

THE MINISTRY OF TRANSPORT - THE MINISTRY OF NATURAL
RESOURCES AND ENVIRONMENT

**Joint Circular No. 21/2013/TTLT- BGTVT-BTNMT of
August 22, 2013, guiding the management of and
environmental protection in inland waterway
navigation activities**

Pursuant to the June 15, 2004 Law on Inland Waterway Navigation;

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

Pursuant to the Government's Decree No. 80/2006/ND-CP of August 9, 2006, detailing and guiding a number of articles the Law on Environmental Protection, and Decree No. 21/2008/ND-CP of February, 2008, amending and supplementing a number of articles of Decree No. 80/2006/ND-CP;

Pursuant to the Government's Decree No. 29/2011/ND-CP of April 2011, providing strategic environmental assessment, environmental impact assessment and environmental protection commitment;

Pursuant to the Government's Decree No.

107/2012/ND-CP of December 20, 2012, defining the functions, tasks, powers and organizational structure of the Ministry of Transport;

Pursuant to the Government's Decree No. 21/2013/ND-CP of March 4, 2013, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

The Minister of Transport and the Minister of Natural Resources and Environment promulgate this Joint Circular to guide the management of and environmental protection in inland waterway navigation activities.

Article 1. Scope of regulation and subjects of application

1. This Joint Circular guides the management of and environmental protection in inland waterway navigation activities.
2. This Joint Circular applies to organizations navigation activities.

Article 2. Environmental protection applicable to inland waterway vehicles and seagoing vessels

1. Inland waterway vehicles (below referred to as vehicles) and seagoing vessels operating in inland waterways must comply with regulations on environmental protection as follows:

a/ Vehicles must comply with current provisions of the national technical regulations on prevention of pollution caused by inland waterway vehicles;

b/ Seagoing vessels must comply with current provisions of the national technical regulations on systems of prevention of marine pollution caused by vessels;

c/ Vehicles and seagoing vessels operating in inland waterways must have covering devices in order to prevent cargoes from dropping and dust from dispersing and causing environmental pollution;

d/ Vehicles and seagoing vessels must not discharge wastes into inland waterways;

dd/ Vehicles and seagoing vessels must have plans to respond to oil and chemical pollution in accordance with current laws;

e/ Owners of vehicles and seagoing vessels must respond to oil, spills caused by their vehicles or seagoing vessels in accordance with current laws.

2. In addition to provisions of Clause 1 of this Article, special-use vehicles and seagoing vessels must comply with the following provisions:

a/ Passenger vehicles and seagoing vessels must not load hazardous, flammable or explosive cargoes at the same space with passengers;

b/ Vehicles and seagoing vessels carrying liquefied gases must comply with current regulations on decentralization and building of steel-armored seagoing vessels, ensure safety, prevent and fight fires and explosion, and protect the surrounding environment;

c/ Vehicles for collection, temporary storage and transportation of hazardous wastes must comply with current regulations on management of hazardous wastes;

d/ Vehicles and seagoing vessels carrying industrial explosive materials and dangerous cargoes must have licenses for transportation of industrial explosive materials and dangerous cargoes, and ensure safety in preservation and transportation of industrial explosive materials and dangerous cargoes.

3. Vehicles and seagoing vessels operating in areas of ports or landing stages must:

a/ Be subject to examination and supervision by port authorities or landing stage management boards of environmental protection of vehicles and seagoing vessels upon carrying out procedures for entry to and departure from ports or landing stages;

b/ Let no waste and cargo leak, spill, penetrate or spread into the environment when vehicles or seagoing vessels load or unload cargoes,

scrape rust, repaint ship hulls, cleanse engine floors or clean cargo holds containing hazardous and dangerous cargoes;

c/ Owners of vehicles and seagoing ships shall collect or transfer wastes or pollutants to organizations with the function of waste receipt and disposal in accordance with current laws.

Article 3. Environmental protection in inland waterway ports and landing stages

1. Investors or operation lessees of inland waterway ports and landing stages (below referred to as owners of inland waterway ports or landing stages), in the course of their operation, must have one of the following documents:

a/ A decision approving the environmental impact assessment report;

b/ A decision approving the additional environmental impact assessment report;

c/ A decision approving the environmental protection scheme;

d/ A certificate of the registration for environmental standard conformity;

dd/ A written notice of acceptance of registration for environmental protection commitment.

2. Responsibilities of owners of inland waterway ports or landing stages

a/ To implement the contents in one of the documents specified in Clause 1 of this Article and other current regulations on environmental protection;

b/ To organize the collection of wastes generated in the course of operation of ports or landing stages and wastes discharged from vehicles and seagoing vessels anchored or berthing at such ports or landing stages; to coordinate with professional organizations in receiving, transporting and disposing of wastes in accordance with current laws;

c/ To have officers to perform the environmental protection work;

d/ Port owners shall elaborate plans to respond to oil spills and submit them to competent agencies for approval.

