importing of the organizations or individuals entrusting the import of scrap (the certified copy);

c) One (01) entrusted import contract signed with organizations or individuals using scrap for use as raw production materials and issued with Certification of scrap importing (the certified copy);

d) A written notice of imported batch of scrap for checking and customs clearance under the form specified in Annex 12 issued with this Circular (the copy);

dd) A Certification of security deposit for imported scrap issued by the Vietnam Environment Protection Fund or commercial bank where the organizations or individuals make security deposit for imported scrap.

e) A document certifying the conformity with the environmental technical regulation of the imported batch of scrap from a conformity certification organization named in the list appointed by the Ministry of Natural Resources and Environment.

4. The procedures for checking the environmental protection conditions and actual checking of imported batch of scrap for customs clearance are done at the customs authorities of import border gate.

5. Based on the List of scrap permitted for import from foreign countries for use as raw materials issued by the Prime Minister and the dossier specified in Clause 2 and 3 of this Article, the customs authorities shall decide the customs clearance or handle the imported batch of scrap under their authority.

6. In case of detecting signs of breach of environmental protection resulted in undecided customs clearance or required re-export, the customs authorities shall re-inspect the imported batch of scrap or establish an imported scrap inspection Board to assess the compliance with the national technical regulations on environment of the imported scrap of the imported batch of scrap.

The inspection Board shall be established by the customs authorities, including the representatives of organs: Customs, competent organ issuing the Certification, Environmental Crime Prevention and Combating Police, relevant Ministries and sectors, environmental consultation experts, technical experts of production industries using the imported scrap and Department of Natural Resources and Environment in the area where the import border gate is located. The conclusion of the inspection Board is the grounds for the customs authorities and the relevant organs to handle the imported batch of scrap.

7. The handling, destruction of imported scrap which breaches the provisions of environmental protection must be done by the functional units in accordance with regulations of law on management of waste and scrap.

Article 11. Certification of conformity with environmental technical regulation of scrap imported for use as raw production materials

1. The Ministry of Natural Resources and Environment shall consider and appoint organizations to be involved in certification of conformity with environmental technical regulation of scrap imported for use as raw production materials when they have met the requirements specified in Clause 2 of this Article and announce the List of appointed organizations on its website so the organizations or individuals importing scrap for use as raw production materials may choose the appropriate conformity certification organization for their imported scrap.

The order and procedures for consideration and appointment of organizations involved in certification are done under the regulations of law on appointment of conformity assessment organization.

2. The requirements to the organizations involved in certification of conformity with environmental technical regulation of scrap imported for use as raw production materials:

a) Being established under regulations of law with operational functions in the area of certification of conformity.

b) Having capability for certification of conformity to meet the requirements specified in the national standard TCVN ISO 17020:2001 or internal standard ISO/IEC 17020:1998 in which the area recognized as conformity with the requirements for environmental protection specified in the environmental technical regulation of scrap imported for use as raw production materials;

c) Having at least five (05) inspectors with suitable qualifications participating in inspection and assessment with at least three (03) year....s of experience in the area of inspection;

d) Having developed and announced the procedure for certification of conformity for each type of scrap imported for use as raw production materials by the environmental protection requirements in accordance with the environmental technical regulation of scrap imported for use as raw production materials;

Chapter III

RESPONSIBILITY FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

Article 12. Responsibility of organizations or individuals importing scrap for use as raw production materials

1. For organizations or individuals directly using scrap imported for use as raw production materials:

a) Import the correct type and quantity of scrap permitted for import specified in the Certification;

b) Use all scrap imported for use as raw production materials at their production facility;

c) Take sample for analysis to identify the type of waste generated during the use of imported scrap to have plans for handling or transfer to the units with appropriate functions;

d) Make periodical reports on import and use of scrap in the year.... under the form specified in Annex 13a issued with this Circular to the organ issuing the Certification before the 15th of February of the subsequent year.....

2. For organizations or individuals importing with entrustment:

a) Import the correct type and quantity of scrap permitted for import specified in the Certification;

b) Transfer all imported scrap to the organizations or individuals entrusting their import in accordance with the entrustment contract;

c) Make periodical reports on import of scrap in the year.... under the form specified in Annex 13b issued with this Circular to the organ issuing the Certification before the 15th of February of the subsequent year.....

3. For organizations or individuals importing scrap for testing of use as raw production materials:

a) Import the correct type and quantity of scrap permitted for import specified in the written permission of the Prime Minister;

b) Use all quantity of scrap imported for use as raw production materials at their facility;

c) Take sample for analysis to identify the type of waste generated during the use of imported scrap to have plans for handling or transfer to the units with appropriate functions;

d) Make report on import and use of scrap to be tested as raw production materials under the form specified in Annex 13a issue with this Circular to the Ministry of Natural Resources and Environment as per the time limit specified in the written permission of the Prime Minister.

Article 13. Responsibility of Vietnam Environment Administration

1. The Ministry of Natural Resources and Environment shall assign the Vietnam Environment Administration to handle dossiers for issuance of Certification and inspect the environmental protection conditions of the organizations or individuals and submit such dossiers to the Minister of Natural Resources and Environment to review and issue, re-issue or revoke the Certification or issue, re-issue or revoke the Certificate in case of authorization; handle dossier for appointment of organization involved in certification of conformity with environmental technical regulation for the scrap imported for use as raw production materials and submit such dossier to the Minister of Natural Resources and Environment for appointment or appoint in case of authorization.

2. Inspects and guides the activities of environmental protection in import and use of scrap imported from foreign countries for use as raw production materials as prescribed by law; give recommendation to the competent organ issuing the Certification to handle the violation of import and use of imported scrap under the current regulations of law.

3. Considers the recommendations of organizations or individuals wishing to import scrap to be tested as raw production materials; inspects and assesses the import and use of scrap for testing as raw production materials and makes report to the Minister of Natural Resources and Environment for request the Prime Minister to consider and permit the import of scrap for testing and decide the addition of List of scrap permitted for import as raw production materials; develops the environmental technical regulation for the type of scrap to be considered for added in such List.

4. Inspects the certification of conformity with the environmental technical regulation of imported scrap for the organizations or individuals appointed as prescribed by law; give recommendation to the competent organ to handle the violation of certification of conformity

with the environmental technical regulation of imported scrap under the current regulations of law.

5. Manages the type and quantity of imported scrap of organizations or individuals that have been issued with the Certification by the Ministry of Natural Resources and Environment in accordance with the provisions of the issued Certification.

6. Verifies the capacity of enterprises and units wishing to treat and recycle scrap and waste but breaching regulations on environmental protection without re-export to meet the regulations of environmental protection; reports to the Ministry of Natural Resources and Environment; coordinates with the relevant organs and localities in monitoring and inspecting the process of treatment and recycling.

