

CIRCULAR

DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE DECREE No. 79/2014/NĐ-CP DATED JULY 31, 2014 DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LAW ON FIRE PREVENTION AND FIGHTING AND THE LAW ON AMENDMENTS AND SUPPLEMENTS TO THE NUMBER OF ARTICLES OF THE LAW ON FIRE PREVENTION AND FIGHTING

Pursuant to the Law on fire prevention and fighting dated June 29, 2001; the Law on amendments and supplements to a number of articles of the law on fire prevention and fighting dated November 22, 2013;

Pursuant to the Decree No. 79/2014/NĐ-CP detailing the implementation of a number of articles of the law on fire prevention and fighting and the Law on amendments and supplements to the number of articles of the law on fire prevention and fighting;

Pursuant to the Decree No. 106/2014/NĐ-CP dated November 17, 2014 defining the functions, tasks, entitlements and organizational structure the Ministry of Public Security;

At the proposal of General Director of Department of Fire Prevention, Fighting, Relief and Rescue;

The Minister of Public Security promulgates the Circular detailing the implementation of a number of articles of the Decree No. 79/2014/NĐ-CP detailing the implementation of a number of articles of the Law on fire prevention and fighting and the Law on amendments and supplements to the number of articles of the Law on fire prevention and fighting (hereinafter referred to as the Decree No. 79/2014/NĐ-CP).

Chapter I

GENERAL PROVISIONS

Article 1. Governing scope

This Circular regulates appraisal, inspection, verification, acceptance, training in competence, statistics, reports, safety rules, fire prevention and fighting control documents; transport of inflammable and explosive commodities; notification of safety conditions to be ensured for fire prevention and fighting; firefighting plans; mobilization of human force, means and assets to get involved in fire prevention and fighting activities; activities of night-watch teams, intramural and

professional fire prevention and fighting forces; temporary and permanent suspension and restoration of operation of facilities and motor vehicles, households and individuals; certificates of fulfillment of conditions for fire prevention and fighting service business activities; list of facilities, residential areas likely to catch fire and explode for which the Fire department is responsible for building the firefighting plan and forms used in fire prevention and fighting.

Article 2. Regulated entities

This Circular applies to:

1. Military officers, fire fighters
2. Police from units and localities
3. Agencies, organizations, households and individuals concerning fire prevention and fighting activities

Chapter II

PARTICULAR PROVISIONS

Section 1. FIRE PREVENTION

Article 3. Fire prevention and fighting control documentation

1. Fire prevention and fighting control documentation prepared and stored by heads of facilities at risk of fire and explosion, residential areas includes:

- a) Regulations, rules, procedures, directives and guidance on fire prevention and fighting;
- b) Design documents, written approval of design, inspection of fire prevention and fighting (if any); written notice about safety conditions to be ensured for fire prevention and fighting (if any);
- c) Process chart, technical system, facilities' inflammable and explosive materials; chart of series of houses easy to catch fire; position of emergency water in the residential area;
- d) Decision on the establishment of night-watch teams, intramural and professional fire prevention and fighting teams;
- dd) Facilities' approved fire plan; the Fire department's fire plan; reports on fire prevention and fighting practice;
- e) Inspection record of fire prevention and fighting; written proposals about fire prevention and fighting tasks; offence notice and decision on the settlement of administrative violations of fire prevention and fighting (if any);

g) Logbook of propaganda, training in competence in fire prevention and fighting, activities of night-watch forces, intramural and professional fire prevention and fighting teams; logbook of fire prevention and fighting equipment;

h) Statistics, reports on fire prevention and fighting; records of fire, explosion (if any).

2. Fire prevention and fighting control documents prepared and stored by heads of the facilities that are not at risk of fire, explosion according to the provisions set out in Points a, d, dd, e and g, Clause 1 of this Article.

In case any facility the scale and nature of which is changed into the facility posing high risk of fire, explosion, head of such facility must prepare fire prevention and fighting control documents according to the provisions set out in Clause 1 of this Article.

