

Basel Convention Country Fact Sheet

Viet Nam

Status of Ratifications:

Party to the Basel Convention: 13.03.1995 (a)
 Amendment to the Basel Convention: -
 Basel protocol on Liability and Compensation: -
(Accession (a); Acceptance (A); Approval (AA); Formal confirmation (c); Ratification; Succession (d))

Competent Authority	Focal Point
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National Definition

National definition of waste used for the purpose of transboundary movements of waste exists in Viet Nam.

Law on Environmental Protection - amended in 2005 (enter into force in 1 July 2006) defines that wastes are substances in form of solid, liquid, gas, which are discharged production, service, living or other activities.

National definition of hazardous waste used for the purpose of transboundary movements of waste exists in Viet Nam.

Regulations on Hazardous Waste Management (issued by Decision 155/1999/QD-TTg dated 16 July 1999 of the Prime Minister) defines that hazardous wastes are wastes which contains substances or compounds/mixtures having one of directly hazardous characteristics (flammable, explosive, poisonous, corrosive, infectious or other toxic characteristics) or which, by interaction with other substances, harm the environment and human health.

Law on Environmental Protection - amended in 2005 (enter into force in 1 July 2006) similarly defines that hazardous wastes are wastes containing toxic, radioactive, flammable, explosive, corrosive,

infectious, poisonous components or other hazardous characteristics.

There are no wastes defined as, or considered to be hazardous wastes by national legislation in accordance with Art. 1, para 1(b) of the Basel Convention.

In Viet Nam there are no wastes other than those pursuant to Art. 1 (1)a and/or Art. 1 (1)b of the Basel Convention that require special consideration when subjected to transboundary movement.

Restrictions on Transboundary Movement

Amendment to the Basel Convention

Viet Nam is in a preparatory process of implementing the amendment to the Basel Convention (Decision III/1).

Vietnam has not formally ratified the Amendment to the Basel Convention (Decision III/1) but the Law of Environment Protection of Vietnam in fact prohibits any importation or exportation of hazardous wastes regardless of their sources or destinations.

Restrictions on export for final disposal and for recovery

Law on Environment Protection in 1993 prohibited the export of waste for any purpose but the Law on Environmental Protection - amended in 2005 (enter into force in 1 July 2006) has repealed this provision.

The restriction covers all countries and all wastes under the definition.

This prohibition will only valid until 1 July 2006 when Law on Environmental Protection - amended in 2005 enters into force.

Restrictions on import for final disposal

Waste is prohibited from import for any purpose by both Law on Environment Protection in 1993 and Law on Environmental Protection - amended in 2005 (enter into force in 1 July 2006).

The restriction covers all countries and all wastes under the definition.

The prohibition covers all countries and all wastes under the definition. However, the State allows importation of certain categories of scrap materials after being treated and cleaned outside the country for use as material for industrial production (see Decision 03/2004/QĐ-BTNMT below). Hence, waste import for final disposal is completely prohibited.

Restrictions on import for recovery

Waste is prohibited from import for any purpose by both Law on Environment Protection in 1993 and Law on Environmental Protection - amended in 2005 (enter into force in 1 July 2006).

The prohibition covers all countries and all wastes under the definition.

However, the State allows importation of certain categories of scrap materials after being treated and cleaned outside the country for use as material for industrial production (see Decision 03/2004/QĐ-BTNMT below). Hence, waste import for final disposal is completely prohibited. The List of scraps to be imported is updated regularly.

Ministry of Natural Resources and Environment issued the Decision 03/2004/QĐ-BTNMT dated on 2 April 2004 of the Minister of Natural Resources and Environment on promulgation of Environment Protection Regulations on the Import of Scrap Materials as Secondary Materials for Domestic Production.

Vietnam differentiates between wastes and scrap materials. Law on Environmental Protection - amended in 2005 and Decision 03/2004/QĐ-BTNMT define scrap materials as products or materials discarded from production or consumption, which could be recovered as secondary materials for production.

Restrictions on transit

Law on Environmental Protection - amended in 2005 (enter into force since 1 July 2006) prohibit the transit of wastes (as defined by this Law, not scrap materials).

Regulations on management of businesses on temporary import for re-export and transit of commodities prohibited or suspended from import (issued by Decision 2504/2005/QĐ-BTN dated 10/10/2005 of Minister of Trade):

Article 2: Commodities for temporary import for re-export or transit

1. Prohibit temporary import for re-export and transit of commodities included in the attached List.
2. For commodities prohibited or suspended from import not included in the attached List, businesses of temporary import for re-export or transit can only be done under the written permit issued by Ministry of Trade or the Provincial People's Committee of relevant frontier economic zone.

Article 3: Permitting authorities

1. Ministry of Trade shall issue permit for businesses on temporary import for re-export and transit of commodities prohibited or suspended from import through international ports of Vietnam
2. The Provincial People's Committee of relevant frontier economic zone shall issue permit for businesses on temporary import for re-export and transit of commodities prohibited or suspended from import in frontier economic zone.
3. Co-permitting between Ministry of Trade and or the Provincial

People's Committee of relevant frontier economic zone:

- a. Businesses on temporary import through international ports and then re-export through frontier economic zone shall be permitted by the Provincial People's Committee of frontier economic zone before applying for permit by Ministry of Trade.