Article 14. Responsibility of the Department of Natural Resources and Environment

1. Guides and inspect the implementation of regulations of environmental protection of organizations or individuals that import and use scrap as raw production materials in the areas under its management.

2. Coordinates with the Vietnam Environment Administration, the customs authorities and the relevant organs at localities upon requirement of coordinated inspection of imported scrap.

3. Manages the type and quantity of imported scrap of organizations or individuals that have been issued with the Certification by the Department of Natural Resources and Environment in accordance with the provisions of the issued Certification.

4. Makes periodical reports on management of import and use of scrap as raw production materials under the form specified in Annex 14 issued with this Circular to the Ministry of Natural Resources and Environment and the People's Committee of provinces and centrally-run cities before the 31st of March of the subsequent year.....

Chapter IV

IMPLEMENTATION PROVISION

Article 15. Effect

1. This Circular takes effect from 27/10/2015.

2. The Joint-Circular No. 34/2012/NO.LT-BCT-BTNMT dated 15/11/2013 of the Ministry of Trade and the Ministry of Natural Resources and Environment guiding the conditions for importing scrap as raw production materials shall be invalidated from the effective date of this Circular.

3. The organizations or individuals that have been issued with the Certification of eligibility for import of scrap for use as raw production materials shall continue to use their Certification to the

end of its duration of validity and must satisfy the environmental protection conditions in import of scrap for use as raw production materials in accordance with the provisions in Clause 1 and 2, Article 56 of Decree No. 38/2015/ND-CP.

Article 16. Implementation responsibility

1. The Ministers, Heads of ministerial-level organs, People's Committees of provinces and centrally-run, Director of Department of Natural Resources and Environment and relevant organizations and individuals are liable to execute this Circular.
2. The Director General of Vietnam Environment Administration shall guide, inspect, monitor and urge the implementation of this Circular.
3. The funds for inspecting the facility importing and using the imported scrap for use as raw production materials and other activities related to the import of scrap for use as raw production materials shall comply with the current regulations of law.
4. Any problem or difficulty arising during the implementation of this Circular should be promptly reported to the Ministry of Natural Resources and Environment for study, amendment or addition accordingly./.

MINISTER

Nguyen Minh Quang

ANNEX 1

SIZE AND QUANTITY OF IMPORTED SCRAP UNDER THE AUTHORITY TO ISSUE CERTIFICATION OF THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT
(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

No.	Name of scrap	HS code			Size and total quantity of imported scrap
1	Gypsum	2520	10	00	³ 500
2	Granulated slag (sandy slag) from iron or steel metallurgy industry.	2618	00	00	³ 500

3	Doped chemical elements used in electronics, in the form of thin disk, plate or the like.	3818	00	00	³ 50
4	Plastic scrap (Total quantity of types of plastic scrap)				³ 200
	Scrap and plastic fragments from Polyethylene: spongy and unidurated form	3915	10	10	
	Scrap and plastic fragments from Polyethylene (PE): Other types	3915	10	90	
	Scrap and plastic fragments from Polystyrene (PS): spongy and unidurated form	3915	20	10	
	Scrap and plastic fragments from Polystyrene (PS): Other types	3915	20	90	
	Scrap and plastic fragments from Polyvinyl chloride (PVC): spongy and unidurated form	3915	30	10	
	Scrap and plastic fragments from Polyvinyl chloride (PVC): Other types	3915	30	90	
	Other scrap and plastic fragments	3915	90	00	
5	Paper scrap (Total quantity of types of paper scrap)				
	Waste paper or paperboard (scrap):Unbleached craft paper or paperboard or wavy paper or paperboard.	4707	10	00	
	Recovered waste paper or paperboard (scrap and fragments): Other paper or paperboard mainly made of pulp obtained from the chemical process, bleached and undyed.	4707	20	00	
	Recovered waste paper or paperboard (scrap and fragments): Paper or paperboard mainly made of pulp obtained from mechanical process (ex: paper for printing of newspaper, magazine and similar publications).	4707	30	00	
	Recovered waste paper or paperboard (scrap and fragments): Other types, including the unsorted scrap and fragments.	4707	90	00	
6	Waste silk (including cocoon unsuitable	5003	00	00	

	for spinning, waste fiber and recycled fiber).				
7	Glass debris and waste glass and other fragments; glass in the form of block.	7001	00	00	³ 100
	Iron and steel scrap (Total quantity of types of iron and steel scrap)				³ 5.000
	Scrap and fragments of cast iron.	7204	10	00	
	Scrap and fragments of alloy steel: stainless steel.	7204	21	00	
	Scrap and fragments of alloy steel: Other types (different from the type of stainless steel).	7204	29	00	
8	Scrap and fragments of iron or tinplate steel.	7204	30	00	
	Scrap and fragments of iron or steel: metal shavings, wood shavings, debris, mill scale, cuttings and burrs not pressed into blocks, baled or bundled	7204	41	00	
	Scrap and fragments of iron or steel: other types.	7204	49	00	
	Remelted scrap ingots (iron, steel, cast iron)	7204	50	00	
9	Bronze scrap and fragments	7404	00	00	³ 50
10	Nickel scrap and fragments	7503	00	00	³ 50
11	Aluminum scrap and fragments	7602	00	00	³ 50
12	Zinc scrap and fragments	7902	00	00	³ 50
13	Tin scrap and fragments.	8002	00	00	³ 50
14	Tungsten scrap and fragments.	8101	97	00	³ 50
15	Molybdenum scrap and fragments.	8102	97	00	³ 50
16	Magnesium scrap and fragments.	8104	20	00	³ 50
17	Titanium scrap and fragments.	8108	30	00	³ 50
18	Zircon scrap and fragments.	8109	30	00	³ 50
19	Antimony scrap and fragments.	8110	20	00	³ 50
20	Manganese scrap and fragments.	8111	00	00	³ 50
21	Chromium scrap and fragments.	8112	22	00	³ 50

ANNEX 2A

**FORM OF WRITTEN REQUEST FOR ISSUANCE OF CERTIFICATION OF ELIGIBILITY
FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW
PRODUCTION MATERIALS**

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

(1)

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No.:

Place..., date..... month year....

Subject: Request for issuance of
Certification of eligibility for
environmental protection in
import of scrap for use as raw
production materials

To:(2).....

1. Name of requesting organization or
individual.....

Certificate of business registration No.:

Date of issue: Place of issue:
.....

2. Address of head office:

3. Full name of competent representative of organization or individual:

Tel:Fax Email.....

4. We enclose with this document the dossier to request the issuance of certification of eligibility
for environmental protection in import of scrap for use as raw production materials.