Article 4. Statistics, reports on fire prevention and fighting

1. Statistics on fire prevention and fighting includes:

a) Statistics on frequency of inspection, propaganda, training in competence and handling of violations of fire prevention and fighting;

b) List of officers, night-watch members, members of intramural, professional fire prevention and fighting team;

c) Statistics on fire prevention and fighting equipment:

d) Statistics on the duration of learning and practice in fire plans; number of fire cases, fire fighting tasks and other issues relating to fire prevention and fighting activities.

2. Reports on fire prevention and fighting includes:

a) Reports on fire, explosion cases;

b) Reports on fire prevention and fighting tasks (six-month, annual basis):

c) Reports on preliminary and general summing-up of fire prevention and fighting tasks

3. Periodical statistics, reports on fire prevention and fighting must be sent to upper-level agencies, organizations In case there are changes concerning fire prevention and fighting safety to any agency or organization, such agency, organization should make early notice to the Fire department.

Article 5. Safety rules, direction map, instruction signs for fire prevention and fighting

1. Safety rules for fire prevention and fighting include the following information such as management and use of fire and heat sources, inflammable and explosive substances, fire, heat

generating equipment; prohibited acts according to the provisions of the Law on fire prevention and fighting; regulations on management, storage, maintenance, employment of means, equipment of fire prevention and fighting; things to be done to prevent and fight fire, explosion.

2. Direction map of fire prevention and fighting must present work items, internal road system, escape path, position of emergency water and fire fighting equipment. Depending on nature and characteristics of specific operation of the facility, the guiding map of fire prevention and fighting can be made into separate maps to present one or some of the aforesaid information.

3. Prohibition signs, notice signs and guiding signs about fire prevention and fighting, including:

a) No fire sign, no smoking sign, no blocking sign, do not use water on fires sign... As for places where explosive materials, LPG, petrol are manufactured, managed, stored and used and other places running high risk of fire, explosion, it is required to set up secondary signs prohibiting carriage and use of sulfur, mobile phone, transmitters and receivers, and other devices likely to generate heat, spark or fire

b) Notice signs about materials running risk of fire, explosion;

c) Guiding signs about fire prevention and fighting including: escape way sign, fire exit, positions where phones, extinguishers, pillar hydrants, emergency water, mechanical and other fire fighting equipment are stored.

4. Size, forms of prohibition sign, notice signs and guiding signs about fire prevention and fighting shall follow TCVN 4879: Fire prevention – Safety signs. In case validity of prohibition sign, notice sign and guiding sign needs to be defined, secondary signs should be set up.

5. Safety rules, guiding maps, prohibition signs, notice signs and guiding signs about fire prevention and fighting must be disseminated and set up at easy-to-notice places.

Article 6. Transport of inflammable and explosive materials

1. Conditions for vehicles transporting inflammable and explosive materials

Vehicles transporting inflammable and explosive materials must be internal combustion engines or explosion-proof engines and meet the following conditions:

a) Engines of vehicles must be separated from material storage compartment by a fire-proof material or a buffer chamber as regulated;

b) Exhaust pipe of engines must be placed at an separated position, or covered to ensure fire and explosion safety;

c) Electricity system (including battery) must ensure no generation of spark; copper core electric wires must be insulated and have cross section according to the design;

d) Floor, structure of material storage compartment and other spaces of the vehicle within range of possible fire and explosion must be made of fire-proof material and ensure no generation of spark due to friction;

dd) Vehicles with roof;

e) Vehicles transporting inflammable and explosive liquid must be grounded Particularly for LPG trucks, Vietnam's Standards TCVN 6484: LPG – trucks – safety requirements for design, manufacture and usage shall be applied.

g) Fire prevention and fighting equipment is adequate as regulated;

h) Conditions of technical safety and environmental protection must be ensured as regulated;

i) Vehicles transporting inflammable and explosive materials by road, railway must be stuck with a notice about fire, explosion (form No. PC01) at front or the two sides of vehicles during the transportation;

k) i) Vehicles transporting inflammable and explosive materials by road, railway must be stuck with a notice about fire, explosion (form No. PC01) at front screen or the two sides of vehicles during the transportation; Size, standards of flag and signal must follow the regulations promulgated by the Ministry of Transport.

