

THE GOVERNMENT

No. 46/2012/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, May 22, 2012

DECREE

ON AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE NO. 35/2003/ND-CP OF APRIL 04, 2003 ON DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LAW ON FIRE PREVENTION AND FIGHTING AND THE GOVERNMENT'S DECREE NO. 130/2006/ND-CP OF August 11, 2006 ON THE COMPULSORY FIRE AND EXPLOSION INSURANCE REGIME

Pursuant to the Law on Government organization of December 25, 2001;

Pursuant to the Law on Fire prevention and fighting of June 29, 2001;

At the proposal of the Minister of Public Security;

The Government promulgates the Decree on amending and supplementing a number of articles of the Government's Decree No. 35/2003/ND-CP of April 04, 2003 on detailing the implementation of a number of articles of the Law on Fire prevention and fighting and the Government's Decree No. 130/2006/ND-CP of November 08, 2006 on the compulsory fire and explosion insurance regime,

Article 1. Amending and supplementing a number of articles of the Decree No. 35/2003/ND-CP of April 04, 2003 on detailing the implementation of a number of articles of the Law on Fire prevention and fighting (hereinafter referred to as the Decree No. 35/2003/ND-CP)

1. Clause 3 Article 9 is amended and supplemented as follows:

“3. The fire prevention and fighting safety conditions prescribed in Clause 1 this Article must be organized and sustained throughout the operation.

The heads of the facilities prescribed in Appendix 2 of this Decree must send written commitments to the Fire department on the fulfillment of the conditions for fire prevention and fighting before the operation, enclosed with the documents and papers proving such fulfillment, in particular:

- The copy of the Fire prevention and fighting approval certificate and the written acceptance of fire prevention and fighting;
- The written statistics of the means of fire prevention and fighting; equipment and means of rescue that have been equipped to the facility;
- The decision on establishing the internal fire prevention and fighting team enclosed with the list of the persons that have undergone the fire prevention and fighting training;
- The fire fighting plan;
- The copies of the regulations, signboards, diagrams or guiding boards of fire prevention and fighting and escape consistent with the operation characteristics and properties of the facility;

- The regulation on the fire prevention and fighting duty and task assignments of the facility;
- The technical safety process of fire prevention and fighting consistent with the operation characteristics and properties of the facility;

The Ministry of Public Security shall promulgate the forms of commitments, notifications, the enclosed documents and the Fire department reception of the written commitments.”

2. Clause 2 Article 12 is amended and supplemented as follows:

“2. The motor transport with special requirement for fire prevention and fighting including ships, trains specialized in transporting passengers, petroleum, inflammable liquid, gas, explosives, inflammable chemicals, explosive chemicals must be examined, approved and accepted regarding fire prevention and fighting before the manufacture or transformation.. Before being put into use, the transport owners must send written commitments to the Fire department on the fulfillment of the conditions for fire prevention and fighting, enclosed with the documents and papers proving such fulfillment, in particular:

- The copy of the Fire prevention and fighting approval certificate and the written acceptance of fire prevention and fighting;
- The copies of the regulations, signboards, diagrams or guiding boards of fire prevention and fighting and escape consistent with the operation characteristics and properties of the transport;
- The copy of the fire prevention and fighting training qualification issued by the competent Fire department to the transport driver;
- The written statistics of the means of fire prevention and fighting; equipment and means of rescue that have been equipped to the transport;

3. Article 16 is amended and supplemented as follows:

“Article 16. Designing, appraising and approving the fire prevention and fighting design

1. The construction project, design and planning, new construction design, investment projects, construction use purpose transformation or changes, construction items (hereinafter referred to as projects and constructions) from every investment capital sources must comply with the technical regulations and standards of fire prevention and fighting.

The construction design and project prescribed in Appendix 3 and Appendix 3a of this Decree must be carried out by capable and lawful construction design and consultancy units.

When building, transforming or changing the use purposes of the projects and constructions prescribed in Appendix 3 of this Decree, their fire prevention and fighting design must be appraised and approved by the Fire department as prescribed in Clause 6 this Article.

3. When building, transforming or changing the use purposes of the projects and constructions prescribed in Appendix 3a of this Decree and the constructions subject to compulsory construction license under the provisions on construction investment project management, their fire prevention and fighting design shall be appraised under the technical regulations and standards of fire prevention and fighting when approving projects, designing and licensing construction. For constructions of which the fire prevention and fighting design are technically difficult to appraise, the construction licensing agencies or the project, design approval agencies must obtain written opinions from the Fire department.