5. Form and quantity of imported scrap:

a) Directly using scrap as raw production materials

No.	Type of imported scrap	Quantity of scrap	Quantity of scrap requested
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			requested for import within 6 months after the issuance of Certification (ton) (*)	for import within the duration of Certification (ton)
	Name of scrap	HS code		
1				
2				
...				

(*)Only applied to organizations or individuals importing scrap subject to the cases specified in Clause 6, Article 5 of this Circular.

b) Importing scrap with the entrustment

No.	Type of imported scrap		Quantity of scrap requested for import within 6 months after the issuance of Certification (ton) (*)	Quantity of scrap requested for import within the duration of Certification (ton)	Organizations or individuals entrusting the import of scrap
	Name of scrap	HS code			
1					
2					
...					

(*)Only applied to organizations or individuals importing scrap subject to the cases specified in Clause 6, Article 5 of this Circular.

6. We undertake to abide by properly and with full responsibility the regulations and requirements for environmental protection in import of scrap from foreign countries for use as raw production materials.

We kindly request (2) to consider and issue the Certification of eligibility for environmental protection in import of scrap from foreign countries for use as raw production materials

COMPETENT REPRESENTATIVE OF (1)

<Signature and seal>

Sent to:

- As above;

-

Note:

- (1) Organization or individual importing scrap
- (2) Competent organ issuing the Certification

ANNEX 2B

**FORM OF WRITTEN REQUEST FOR RE-ISSUANCE OF CERTIFICATION OF
ELIGIBILITY FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE
AS RAW PRODUCTION MATERIALS**

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

(1)

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

No.:

Place, date month year.....

Subject: Request for re-issuance
of certification of eligibility for
environmental protection in
import of scrap for use as raw
production materials

To:(2).....

1. Name of requesting organization or individual:

.....

Certificate of business registration No.:Date of issue: Place of issue:

.....

2. Address of head office:

3. Full name of competent representative of organization or individual:

Tel:Fax Email.....

4. Issued Certification: No..... date month..... year.....

5. We enclose with this document the dossier to request the re-issuance of certification due to its expiration.

6. Form and quantity of imported scrap:

a) Directly using scrap as raw production materials

No.	Type of imported scrap		Quantity of scrap requested for import within the duration of Certification (ton)
	Name of scrap	HS code	
1			
2			
...			

b) Importing scrap with the entrustment

NO.	Type of imported scrap		Quantity of scrap requested for import within the duration of Certification (ton)	Organizations or individuals entrusting the import of scrap
	Name of scrap	HS code		
1				
2				
...				

7. We undertake to abide by properly and with full responsibility the regulations and requirements for environmental protection in import of scrap from foreign countries for use as raw production materials.

We kindly request (2) to consider and issue the Certification of eligibility for environmental protection in import of scrap from foreign countries for use as raw production materials

COMPETENT REPRESENTATIVE OF (1)

<Signature and seal>

Sent to:

- As above;

-

Note:

- (1) Organization or individual importing scrap
- (2) Competent organ issuing the Certification

ANNEX 2C

FORM OF WRITTEN REQUEST FOR RE-ISSUANCE OF CERTIFICATION OF ELIGIBILITY FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS DUE TO LOSS OR DAMAGE
(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

(1)

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.:
Subject: Request for re-issuance of Certification of eligibility for environmental protection in import of scrap for use as raw production materials due to loss or damage

Place, date month year.....

To:(2).....

- 1. Name of requesting organization or individual:
.....
- 2. Address of head office:
- 3. Full name of competent representative of organization or individual:
- Tel:Fax Email.....
- 4. Issued Certification: No..... date month year.....
Still valid till date month year.....
- 5. We enclose this Official Letter with the dossier for explanation and request for re-issuance of Certification lost (or damaged, enclosed with the damaged Certification).

6. We undertake that the reasons for loss (or damage) of the Certification stated in the explanation dossier are true and shall abide by with full responsibility the regulations and requirements for environmental protection in import of scrap from foreign countries for use as raw production materials.

We kindly request (2) to consider and re-issue the Certification of eligibility for environmental protection in import of scrap from foreign countries for use as raw production materials

COMPETENT REPRESENTATIVE OF (1)

Sent to:

- As above;

-

<Signature and seal>

Note:

(1) Organization or individual importing scrap

(2) Competent organ issuing the Certification

ANNEX 3A

FORM OF COVER AND SUBPAGE OF COVER OF REPORT ON CONDITIONS FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW MATERIALS

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

(NAME OF ORGANIZATION OR INDIVIDUAL IMPORTING SCRAP)

REPORT ON CONDITIONS FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW MATERIALS

<p>NAME OF ORGANIZATION OR INDIVIDUAL IMPORTING SCRAP (*)</p> <p>(Competent representative's signature and full name and seal)</p>	<p>CONSULTING ORGAN(if any) (*) (Competent representative's signature and full name and seal)</p>
<p>Month... year.....</p>	

Note

(*)Only presented on subpage of cover

ANNEX 3B

**REPORT ON ENVIRONMENTAL PROTECTION CONDITIONS IN IMPORT OF SCRAP
FOR USE AS RAW PRODUCTION MATERIALS**

**(To be applied to organizations or individuals directly using scrap imported for use as raw
production materials)**

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

**REPORT ON ENVIRONMENTAL PROTECTION CONDITIONS IN IMPORT OF
SCRAP FOR USE AS RAW PRODUCTION MATERIALS**

TABLE OF CONTENTS

I. Information on organizations or individuals

- 1. Name of requesting organization or individual:
.....

- Certificate of business registration No.:

Date of issue: Place of issue:

2. Address of head office:

3. Name and address of production facility using scrap: (the production facility directly using scrap imported for use as raw production materials).

4. Name of contact person:

Position: Tel: Fax: Email:

5. The issued Certification of eligibility for environmental protection in import of scrap for use as raw production materials No.....dated....., issuing organ.....(if any).

II. Briefly describing the facility and the environmental protection conditions in import of scrap for use as raw production materials

1. Briefly describing the establishment of facility

2. Describing in detail the type of production of the facility, technologies of production, recycling and reuse of scrap; capacity and demand for input materials (describing the raw materials which are not scrap and which are scrap).

3. Describing the imported scrap:

a) For scrap included in the list of scrap permitted for import as raw materials:

- The type of imported scrap, HS code, quantity of scrap planned for import, identification of types of waste and result of analysis of waste components accompanied with the scrap;

b) In case the facility requesting the import of scrap which is not included in the list of scrap permitted for import from foreign countries with the purpose of testing as raw production materials, it shall provide the following information:

- Name of scrap

- Type of production generating the type of scrap: specifically describing the type of production and phase of generation of type of scrap.

- Result of analysis of component and nature of type of scrap.