Businesses permitted by Ministry of Trade for temporary import for re-export or transit would like to change re-export through frontier economic zone shall present permit by Ministry of Trade as basis for applying permit by the Provincial People's Committee of relevant frontier economic zone.

List of commodities prohibited from temporary import for re-export and transit

(Annex of Regulations on management of businesses on temporary import for re-export and transit of commodities prohibited or suspended from import)

1. Weapon and ammunition, explosives (except for industrial explosives stipulated by specific regulations), military equipments.
2. Antiques.
3. Drugs/dopes (except for pre-substances stipulated by specific regulations).
4. Poisonous chemicals.
5. Wild and precious natural animals and plants.
6. Specialized ciphers and cipher software for State secret security.
7. **Scrap materials** (except for scrap materials allowed for import as raw materials for domestic production pursuant to Decision 03/2004/QD-BTNMT).

All wastes and scrap materials (except for scrap materials allowed for import as raw materials for domestic production pursuant to Decision 03/2004/QD-BTNMT) are prohibited from transit in Vietnam.

**Reduction
and/or
Elimination of
Hazardous
Waste
Generation**

National strategies/policies

National Strategy on Environmental Protection until 2010 and Vision toward 2020: The first specific objective is pollution reduction and the first main task is pollution prevention and control. Waste recycling is encouraged.

Resolution 41-NQ/TW dated 15 November 2004 of the Politburo on enhancement of environmental protection in the industrialization and modernization of the country: aims at pollution reduction, including pollution control at source and waste recycling.

Legislation, regulations and guidelines

Law on Environmental Protection - amended in 2005 (enter into force since 1 July 2006) encourages waste reduction and recycling as well as

stipulates responsibility of generators for waste minimization.

Regulations on Hazardous Wastes Management issued by Decision No. 155/1999/QD-TTg dated July 16, 1999 of the Prime Minister (under amendment process) stipulates that generators are responsible for reducing and separating hazardous waste at source.

Economic instruments/initiatives

Law on Environmental Protection in 1993 stipulates that individuals and/or organizations have the obligation to pay compensation fees (damages) according to relevant legislation if their activities or operations are causing harm to the environment

Law on Environmental Protection - amended in 2005 (enter into force since 1 July 2006):

- Organizations, households and/or individuals that have production or business of products related to long term adverse impact on environment and human health have to pay environmental tax.
- Individuals and/or organizations that discharge into environment or cause harm to environment have to pay environmental fee.

Decree No 67/2003/ND-CP dated June 13, 2003 on environmental fees for waste water.

Measures taken by industries/waste generators

In carrying out production, business and other activities, all organizations and individuals must implement measures for environmental sanitation and have appropriate waste treatment equipment to ensure compliance with environment standards and to prevent and combat environmental degradation, environmental pollution and environmental incidents (Law on Environmental Protection in 1993).

Application of Cleaner Production and ISO 140000 is increasing.

**Transboundary
Movement
Reduction
Measures**

National strategies/policies

Waste is prohibited from import for any purpose by both Law on Environment Protection in 1993 and Law on Environmental Protection - amended in 2005 (enter into force in 1 July 2006).

Ministry of Natural Resources and Environment issued the Decision 03/2004/QD-BTNMT dated on 2 April 2004 of the Minister of Natural Resources and Environment on promulgation of Environment Protection Regulations on the Import of Scrap Materials as Secondary Materials for Domestic Production.

**Disposal/
Recovery
Facilities**

Landfills over the country

Medical waste incinerators over the country.

Recovery activities in Vietnam are done by household sectors at recycling craft villages. Almost all recycling craft villages are scattered in the North Vietnam, of which the recycled materials are paper, plastics, metals and glass.

(More details could be provided by VEPA)

**Bilateral,
Multilateral or
Regional
Agreements**

No agreements.

**Technical
Assistance and
Training
Available**

- Vietnam Environment Protection Agency; Ministry of Industry; Ministry of Agriculture and Rural Development; Ministry of Construction; Institute for Environmental Science and Technology – Hanoi University of Technology

A complete list could be obtained from the Focal Point.

Data on the Generation and Transboundary Movements of Hazardous Wastes and Other wastes in 2003 (as reported)		Quantities (in metric tons)
Generation	Amount of hazardous wastes generated under Art. 1(1)a (Annex I: Y1-Y45) of BC	160,000
	Amount of hazardous wastes generated under Art. 1(1)b of BC	
	<i>Total amount of hazardous wastes generated</i>	160,000
	Amount of other wastes generated (Annex II: Y46-Y47)	12,800,000
Export	Amount of hazardous wastes exported	0
	Amount of other wastes exported	0
Import	Amount of hazardous wastes imported	0
	Amount of other wastes imported	No data