Before putting into use, the heads of the projects and constructions prescribed in Appendix 3a of this Decree must send written commitments to the Fire department on the fire prevention and fighting design of the construction having been appraised, approved and accepted as prescribed by law.

4. When building, transforming or changing the use purposes of the projects and constructions not being prescribed in Appendix 3a of this Decree, the requirements for fire prevention and fighting must be satisfied as prescribed by technical regulations and standards of fire prevention and fighting but the fire prevention and fighting design appraisal and approval are not compulsory.

5. The fire prevention and fighting appraisal and approval contents must comply with Clause 1, 2, 3, and 4 Article 13 regarding the project and planning design; or comply with Clause 1, 2, 3, 4, 5 and 6 Article 14 of this Decree regarding work construction and design. The fire prevention and fighting design appraisal and approval results are one of the bases for considering, approving the project, the design and licensing the construction.

6. The fire prevention and fighting design appraisal and approval for the projects and constructions prescribed in Appendix 3 of this Decree is carried out as follows:

a) For planning design projects, the Fire department must respond in writing about the fire prevention and fighting solutions for the planning design dossier (the scale of 1:500);

b) For projects and constructions consisting of two or more design stages, the Fire department shall make the written recommendation on the fire prevention and fighting solutions for the fundamental design dossier and appraise the fire prevention and fighting standards for the technical design dossier or the construction drawing dossier;

a) For projects and constructions consisting of one design stage, the Fire department shall appraise and approve the fire prevention and fighting standards for the construction drawing dossier. The constructions with fire and explosion potential prescribed in Section 13, 14 and 19 of Appendix 3 promulgated together with this Decree must obtain the written consent for the construction location from the Fire department before designing the construction.

7. The dossier on fire prevention and fighting standard appraisal and approval for the projects and constructions prescribed in Appendix 3 of this Decree consists of 02 set certified by the investor. The dossier in foreign languages must be enclosed with the Vietnamese translation. The agency, organization or individual that request the appraisal and approval must be responsible for the accuracy of such translation. The dossier includes:

a) For planning and design project dossiers:

- The written request for consideration and recommendation on the fire prevention and fighting solutions from the organization or agency that appraises and approves the investor's project, and enclosed with the written authorization if it is authorized to be done by another unit.

- The document and detailed planning drawing with the scale of 1:500 demonstrating the requirements for fire prevention and fighting solutions prescribed in Clause 1, 2, 3 and 4 Article 13 of this Decree.

b) For fundamental design dossier:

- The written request for consideration and recommendation on the fire prevention and fighting solutions from the organization or agency that appraises and approves the investor's project, and enclosed with the written authorization if it is authorized to be done by another unit.
- The copy of the written permission for investment from competent authorities;
- The drawings and fundamental design description must demonstrate the requirements for fire prevention and fighting solutions prescribed in Clause 1, 2, 3, 4, 5 and 6 Article 14 of this Decree.

c) For construction location approval dossiers:

- The written request for the inspection and approval for the investor's construction location regarding fire prevention and fighting standards specifying the scale, nature, and characteristics of the explosiveness and inflammability of the planned construction, as well as the characteristics, conditions and compatibility of the land where the construction is planned to be built;
- The copies of the papers certifying the land use right or the construction, house ownership;
- The drawings and documents must express the land terrain related to fire prevention and fighting such as: The fire resistance level or degree of the construction, the distance from the construction to the surrounding constructions, the wind direction, the construction elevation.

d) For technical design dossiers or construction drawings:

- The written request from the investor for the appraisal and approval for the fire prevention and fighting standard, and enclosed with the written authorization if it is authorized to be done by another unit.
- The copy of the written permission for investment from competent authorities, or the planning certificate, or the papers certifying the land use rights;
- The drawings and technical design description demonstrating the requirements for fire prevention and fighting solutions prescribed in Clause 1, 2, 3, 4, 5 and 6 Article 14 of this Decree.

8. The time limits for fire prevention and fighting design appraisal and approval for the projects and constructions prescribed in Appendix 3 of this Decree as from fully receiving the valid dossier is prescribed as follows:

- a) For planning projects: Within 10 working days;
- b) For fundamental designs: Within 10 working days for projects of Group A; within 5 working days for projects of Group B and Group C;
- c) For construction location approval: Within 05 working days;
- d) For construction drawing or technical design appraisal and approval: Within 15 working days for projects and constructions of Group A; within 10 working days for projects and constructions of Group B and Group C.