- Hazardous impurities and substances capable of adhesion associated with scrap.

- Specific description of purpose of import of scrap for testing as raw production materials.

- Social-economic benefits when using the type scrap planned for import.

4. Describing the environmental protection conditions in import and use of scrap specified in Clause 1, Article 56 of Decree No. 38/2015/ND-CP dated 24/4/2015:

a) Description of storage of imported scrap:

- Status or form of storage ownership.

- Total area of scrap gathering storage.

- Rainwater collection system; collection system and measures to treat types of wastewater and solid waste generated during the storage of scrap.

- Floor, wall, partition and canopy of scrap storage area.

- Fire prevention and fighting equipment.

- Status of scrap storage area adjacent to the surrounding area and its possible effect.

- Methods of isolation of affecting factors.

b) Description of open storage of imported scrap:

- Status or form of ownership of open storage.

- Total area of scrap gathering storage.

- Collection system and measures to treat the first wave of rainwater flowing over the open storage of imported scrap and types of wastewater and solid waste generated during the storage of scrap.

- Floor and open storage of imported scrap.

- Measures to minimize dust generated from the open storage of scrap.

- Fire prevention and fighting equipment.

- Status of scrap storage area adjacent to the surrounding area and its possible effect.

- Methods of isolation of affecting factors.

c) Measures to collect, store and treat waste generating during the preparation and preliminary processing of imported scrap before putting it in the production and recycling line. Describe clearly the following contents:

- The measures to collect waste generated from the imported scrap.
- Storage area of generated waste.
- Means and equipment are used to store waste (general solid waste and hazardous waste).
- Means are used to transport scrap within the production facility.
- Measures to treat waste generated during the preparation and preliminary processing of imported scrap.

d) Works and equipment of waste treatment during the production, recycling and reuse of scrap. Describe clearly the following contents:

- Technologies and equipment are used to process waste (capacity, processing effectiveness...)
- Some technical characteristics and particular requirements of technologies and equipment of waste processing (if any).
- Area installed with waste processing system and equipment.
- Works and measures to protect environment during the processing and recycling of generated waste (waste gas, wastewater,...).
- System of environmental quality observation and monitoring system (if any).

dd) Plan for signing contract to hire the functional units to process waste generated from the use of scrap as raw production materials (enclosed with the waste processing contract).

III. Plan for handling batch of imported scrap in breach of regulations on environmental protection or failure to be re-exported

1. The technological plan is applied for handling (or hiring the functional units for handling). Specify details of plan for handling the violating batch of imported scrap.

- Method of transportation
- Way of handling consistent with type of imported scrap.
- Way of handling of products obtained after the handling.
- Other way of handling (destruction).

2. Unit performing the handling

- Specify the handling functions and capability.

- Other contents of handling unit.

IV. Conclusion and commitment

We ensure the truthfulness of data and documents in the report mentioned above and we shall take full responsibility before the law of Vietnam.

COMPETENT REPRESENTATIVE OF ORGANIZATION OR INDIVIDUAL

<Signature and seal>

ANNEX 3C

REPORT ON ENVIRONMENTAL PROTECTION CONDITIONS IN IMPORORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

(To be applied to organizations or individuals importing scrap with entrustment for use as raw production materials)

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

REPORT ON ENVIRONMENTAL PROTECTION CONDITIONS IN IMPORORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

TABLE OF CONTENTS

I/ Information about organization or individual importing with entrustment:

1. Name of organization or individual importing with entrustment:

Certificate of business registration No.:

Date of issue: Place of issue:

2. Address of head office:

3. Name of contact person:

Position: Tel: Fax: Email:

4. The issued Certification of eligibility for environmental protection in import of scrap for use as raw production materials No.....dated....., issuing organ.....(if any).

II/ Information about organization or individual entrusting import (to be declared for each organization or individual entrusting import)

1. Name of organization or individual entrusting import:

Certificate of business registration No.:

Date of issue: Place of issue:

2. Address of head office:

3. Name and address of production facility of organization or individuals entrusting the import of scrap:

4. Name of contact person as needed:

Position: Tel: Fax: Email:

5. The issued Certification of eligibility for environmental protection in import of scrap for use as raw production materials No.....dated....., issuing organ.....Issuing organ aNo.ached to a certified copy of organization or individual.

III. Describing the facility and imported scrap:

1. Describing business and production activity functions: (type of product/goods made and traded,....); having seniority of operation in the area of import and export; when signed the entrusted contract of import of scrap for use as raw production materials (if any, specify the time, type, quantity of imported scrap). The actual compliance with law on import and export and environmental protection.

2. Describing scrap: (type of imported scrap, estimated quantity of scrap imported with entrustment as per each principle contract with the organizatio or individual entrusting the import of scrap (if any)

IV. Plan for handling batch of imported scrap in breach of regulations on environmental protection or failure to be re-exported

1. The technological plan is applied for handling (or hiring the functional units for handling). Specify details of plan for handling the violating batch of imported scrap.

- Method of transportation

- Way of handling consistent with type of imported scrap.

- Way of handling of products obtained after the handling.

- Other way of handling (destruction).

2. Unit performing the handling

- Specify the handling functions and capability.

- Other contents of handling unit.

3. The financial plan upon occurrence of breach:

Committing to re-export all batches of import scrap and bearing all financial expenses for remedy of consequences of causing environmental pollution in case of breach of environmental protection in import of scrap.

V. Conclusion and commitment

We ensure the truthfulness of data and documents in the report mentioned above and we shall take full responsibility before the law of Vietnam.

COMPETENT REPRESENTATIVE OF ORGANIZATION OR INDIVIDUAL

<Signature and seal>

ANNEX 4A

COMMITMENT TO RE-EXPORT OR HANDLING OF IMPORTED SCRAP
(To be applied to organizations or individuals directly importing scrap for production)
(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

(1)

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.

Place, date month year.....

COMMITMENT TO RE-EXPORT OR HANDLING OF SCRAP IN CASE OF FAILURE TO MEET THE ENVIRONMENTAL PROTECTION REQUIREMENTS IN IMPORT OF SCRAP

To:(2).....

I. General information:

1. Organization or individual (1):

2. Address of head office:

Tel:, Fax:....., Email:

3. Name and address of production facility using the imported scrap:

4. The issued Certification of eligibility for environmental protection in import of scrap for use as raw production materials No.....dated....., issuing organ.....(if any).

II. Information about scrap planned for import:

No.	Type of imported scrap		Quantity of scrap requested for import within 6 months after the issuance of Certification (ton) (*)	Quantity of scrap requested for import within the duration of Certification (ton)
	Name of scrap	HS code		
1				
2				
...				

(*) Only applied to organizations or individuals importing scrap subject to the cases specified in Clause 6, Article 5 of this Circular.