3. In addition to the provisions of Clauses 1 and 2 of this Article, owners of inland waterway ports or landing stages that trade in petrol, oil and liquefied petroleum gas shall:

a/ Elaborate plans on prevention of and response to incidents caused by sources on shore or from vehicles or seagoing vessels anchored, berthing or handling cargoes at ports or landing stages, and then submit them to competent agencies for approval in accordance with current laws;

b/ Have devices and equipment used exclusively for collection, temporary storage and transportation of hazardous wastes in accordance with current laws on hazardous waste management.

Article 4. Environmental protection by establishments that build, modify or repair vehicles

1. Establishment owners shall fulfill the requirements specified in Clause 1, Article 3 of this Joint Circular.
2. Establishments submit to examination and supervision by registry offices regarding quality standards and technical safety standards and environmental pollution prevention in the course of building, modification, repair and upgrading, including manufacture and installment of structures and equipment for pollution prevention.
3. Establishment owners shall collect and dispose of wastes arising in the course of repairing and building vehicles and seagoing vessels according to national technical standards on environment before the wastes are discharged into the environment, or coordinate with professional organizations in receiving, transporting and disposing of wastes in accordance with current laws.
4. In the course of operation, establishment owners shall ensure noise and vibration within the limits of national technical standards on noise and vibration.
5. Establishments must have officers in charge of environmental protection.

Article 5. Environmental protection in the planning of development of inland waterway navigation infrastructure

Organizations in charge of planning development of inland waterway navigation infrastructure shall elaborate strategic environmental assessment reports in accordance with current laws.

Article 6. Environmental protection in building, renovation and upgrading of inland waterway navigation infrastructure

1. Based on project contents and scale, owners of projects on building, renovation and upgrading of inland waterway navigation infrastructure shall elaborate environmental impact assessment reports or environmental protection commitments, and submit them to competent agencies for approval.
2. During construction and operation of projects, project owners or units in charge of management and operation of works in the projects shall:
 - a/ Strictly implement the contents of approved environmental impact assessment reports or accepted environmental protection commitments;

b/ Collect wastes and coordinate with professional organizations in disposing of wastes in accordance with current laws.

Article 7. Responsibilities of the Ministry of Transport

1. To assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding and organizing the implementation of this Joint Circular.
2. To examine and urge the implementation of law on environmental protection in inland waterway navigation activities.
3. To elaborate plans on environmental protection in inland waterway navigation activities.
4. To organize training and dissemination of the law on environmental protection among cadres, civil servants, public employees and staff members of management units in charge of inland waterway navigation.
5. To study the pilot application of and expand the model of environmental protection and treatment of environmental pollution at establishments engaged in inland waterway navigation activities.

Article 8. Responsibilities of the Ministry of Natural Resources and Environment

1. To assume the prime responsibility for, and coordinate with the Ministry of Transport in, formulating and submitting to competent authorities for promulgation, or promulgating according to its competence, mechanisms, policies and legal documents on management of and environmental protection in inland waterway navigation activities.
2. To assume the prime responsibility for, and coordinate with the Ministry of Transport in, reviewing and drawing up the list of, and measures for handling, establishments causing serious environmental pollution in inland waterway navigation activities, and submit to competent authorities for approval plans on handling seriously polluting establishments in accordance with current laws.
3. To assume the prime responsibility for, and coordinate with the Ministry of Transport in, inspecting and examining the management of and environmental protection in establishments engaged in inland waterway navigation activities.
4. To summarize up plans and estimate funding for environmental protection in inland waterway navigation activities as requested by the Ministry of Transport.

Article 9. Responsibilities of People's Committees of provinces and centrally run cities (below referred to as provincial-level People's Committees) Provincial-level People's Committees shall direct:

1. Provincial-level Departments of Transport to assume the prime responsibility for, coordinate with provincial-level Departments of Natural Resources and Environment in, advising provincial-level People's Committees on directing, guiding and examining the management of, environmental protection of and handling of environmental protection at, establishments engaged in inland waterway navigation activities under their management; to organize propaganda among and training of their officers and staff members about environmental protection in inland waterway navigation activities.

2. Provincial-level Departments of Natural Resources and Environment to assume the prime responsibility for, and coordinate with provincial-level Departments of Transport in, guiding environmental protection to establishments engaged in inland waterway navigation activities under their management; to annually draw up the list of establishments that need financial support for environmental protection from environmental non-business funding, and submit it to competent authorities for approval in accordance with law; conduct inspection, examination and supervision, make statistics and annual assessments in order to apply prompt measures for treating environmental pollution at establishments engaged in inland waterway navigation activities.

Article 10. Responsibilities of organizations and individuals involved in inland waterway navigation activities

1. To perform environmental protection under this Joint Circular.
2. To prevent, restrict, minimize and remedy environmental consequences caused by establishments engaged in inland waterway navigation activities.
3. To propagandize, educate and raise awareness about environmental protection in inland waterway navigation activities.
4. To submit examination and inspection by competent state agencies in charge of environmental protection.
5. To comply with other regulations on environmental protection.

Article 11. Organization of implementation

1. This Joint Circular takes effect on November 1, 2013.
2. Any problems arising in the course of implementation should be reported to the Ministry of Transport and Ministry of Natural Resources and Environment for consideration and modification.-

For the Minister of Natural Resources and Environment

Deputy Minister

BUI CACH TUYEN

For the Minister of Transport

Deputy Minister

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