The classification of projects and constructions to Group A, B, C shall be carried out under the Government's provisions on construction investment project management.

9. The Ministry of Public Security, relevant Ministries and branches shall promulgate the technical regulations and standards of fire prevention and fighting for each kind of constructions; cooperate with the Ministry of Construction in establishing the contents and order for appraising and approving the fire prevention and fighting design in construction. The Ministry of Construction shall cooperate with the Ministry of Public Security in guiding the capability of organizations and individuals of fire fighting and preventing in construction.

10. The Ministry of Finance shall lead and cooperate with the Ministry of Public Security in uniformly collecting and using the fire prevention and fighting appraisal and approval charges. The fire prevention and fighting appraisal and approval charges are calculated on the investment capital of the projects and constructions.”

4. Article 17 is amended and supplemented as follows:

“ Article 17. Responsibilities of the investors, project consultancy, construction supervision units, design consultancy units, construction contractors, project approval agencies, construction licensing agencies and Fire departments work investment and construction.

1. Responsibilities of investors:

a) Ensuring the conformity with law of the project and design as prescribed in Clause 1 Article 16 of this Decree. Submitting the fire prevention and fighting design appraisal and approval to the Fire department regarding the projects and constructions prescribed in Appendix 3 of this Decree;

Appraising, approving the fire prevention and fighting design of the projects and constructions prescribed in Appendix 3a of this Decree;

c) Building, inspecting, supervising the construction consistently with the approved fire prevention and fighting design. In case the fire prevention and fighting design and equipment is changed during the construction, the explanation must be provided and the additional design must be appraised and approved again;

d) Ensuring the fire prevention and fighting safety throughout the construction until the construction is accepted, handed over and put into use;

dd) Organizing the fire prevention and fighting acceptance. Before putting into use, the heads of the projects and constructions prescribed in Appendix 3 of this Decree must send written request to the Fire department for the fire prevention and fighting inspection and acceptance;

e) Before putting into use, the heads of the projects and constructions prescribed in Appendix 3a of this Decree must send written commitments to the Fire department on the fire prevention and fighting design of the construction having been appraised, approved and accepted as prescribed by law.

The Ministry of Public Security shall promulgate the notification and commitment form of the investor.

2. Responsibilities of design consultancy units:

a) Ensuring the fire prevention and fighting design, bearing responsibilities for the design quality during the construction and operation of the building;

b) Provide designer supervision during the construction and installation;

c) Participating in the fire prevention and fighting acceptance.

3. Responsibilities of the construction contractors:

a) Building consistently with the approved fire prevention and fighting design.

b) Ensuring the fire prevention and fighting safety within their management until the construction is handed over;

c) Making finishing dossiers, preparing documents and conditions serving the acceptance of the construction; participating in the construction acceptance.

4. Responsibilities of project consultancy, management and construction supervision units:

Being responsible before the law and the investor for the implementation of the fire prevention and fighting content as committed in the contract signed between the investor and the consultancy unit.

5. Responsibilities of project approval agencies and construction licensing agencies

a) Project approval agencies are responsible to appraise and approve the fire prevention and fighting contents before approving the project. Before approving the projects and constructions prescribed in Appendix 3 of this Decree the written consent from the Fire department must be obtained as prescribed by law;

b) Construction licensing agencies are responsible to request the investor to submit the fire prevention and fighting appraisal and approval from the Fire department regarding the projects and constructions prescribed in Appendix 3 of this Decree, as well as the fire prevention and fighting design appraisal and approval regarding the projects and constructions prescribed in Appendix 3a of this Decree.

6. Responsibilities of the Fire department:

a) Considering and giving response about the fire prevention and fighting solutions for planning design dossiers and fundamental design dossiers; giving fire prevention and fighting appraisal and approval of technical design dossiers or the construction design drawings of the projects and constructions prescribed in Appendix 3 of this Decree;

b) Considering and giving response about the fire prevention and fighting solutions for projects and constructions at the request of the investor as prescribed in Clause 3 Article 16 of this Decree;

c) Testing the equipment and means of fire prevention and fighting before the installation; conducting safety inspection of fire prevention and fighting during the construction;

d) Inspecting the fire prevention and fighting acceptance regarding the projects and constructions *intra vires*.”

5. Article 22 is amended and supplemented as follows:

“Article 22. The fire fighting plan;

1. The fire fighting plan must satisfy the following requirements and contents:

a) Expressing the nature and characteristic of the inflammability, explosiveness, toxicity, and the conditions related to the fire fighting;

- b) Providing the most complicated situation and a number of typical fire situations that might happen, the possibility of fire growth by various degree;
- c) Providing the plans for mobilizing forces and means, control, technical measures, fire fighting tactics and other tasks serving the fire fighting consistent with each stage of the fire situation.