III. Committed contents:

1. We undertake to import the scrap only when knowing its origin, components and content of impurities accompanied with scrap and meeting the requirements and regulations of Vietnam.

2. We undertake that in the sale contract or transaction agreement with the importer, there is a provision requiring the exporter to get back its scrap if it fails to meet the environmental technical regulations and current regulations of Vietnam on environmental protection upon which both parties have agreed.

3. We undertake to store, transport and use scrap which meets the environmental protection conditions in import of scrap for use as raw production materials in accordance with regulations of law.

4. We undertake the imported scrap shall be used only as raw production materials at our production facility.
5. If there is any breach of environmental protection in import of scrap, we shall re-export all batches of imported scrap and bear all financial expenses to remedy the consequences of causing environmental pollution.
6. In case of re-export failure, we shall take responsibility for handling such batch of imported scrap with the following contents:
- To comply with regulations on sanction of administrative violation in the area of environmental protection of the imported scrap.
 - To prepare the detailed plan for handling the batch of imported scrap in breach of law and submit it to the environmental management organ for consideration and decision.
 - To bear all expenses for the handling of batch of imported scrap in breach of regulations on environmental protection for re-export failure.

Sent to:

- As above;
-

**COMPETENT REPRESENTATIVE OF
COMPETENT REPRESENTATIVE OF (1)**

<Signature and seal>

Note:

- (1) Organization or individual importing scrap
- (2) Competent organ issuing the Certification

ANNEX 4B

**COMMITMENT TO RE-EXPORT OR HANDLING OF IMPORTED SCRAP
(To be applied to the organizations or individuals importing with entrustment the scrap for
production**

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

(1)

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

No.:

Place, date month year.....

COMMITMENT TO RE-EXPORT OR HANDLING OF SCRAP IN CASE OF FAILURE TO MEET THE ENVIRONMENTAL PROTECTION REQUIREMENTS IN IMPORT OF SCRAP

To:(2).....

I. General information:

1. Organization or individual (1):

.....

2. Address of head office:

Tel:, Fax:, Email:

3. The issued Certification of eligibility for environmental protection in import of scrap for use as raw production materials No.....dated....., issuing organ.....(if any).

4. Import with entrustment for organization or individuals (name of importing organization or individuals.....

II. Information about the scrap planned for import:

NO.	Type of imported scrap		Quantity of scrap requested for import within 6 months after the issuance of Certification (ton) (*)	Quantity of scrap requested for import within the duration of Certification (ton)	Organization or individual entrusting the import of scrap
	Name of scrap	HS code			
1					
2					
....					

(*) Only applied to organizations or individuals importing scrap subject to the cases specified in Clause 6, Article 5 of this Circular.

III. Committed contents:

1. We undertake to import the scrap only when knowing its origin, components and content of impurities accompanied with scrap and meeting the requirements and regulations of Vietnam.

2. We undertake that in the sale contract or transaction agreement with the importer, there is a provision requiring the exporter to get back its scrap if it fails to meet the environmental technical regulations and current regulations of Vietnam on environmental protection upon which both parties have agreed.
3. We undertake to store, transport and use scrap which meets the environmental protection conditions in import of scrap for use as raw production materials in accordance with regulations of law.
4. We undertake to only deliver the imported scrap to the organizations or individuals entrusting their import.
5. If there is any breach of environmental protection in import of scrap, we shall re-export all batches of imported scrap and bear all financial expenses to remedy the consequences of causing environmental pollution.
6. In case of re-export failure, we shall take responsibility for handling such batch of imported scrap with the following contents:
 - To comply with regulations on sanction of administrative violation in the area of import of scrap.
 - To prepare the detailed plan for handling the batch of imported scrap in breach of law and submit it to the environmental management organ for consideration and decision.
 - To bear all expenses for the handling of batch of imported scrap in breach of regulations on environmental protection for re-export failure.

Sent to:

- As above;
-

**COMPETENT REPRESENTATIVE OF
COMPETENT REPRESENTATIVE OF (1)**

<Signature and seal>

Note:

- (1) Organization or individual importing scrap
- (2) Competent organ issuing the Certification

FORM OF DECISION ON ESTABLISHMENT OF INSPECTION TEAM FOR ENVIRONMENTAL PROTECTION CONDITIONS IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

... (1) ...

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.:

Place, date....month...year....

DECISION

... (3) ...

On establishing an inspection team for environmental protection conditions in import of scrap for use as raw production materials of “... (2) ...”

... (3) ...

Pursuant to the Law on environmental protection dated 23/06/2014;

Pursuant to Decree No. 38/2015/ND-CP dated 24/04/2015 of the Government on management of waste and scrap;

Pursuant to Decision No. .../QD...dated of the.....stipulating the functions, duties and organizational structure of ... (1) ...;

Pursuant to Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources and Environment on environmental protection in import of scrap for use as raw production materials;

Considering the request of... (2) ...in the document No.....dated.....on requesting the issuance of Certification of eligibility for environmental protection in import of scrap for use as raw production materials;

At the request of... (4) ...,

DECIDES:

Article 1. Establishing an inspection team for environmental protection conditions in import of scrap for use as raw production materials of “... (2) ...” including the mesdames and messieurs named as follows

1. Mr/Mrs....., Head of team;
2. Mr/Mrs....., Deputy Head of team (if any);
3. Mr/Mrs....., member;

....

Mr/Mrs....., member and secretary;

Article 2. The inspection team shall inspect the environmental protection conditions in import of scrap for use as raw production materials of "... (2) ..." as a basis for issuing the Certification of eligibility for environmental protection in import of scrap for use as raw production materials

Article 3. The inspection must be completed before date.....month.....year.....

Article 4. The expenses of the inspection team's activities shall comply with the current regulations of law

Article 5. This Decision takes effect from its signing date.

The Head (4), mesdames and messieurs named in Article 1, organizations or individuals "... (2)..." are liable to execute this Decision./.

...(3)...

Sent to: (Specify position, full name, signature and seal)

- As in Article 5;

- ...(5)...

- Filed ...

Note:

(1) The organ with authority to issue the decision on establishment of inspection team (the Vietnam Environment Administration shall issue the decision on establishment of inspection team to organizations or individuals under the authority of issue Certification of the Ministry of Natural Resources and Environment).

(2) Organization or individual importing scrap.

(3) Head of organ issuing decision

(4) Head of organ assigned for inspection.

(5) Sent to other organs (if any).

ANNEX 6

FORM OF COMMENT ON ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

SOCIALIST REPUBLIC OF VIETNAM **Independence - Freedom – Happiness**

COMMENT ON ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

OF.....

I. Commentator

1. Full name:
2. Academic title, degree, working position :
3. Place of work (name of organ, address, Tel, Fax, e-mail):.....
4. Title in inspection team:

II. Comment about content of report on environmental protection conditions in import of scrap for use as raw production materials.

1. Satisfactory contents: (general comments on advantages of the reporting contents)
2. Unsatisfactory contents in need of modification or addition (detailed and specific comments in order of chapters and sections of the report).
3. Other comments.

III. Result of actual inspection

1. Storage of imported scrap.
2. Open storage of imported scrap.
3. Measures to collect, store and treat waste generating during the preparation and preliminary processing of imported scrap before putting it in the production and recycling line.

- 4. Works and equipment of waste treatment during the production, recycling and reuse of scrap.
- 5. Other environmental protection works and measures.

IV. Conclusion and recommendation:

Place, date...month...year.....

COMMENTATOR

(Signature and full name)

ANNEX 7

**FORM OF INSPECTION RECORD OF ENVIRONMENTAL PROTECTION CONDITIONS
IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS**

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

**INSPECTION RECORD OF ENVIRONMENTAL PROTECTION CONDITIONS IN
IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS**

Pursuant to the Law on environmental protection dated 23/06/2014;

The inspection team under the Decision No. .../QD-...dated20...of (name of organ issuing the Decision on establishment of team) concerning the inspection of environmental protection conditions in import of scrap for use as raw production materials of (name of facility) shall conduct its inspection at:

Time of inspection: from.....o'clock on date.....too'clock on date.....

Name of facility

Address:

Tel: Fax:

I. Participants of inspection team: (specify full name of the present Head and all members of the inspection team)

II. Facility's representative ((specify full name and position of the present persons)

III. Contents of inspection

- Inspecting the actual environmental protection conditions in import of scrap for use as raw production materials of (name of facility) in accordance with regulations of law as a basis for issuance of Certification under regulations.

- Taking sample for verification of data of waste sources of the facility (if any).

IV. Comment: Give detailed comments about the reality of operation and environmental protection of the facility, particularly:

1. The environmental protection conditions in import and use of scrap as stipulated in Clause 1, Article 56 of Decree No. 38/2015/ND-CP dated 24/04/2015:

a) Storage of imported scrap;

b) Open storage of imported scrap;

c) Measures to collect, store and treat waste generating during the preparation and preliminary processing of imported scrap before putting it in the production and recycling line.

d) Works and equipment of waste treatment during the production, recycling and reuse of scrap.;

dd) Other works and measures for environmental protection;

2. Comments about the contents of report on environmental protection conditions in import of scrap for use as raw production materials.

3. Sampling and analysis of waste sample (if any).

V. Conclusion

1. Result achieved.

2. Shortcomings of dossier

3. Shortcomings of environmental protection conditions in import of scrap.

VI. Opinions of organization or individual

The record is made ato'clock on date.....at and is read carefully to the participants.

**Competent representative
of organizations or
individuals**
(Signature, full name and
position)

**Secretary of inspection
team**
(Signature, full name)

Head of inspection team
(Signature, full name)

Note: The Head of inspection team and the representative of organization or individual shall initial at the boNo.om left corner of each page of record (except for the last page).

ANNEX 8A

FORM OF CERTIFICATION OF ELIGIBILITY FOR ENVIRONMENTAL PROTECTION IN
IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS
**(To be applied to the cases of issuance and re-issuance to organizations or individuals
directly using scrap imported for use as raw production materials)**
*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

.....(1).....

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No.:

Place, date....month...year.....

CERTIFICATION OF ELIGIBILITY FOR ENVIRONMENTAL PROTECTION IN IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS

Issued to:(2).....

Address of head office:

Name and address of (3):

Information for sending notice of batch of imported scrap for checking and customs clearance:
Tel:; Fax:; Email:

..... (1)

CERTIFIES:

1. The environmental protection conditions of (3):

1.1. Storage of imported scrap.

1.2. Open storage of imported scrap.

1.3. Measures to collect, store and treat waste generating during the preparation and preliminary processing of imported scrap before putting it in the production and recycling line.

1.4. Works and equipment of waste treatment during the production, recycling and reuse of scrap.

1.5. Other environmental protection works and measures.

(For sections from 1,1 to 1,5, specify the satisfaction of environmental protection conditions for each item and condition).

2. ...(2)/(3)..... have signed contract with the functional units to handle waste generated in the use of scrap as raw production materials.

3. ...(2)... have the commitment to re-export or handling of scrap in case of failure to meet the environmental protection requirements in import of scrap No.....dated.....

4. The scrap permitted for import within duration of validity of Certification:

NO.	Type of imported scrap		Quantity of scrap requested for import within 6 months after the issuance of Certification (ton) (*)	Quantity of scrap requested for import within the duration of Certification (ton)
	Name of scrap	HS code		
1				
2				
3				
...				

(*) Only applied to organizations or individuals importing scrap subject to the cases specified in Clause 6, Article 5 of this Circular.

5. Other requirements:

5.1. Only permitted to import the quantity of scrap to ensure the capacity of storage (or open storage)

5.2.

6. The duration of validity of Certification: from date.....month.....year.... to date.....month.....year....

Head of (1)
<Signature and seal>

Sent to:

- As above;
- The Ministry of Natural Resources and Environment (if the Certification is issued by the Department of Natural Resources and Environment);
- The Department of Natural Resources and Environment of province.... (if the Certification is issued by the Department of Natural Resources and Environment);
- ...

Note:

- (1) Competent organ issuing the Certification.
- (2) Name of organization or individual directly using scrap as raw production materials.
- (3) The facility using the scrap imported for production of organization or individual (2).

ANNEX 8B

**FORM OF CERTIFICATION OF ELIGIBILITY FOR ENVIRONMENTAL PROTECTION IN
IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS
(To be applied to the cases of issuance and re-issuance to the organizations or individuals
importing scrap with entrustment)**

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

.....(1).....

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness**

No.:

Place, date....month...year....

**CERTIFICATION OF ELIGIBILITY FOR ENVIRONMENTAL PROTECTION IN
IMPORT OF SCRAP FOR USE AS RAW PRODUCTION MATERIALS**

Issued to:(2).....

Address of head office:

Address of storage or open storage of imported scrap (2)

.....

Information to send notice of batch of imported scrap for checking and customs clearance: Tel:; Fax:; Email:

..... (1)

CERTIFIES:

1. The environmental protection conditions of (2): (in case (2) has storage or open storage for storing the imported scrap).

1.1. Storage of imported scrap.

1.2. Open storage of imported scrap.

1.3. Signed contract with the functional unit to handle the waste generated in the storage of scrap imported for use as raw production materials.

(For sections from 1,1 to 1,2, specify the satisfaction of environmental protection conditions for each item and condition. For section 1,3, specify the name of unit signing contract and information about contract).