2. Responsibilities for making fire fighting plans;

- a) The heads of the facilities, the Chiefs of hamlets and villages, Chiefs of neighborhoods, forest owners, motor transport owners with special requirements for fire prevention and fighting safety shall be responsible to make plans for fire fighting using the available forces and means (hereinafter referred to as internal fire fighting plans);

The Presidents of commune-level People's Committees, the heads of the facilities in the list prescribed by the Ministry of Public Security in Point b this Clause are responsible to cooperate with the Fire department in making fire fighting plans for the local residential areas and facilities under the guidance from the Ministry of Public Security;

- b) The Fire departments are responsible to make internal fire fighting plans and fire fighting plans for residential areas that mobilize forces and means from the Fire departments and multiple agencies, organizations or localities (hereinafter referred to as fire fighting plans of the Fire department);

The Ministry of Public Security shall enumerate the facility and residential areas for which the Fire department is responsible to make fire fighting plans.

- c) The fire fighting plans must be promptly supplemented and adjusted upon the changes in the nature and characteristic of the inflammability, explosiveness, toxicity, and the conditions related to the fire fighting;

3. Authority to approve fire fighting plans:

- a) The Presidents of commune-level People's Committees, heads of agencies, organizations that approve the internal fire fighting plans not being prescribed in Appendix 1 of this Decree;
- b) The Chief of the Fire department belonging to the provincial Police department shall approve the internal fire fighting plans prescribed in Appendix 1 of this Decree and the fire fighting plans that mobilize forces and means from the Fire departments and from multiple local agencies, organizations. The special cases shall be approved by the Chief of the provincial Police department;
- c) The Chief of the Fire department belonging to the provincial Fire department shall approve the internal fire fighting plans prescribed in Appendix 1 of this Decree and the fire fighting plans made by the Fire department that mobilize the forces and means from the Fire departments under their management and from multiple local agencies, organizations.
- d) The Chief of the provincial Fire department shall approve the fire fighting plans made by the Fire department that mobilize the forces and means from affiliated Fire departments and from multiple local agencies, organizations;
- dd) The Presidents of the provincial-level People's Committees shall approve the fire fighting plans that mobilize military forces and means;

e) The Director of the Fire Prevention and Fighting Department shall approve the fire fighting plans that mobilize forces and means from multiple central-affiliated cities and provinces. If necessary, the Minister of Public Security or the authorized person shall give approval. In special cases, the Minister of Public Security shall submit it to the Prime Minister for approval.

4. Order, procedures and time limits for approving fire fighting plans:

a) Order and procedures for approving fire fighting plans:

After the internal fire fighting plans prescribed in Appendix 1 of this Decree is made, the person responsible to make the plans shall sign, append the seal, compile and send the dossier on requesting the approval to the competent persons.

The dossier on requesting the fire fighting plan approval consists of 01 set. The dossier includes 1 written request for fire fighting plan approval enclosed with 2 fire fighting plans that have been approved, signed and sealed by the person responsible to make such plans .

Within the time limit prescribed in Point b this Clause, the person competent to approve the plans shall verify the information related to the plans in order to make decisions on approving or requesting amendment and supplement of the fire fighting plans;

The time limits for approving the internal fire fighting plans of the projects and constructions prescribed in Appendix 1 of this Decree is counted as from fully receiving the valid dossier. In particular:

- The fire fighting plans approved by the Chief of the Fire department: Within 07 working days;
- The fire fighting plans approved by the Chief of the provincial Fire department, the Presidents of the provincial-level People's Committees the Director of the Fire Prevention and Fighting Department: Within 10 working days;

5. The fire fighting plans being made as prescribed in Point a Clause 2 this Article shall be managed at the facilities and their copies shall be sent to local the Fire departments; The fire fighting plans being made as prescribed in Point b Clause 2 this Article shall be managed at the Fire departments and their copies shall be sent to the facilities and the People's Committees at the communes where the fire fighting plans are made The agencies, organizations of which the forces and means participate in the plans shall be provided with the information related to their tasks.