2 ... (2)... has the commitment to re-export or handling of scrap in case of failure to meet the environmental protection requirements in import of scrap No.....dated.....

3. The scrap is permitted for entrusted import within the duration of validity of the Certification:

NO.	Type of imported scrap		Quantity of scrap requested for import within 6 months after the issuance of Certification (ton) (*)	Quantity of scrap requested for import within the duration of Certification (ton)	Organizations or individuals importing scrap with entrustment
	Name of scrap	HS code			
1					
2					
...					

(*) Only applied to organizations or individuals importing scrap subject to the cases specified in Clause 6, Article 5 of this Circular.

4. Other requirements:

.....
.....
.....

5. The duration of validity of Certification: from date....month....year..... to date....month....year.....

Head of (1)
<Signature and seal>

Sent to:

- As above;
- The Ministry of Natural Resources and Environment (if the Certification is issued by the Department of Natural Resources and Environment);
- The Department of Natural Resources and Environment of province.... (if the Certification is issued by the Department of Natural Resources and Environment);
- ...

Note:

- (1) Competent organ issuing the Certification.
- (2) Name of organization or individual importing scrap with entrustment.

ANNEX 9

FORM OF WRITTEN REQUEST FOR IMPORT OF SAMPLE OF SCRAP FOR ANALYSIS AND TESTING

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

(1)

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No.:
Subject: Request for import of
sample of scrap for analysis and
testing

Place, date....month...year....

To: The Ministry of Natural Resource and Environment

Name of requesting organization or individual:

Certificate of business registration No.:

Date of issue: Place of issue:

Address of head office:

Tel:Fax.....Email.....

Certification of eligibility for environmental protection in import of scrap No.
.....dated.....issued by.....(if any).

Name and address of facility analyzing the sample of scrap

We enclose this document with information about the sample of scrap planned for import not included in the List of scrap permitted for import into Vietnam for analysis.

Kindly request the Ministry of Natural Resources and Environment to consider and permit the import ofkg of such scrap into Vietnam for analysis to serve the assessment of production testing of such scrap in Vietnam. We undertake that such quantity of scrap shall not adversely affect the environment and public health.

COMPETENT REPRESENTATIVE OF

(1)

<Signature and seal>

Sent to:

- As above;

-

Note:

(1) Name of requesting organization or individual.

ANNEX 10

FORM OF WRITTEN REQUEST FOR IMPORT OF SCRAP NOT INCLUDED IN THE LIST
OF SCRAP PERMITTED FOR IMPORT FOR TESTING AS RAW PRODUCTION
MATERIALS

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

(1)

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No.:

Place, date....month...year....

Subject: Request for import of
scrap not included in the list of
scrap permitted for import for
testing as raw production
materials

To: Ministry of Natural Resources and Environment

1. Name of requesting organization or individual:

Certificate of business registration No.:

Date of issue: Place of issue:

2. Address of head office:

3. Full name of competent representative of organization or individual:

Tel:Fax.....Email.....

4. The issued Certification of eligibility for environmental protection in import of scrap for use
as raw production materials No.....dated....., issuing organ.....(if any).

5. We enclose this document with dossier to request the permission for import of scrap not
included in the List of scrap permitted for testing as raw production materials.

6. Type and quantity of imported scrap:

NO.	Name of imported scrap	Quantity of scrap requested for import during the time of testing (ton)
1		

2		
....		

7. We undertake to abide by properly and with full responsibility the regulations and requirements for environmental protection in import of scrap for testing as raw production materials.

Kindly request the Ministry of Natural Resources and Environment to consider and report to the Prime Minister to permit....(1).....to import scrap(2).....from foreign countries for testing as raw production materials.

COMPETENT REPRESENTATIVE OF

Sent to:

- As above;
-

(1)
<Signature and seal>

Note:

(1) Name of requesting organization or individual.

(2) Name of type of scrap requested for import

ANNEX 11

FORM OF WRITTEN NOTICE OF BATCH OF IMPORTED SCRAP

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

(1)

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No.:
Subject: Notice of batch of
imported scrap

Place, date....month...year....

To:(2).....

A. Information about the organization or individual importing scrap:

1. Name of importing organization or individual :.....

Has been issued with Certification of eligibility for environmental protection in import of scrap for use as raw production materials No.datedissued by.....(specify form of direct import of scrap for production or import with entrustment).

- 2. Address of head office:
- 3. Information for sending notice of batch of imported scrap for checking and customs clearance:
 - Name of contact person:; Position:
 - Tel: Fax: Email:.....

B. Information about batch of imported scrap:

- 1. Name of imported scrap:
- 2. Origin of batch of imported scrap:
- 3. Name and address of exporting organization or individual:
- 4. Name of exporting port:
- 5. Name of scrap importing border gate:
- 6. Estimated time of arrival of batch of scrap to importing border gate:
- 7. List the quantity of imported scrap by each batch of scrap before the time of import (from the time of validity of Certification) according to the following table:

Batch of imported batch of scrap	Time of import (Date/month/year)	Importing border gate	Quantity of imported scrap
1. Name of scrap and total quantity permitted for import, HS code			
Batch 1			
Batch 2			
...			
Batch of imported scrap as requested in this document			

The remaining quantity of imported scrap according to the Certification		
2. Name of scrap and total quantity permitted for import, HS code		
Batch 1		
Batch 2		
...		
Batch of imported scrap as requested in this document		
The remaining quantity of imported scrap according to the Certification		

8. The copies of bill of lading of goods and contracts related to the batch of imported scrap according to this written request enclosed with:

.....
.....

9. Other enclosed papers (if any)

.....
.....

COMPETENT REPRESENTATIVE OF (1)

Sent to:

- As above;
-

<Signature and seal>

Note:

(1) Organization or individual importing scrap

(2) The pollution control Department directly under the Vietnam Environment Administration in case the Ministry of Natural Resources and Environment issues the Certification; Department of Natural Resources and Environment.

ANNEX 12

FORM OF WRITTEN NOTICE OF BATCH OF IMPORTED SCRAP FOR CHECKING AND CUSTOMS CLEARANCE

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural Resources And Environment)

(1)

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

No.:

Hanoi, date....month...year....

Subject: Notice of batch of imported scrap for checking and customs clearance

To:(2).....

In response to Document No.....dated of (2), (1) Notice:

1. Name of importing organization or individual:

.....

-Certification of eligibility for environmental protection in import of scrap for use as raw production materials No.datedissued by.....

2. Address of head office:

Shall import the batches of scrap on the estimated date of.....including the following types of scrap:

NO.	Name of imported scrap	HS code	Total quantity of scrap permitted for import as per the Certification	Imported quantity of scrap	Quantity of batch of scrap imported this time
1					
2					

(1)

<signature and seal>

Sent to:

- As above;
- Customs authorities at border gate of imported batch of scrap ;
- Filed...

Note:

(1) The pollution control Department directly under the Vietnam Environment Administration in case the Ministry of Natural Resources and Environment issues the Certification; Department of Natural Resources and Environment.

(2) Organization or individual importing scrap

ANNEX 13A

FORM OF REPORT ON IMPORT AND USE OF IMPORTED SCRAP OF ORGANIZATIONS OR INDIVIDUALS DIRECTLY USING SCRAP IMPORTED FOR USE AS RAW PRODUCTION MATERIALS

(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/ 2015 của of the Minister of Natural Resources and Environment)

(1)

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

No.:

Place, date....month...year....

REPORT ON ANNUAL IMPORT AND USE OF L IMPORTED SCRAP

.....

To:(2).....

I. Information about organizations or individuals importing scrap:

1. Name of importing organization or individual:

2. Address of head office:

3. Name and address of subordinate production facilities using the imported scrap:

.....

4. Type of product made of raw material as imported scrap:

5. Name of contact person:

Position:

Tel:..... Fax:..... E-mail:

II. Report on annual import and use of I imported scrap

Batch of imported batch of scrap	Time of import (Date/month/year)	Quantity of imported scrap	Importing border gate	Amount of deposit for security of imported scrap	Return/use of deposit for handling of violating scrap not re-exported
Type of imported scrap 1, HS code					
Batch 1	Date...month...year...			
Batch 2					
				
Total quantity of imported scrap					
Quantity of imported scrap which has been used					
Type of imported scrap 1, HS code					
Batch 1	Date...month...year...			
Batch 2					
				
Total quantity of imported scrap					
Quantity of imported scrap which has been used					

III. Report on environmental protection:

Specific report on the contents related to:

- Conditions of storage or open storage of imported scrap.

- Reality of management, operation and handling efficiency of collection, storage and handling measures of scrap generated during the preparation and preliminary processing of imported scrap before putting it in the production and recycling line.
- Reality of operation, efficient handling of works and equipment processing waste during the production, recycling and reuse of scrap.
- Reality of implementation of functional unit hiring contract for processing waste generated from the process of using scrap as raw production materials.
- Handling of breach related to the import of scrap for use as raw production materials (if any).

IV. Recommendation:

COMPETENT REPRESENTATIVE OF

Sent to:

- As above;
-

(1)
<Signature and seal>

Note:

- (1) Organization or individual importing scrap
- (2) Competent organ issuing the Certification

ANNEX 13B

**FORM OF REPORT ON IMPORT AND USE OF IMPORTED SCRAP OF ORGANIZATIONS
OR INDIVIDUALS IMPORTING SCRAP WITH ENTRUSTMENT FOR USE AS RAW
PRODUCTION MATERIALS**

*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

(1)

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No.:

Place, date....month...year....

REPORT ON IMPORT AND USE OF SCRAP IMPORTED IN YEAR.....

To:(2).....

I. Information about organization or individual importing scrap with entrustment:

1. Name of importing organization or individual:

2. Address of head office:

3. Name and address of subordinate production facilities using the imported scrap:

.....

4. Name of contact person:

Position:

Tel: Fax: Email.....

II. Report on import and use of scrap imported in the year

Batch of imported batch of scrap	Time of import (Date/month/year)	Quantity of imported scrap	Importing border gate	Amount of deposit for security of imported scrap	Return/use of deposit for handling of scrap not re-exported	Organization or individual entrusting the import of scrap
Type of imported scrap 1, HS code						
Batch 1	date...month....year...				
Batch 2						
					
Quantity of imported scrap						
Type of imported scrap 2, HS code						
Batch 1	date...month....year...				
Batch 2						
					
Quantity of imported scrap						

III. Report on environmental protection activities:

Specific report on the contents related to:

- Conditions of storage or open storage of imported scrap (if any).
- Reality of implementation of functional unit hiring contract for processing waste generated from the process of using scrap as raw production materials (if any)..
- Handling of breach related to the import of scrap for use as raw production materials (if any).

IV. Recommendation:

Sent to:

- As above;
-

COMPETENT REPRESENTATIVE OF

(1)

<Signature and seal>

Note:

- (1) Organization or individual importing scrap
- (2) Competent organ issuing the Certification

ANNEX 14

FORM OF REPORT ON IMPORT AND USE OF IMPORTED SCRAP OF THE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT
*(Issued with Circular No. 41/2015/TT-BTNMT dated 09/09/2015 of the Minister of Natural
Resources And Environment)*

PEOPLE'S COMMITTEE OF
PROVINCE/CITY.....
DEPARTMENT OF NATURAL
RESOURCES AND
ENVIRONMENT

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No.:

Place, date....month...year....

REPORT ON IMPORT AND USE OF SCRAP IN YEAR.....

To: Ministry of Natural Resources and Environment

I. Statistics of imported and used scrap:

1. Organization or individual importing scrap 1:

Batch of imported batch of scrap	Time of import (Date/month/year)	Quantity of imported scrap	Importing border gate	Amount of deposit for security of imported scrap	Return/use of deposit for handling of violating scrap not re-exported
Type of imported scrap 1, HS code					
Batch 1	Date...month...year...			
Batch 2					
				
Total quantity of imported scrap					
Quantity of imported scrap which has been used					
Type of imported scrap 2, HS code					
Batch 1	Date...month...year...			
Batch 2					
				
Total quantity of imported scrap					
Quantity of imported scrap which has been used					

2. Organization or individual importing scrap 2:

.....

Batch of imported batch of scrap	Time of import (Date/month/year)	Quantity of imported scrap	Importing border gate	Amount of deposit for security of imported scrap	Return/use of deposit for handling of violating scrap not re-exported
Type of imported scrap 1, HS code					
Batch 1	Date...month...year...			
Batch 2					
				
Total quantity of imported scrap					

Quantity of imported scrap which has been used					
Type of imported scrap 2, HS code					
Batch 1	Date...month...year...			
Batch 2					
				
Total quantity of imported scrap					
Quantity of imported scrap which has been used					

II. Reality of implementation of environmental protection activities of imported scrap

- The reality of import and use of imported scrap in the areas (environmental problems arising during import, transportation, storage and use of imported scrap as raw production materials; environmental incidents related to the scrap and handling of incident; depositing and use of deposit for security of imported scrap etc).

- Reality of breach and handling of breach of law on environmental protection in import of scrap as raw production materials, etc.

- Other issues.

III. Conclusion and recommendation:

.....

DIRECTOR

Sent to:

- As above;
- People’s Committee of province
(for report);
-

<Signature and seal>

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