6. Regulation and responsibilities to organize of fire fighting plan practice;

a) The fire fighting plans being made as prescribed in Point a Clause 2 this Article must be practiced at least once per year and irregularly on request;

b) The fire fighting plans being made as prescribed in Point b Clause 2 this Article must be practiced on request;

c) The heads of agencies, organizations, the Presidents of commune-level People's Committees are responsible to organize fire fighting plan practice. The plans made under Point b this Clause must be uniformly agreed with the Fire department about the mobilization of forces and means;

d) The forces and means in the fire fighting plan must participate in the practice;

7. The Fire departments are responsible to guide and inspect the construction, practice, management and use of fire fighting plans;

8. The Ministry of Public Security shall prescribe the internal fire fighting plan form and the Fire department fire fighting plans; define the responsibilities of relevant units and individuals when the Fire department formulate the fire fighting plan and the practice of such fire fighting plans.”

6. Clause 5 Article 46 is amended and supplemented as follows:

“2. Appraising, approving the fire prevention and fighting design of projects, constructions and motor transport with special requirement for fire prevention and fighting; testing the equipment and means of fire prevention and fighting, flameproof material”.

7. Section 15 Appendix 1 promulgated together with the Decree No. 35/2003/ND-CP is amended and supplemented as follows:

“15. Subway works, railway tunnels with over 2,000 m length; road tunnels with 600 m length or above; coal mines and mines of other inflammable resources; underground works with inflammable and explosive substance production, preservation and use of which the volume is 1,000 m³ or above.”

8. The title of Appendix 2 promulgated together with the Decree No. 35/2003/ND-CP is amended and supplemented as follows:

“Appendix 2: List of facilities subject to compulsory written commitment on fire prevention and fighting safety conditions before putting into operation.”

9. Appendix 3 promulgated together with the Decree No. 35/2003/ND-CP is amended and supplemented as follows:

“Appendix 3: List of projects and constructions of which the fire prevention and fighting designs are appraised and approved by the Fire department:

1. Projects of new construction or transformation of urban areas, residential areas, special economic zones, industrial zones, processing and exporting zones, hi-tech zones and projects of new construction or transformation of works belonging to the technical infrastructure related to the fire prevention and fighting design of urban areas, residential areas, special economic zones, industrial zones, processing and exporting zones, hi-tech zones under the provincial approval authority or above.

2. Tenements, apartment buildings and other residential houses with 9 floors or more.

3. Hospitals, sanitariums, medical centers, medical examination and treatment facilities with 50 beds or more.

4. Schools, educational facilities with 10,000 m³ in volume or above, preschools with 200 kids or more.

5. Indoor markets, shopping malls, supermarkets, with 300 trading households or more, or stores with 1,200 m³ in volume or more.

6. Theatres, cinemas, halls, cultural houses with 300 seats or more, indoor sports stadiums with 1,000 seats or more, outdoors stadiums with 10,000 seats or more; dance halls, clubs, recreation facilities with 1,500 m³ in volume or more; other public works with 3,000 m³ or more.

7. Hotels, guest-houses with 7 floors or more, or with 10,000 m³ or more.

8. Administration buildings, office buildings with 7 floors or more, or with 10,000 m³ or more; offices of provincial authorities and socio-political organizations or above.

9. Provincial archives, museums, libraries, exhibition centers, display centers or above,
10. Houses, constructions belonging to science research facilities with 7 floors or more, or with 10,000 m³ in volume or more.
11. Provincial post and telecommunication facilities, radio stations, TV stations or above. National and international command centers, regulation centers, operation centers, control centers.
12. Airports, train stations, wharves, car stations belonging to special grade, first grade, second grade and third grade; water ports belonging to special grade, first grade, second grade and third grade under the National Technical Regulation on classifying and rating civil constructions, industrial constructions and urban technical infrastructure.
13. Petrol and gas trading stores.
14. Constructions for exporting, importing, processing, preserving, transporting petroleum and products from petroleum, gas, industrial explosives.
15. Houses, constructions for industrial production, handicrafts production of which the fire danger is rated A, B with 1,000 m³ in volume or more.
16. Houses, constructions for industrial production, handicrafts production of which the fire danger is rated C, D, E with 5,000 m³ in volume or more.
17. Warehouses that store inflammable goods, materials or package with 2,500 m³ in volume or more.
18. Power plants from 20 MW or above; transformer stations from 110 kV or above.
19. National defense and security constructions with fire and explosion potential that require special protection.
20. “15. Subway works, railway tunnels with over 2,000 m length; road tunnels with 600 m length or above; underground constructions with inflammable and explosive substance production, preservation and use of which the volume is 1,000 m³ or above.”

10. Appendix 3a is supplemented as follows:

“Appendix 3a: The list of projects and constructions of which the fire prevention and fighting designs are appraised by the investors and the construction management agencies. Before putting into use, the investor must send the written commitment to the Fire department:

1. Projects of new construction or transformation of urban areas, constructions belonging to the technical infrastructure related to the fire prevention and fighting design of urban areas, residential areas, special economic zones, industrial zones, processing and exporting zones, hi-tech zones under the district-level approval authority.
2. Tenements, apartment buildings and other residential houses from 5 to 8 floors.
3. Hospitals, sanitariums, medical centers, medical examination and treatment facilities from 25 to 50 beds.
4. Schools, educational with 5,000 to under 10,000 m³, preschools from 100 to under 200 kids.
5. Indoor markets, semi-indoor markets, shopping malls, supermarkets, with under 300 trading households, or stores with under 1,200 m³ in volume.

6. Theatres, cinemas, halls, cultural houses from 200 to under 300 seats, indoor sports stadiums from 200 to under 1,000 seats, outdoors stadiums with under 10,000 seats; dance halls, clubs, recreation facilities with under 1,500 m³ in volume; other public works from 1,000 m³ to under 3,000 m³.
7. Hotels, guest-houses from 5 to 6 floors, or from 5,000 m³ to under 10,000 m³ in volume.
8. Administration buildings, offices under 7 floors, or with 5,000 m³ to under 10,000 m³; administration buildings of district-level authorities and socio-political organizations or above
9. Archives, libraries with 10,000 to under 500,000 units of books and documents; exhibitions centers from 300 m² to under 10,000 m²; district-level museums.
10. Houses, constructions belonging to science research facilities from 5 to 6 floors, or from 5,000 m³ to under 10,000 m³ in volume.
11. District-level post and telecommunication facilities, radio stations, TV stations.
12. Grade IV water ports, airports, train stations, wharves, car stations under the National Technical Regulation on classifying and rating civil constructions, industrial constructions and urban technical infrastructure.
13. Warehouses that store inflammable goods, materials or package from 1,000 m³ to 2,500 m³ in volume.
14. Houses, constructions for industrial production, handicrafts production rated A, B from 500 m³ to under 1,000 m³; rated C, D from 2,000 m³ to under 5,000 m³.
15. Power plants under 20 MW; transformer stations from 35 kV to under 110 kV.”

Article 2. amending and supplementing a number of articles of the Decree No. 130/2006/ND-CP of November 08, 2006 on the compulsory fire and explosion insurance regime as follows:

1. Clause 2 Article 13 is amended and supplemented as follows:

“2. Complying with the law provisions on fire prevention and fighting.”

2. Clause 2 Article 14 is amended and supplemented as follows:

“2. Refusing to sell compulsory fire and explosion insurance in the following cases:

- a) The facilities of which the fire prevention and fighting design is not accepted when building, transforming or changing the use purpose;
- b) The facilities that does not have the inspection records on fire prevention and fighting from the Fire department or it has been over 01 year as from the date of making the inspection record until the time of purchasing the compulsory fire and explosion insurance;
- c) The facilities of which the operation is suspended or terminated due to serious violations of fire prevention and fighting regulations.”

3. Clause 2 Article 15 is amended and supplemented as follows:

“2. Selling compulsory fire and explosion insurance when the buyer requests in writing. Except for the case prescribed in Clause 2 Article 14 of this Decree.”

4. Clause 2 Article 16 is amended and supplemented as follows:

“2. Every six months, the insurer shall transfer the revenue prescribed in Clause 1 Article 16 of this Decree to the account of the Fire Prevention and Fighting Department opened by the Ministry of Public Security at the Central State Treasury in order to create the additional annual budget for the fire prevention and fighting activities.

The Ministry of Finance shall guide the expenditures and the mechanism for managing, dispensing, paying and settling this budget.”

5. Article 18 is amended and supplemented as follows:

“Article 18. Responsibilities of the Ministry of Public Security

1. Guiding the inspection of fire prevention and fighting safety and inspecting the implementation of the fire prevention and fighting regulations of the facilities subject to compulsory fire and explosion insurance.
2. Receiving, managing, using and settling the budget contributed to the fire prevention and fighting activities collected from compulsory fire and explosion insurance as prescribed by law.”

Article 3. Effects

This Decree takes effect on July 15, 2012.

Article 4. Implementation responsibilities

The Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the Presidents of People’s Committees of central-affiliated cities and provinces are responsible to implement this Decree.

**FOR THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung

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