2. Conditions for drivers and people working on the vehicle

a) Drivers must have driver's license as regulated by the Law on road, railway, inland waterways traffic, and certificate of competence in fire prevention and fighting;

b) People working on the vehicle must have certificates of competence in fire prevention and fighting.

3. Procedures for issuance of inflammable and explosive material transporting permit

a) Documentation requesting issuance of inflammable and explosive material transporting permit includes:

- Application for issuance of inflammable and explosive material transporting permit (form No. PC02);

- An authenticated copy or a copy accompanied by an original for comparison with respect to the following papers: Certificate of vehicle registration; certificate of technical safety and environmental protection (with respect to motor vehicles); certificate of technical safety and environmental protection (with respect to inland watercraft); certificate of conformity with respect to packages, containers, tanks storing inflammable and explosive materials as regulated by the Ministries, departments (if any); contract of transport for inflammable and explosive material.

b) Within 10 working days since receipt of eligible documentation, the Fire department shall be responsible for organizing the inspection of fire safety for vehicles (form No. PC05) and issuing inflammable and explosive material transporting permit (form No. PC01); in case the permit is not issued, a written reply should be given with proper reasons stated.

4. Director of the Fire department of central-affiliated cities and provinces (hereinafter referred to as the Fire department of provincial level), heads of Department of fire prevention, fighting, relief and rescue of central-affiliated provinces and cities (hereinafter referred to as the Department of fire safety, relief and rescue) shall be responsible for issuing the inflammable and explosive material transporting permit to organizations, individuals whose facilities are situated in the administrative division.

5. Inflammable and explosive material transporting permit is effective throughout the country and valid once for vehicles with contract of affreightment; valid for 12 months for vehicles transporting inflammable and explosive materials by plans or contracts of transport.

Article 7. Design, valuation of design on fire prevention and fighting

1. Any project, work as defined in the list shown in the Appendix IV enclosed together with the Decree No. 79/2014/NĐ-CP that is developed, renovated or has its function changed; any motor vehicle with special fire safety requirements that is constructed or renovated must be designed in such a way to ensure fire safety according to the provisions and must be executed by a qualified organization as regulated by Article 41 of the Decree 79/2014/NĐ-CP.

2. Examination and approval of fire safety designs are to check solutions and issues concerning the designs of projects, works and motor vehicles with special fire safety requirements against technical regulations and standards, Vietnamese laws concerning fire prevention and fighting, foreign, international standards on fire prevention and fighting applicable in Vietnam.

3. Examination and approval of fire safety designs shall be done according to the provisions set out in Clauses 4, 7 of Article 15 of the Decree No. 79/2014/NĐ-CP.

As technical design documents or shop drawing design documents of projects, works and motor vehicles with special fire safety requirements meet special requirements of fire prevention and fighting, the Fire department shall issue certificate of approved fire safety design (form No. PC03) and affix an “Approved design” stamp (form No. PC04) to the approved explanation and drawings and return one (01) set to the investor or vehicle owner.

4. For any project, works only part of which is renovated and such renovation does not affect safety conditions for fire prevention and fighting of the project or works, the examination and approval of fire safety designs shall be done only for the renovated part.

5. Decentralizing examination and approval of fire safety designs

a) The Department of Fire Prevention, Fighting, Relief and Rescue shall carry out the examination and approval of fire safety designs with respect to projects and works of national

level, group A investment and construction projects (except projects invested by the provincial level using state budget); projects, works with building height at least 100 meters; special-use trains transporting passengers, petrol, gas, LPG, explosives, inflammable and explosive material; special-use ships of at least 50 meters in length transporting petrol, gas, LPG, explosives, inflammable and explosive material, chemicals with dead weight at least 1,000 tons; investment and construction projects proposed by the Fire department of provincial level, Department of Fire Prevention, Fighting, Relief and Rescue of provincial level or the Investor.

b) The Fire department of provincial level, Department of Fire Prevention, Fighting, Relief and Rescue of provincial level shall carry out the examination and approval of fire safety designs with respect to investment and construction projects, motor vehicles with special fire safety requirements that are out of authorities of Department of Fire Prevention, Fighting, Relief and Rescue in the administrative division, and the cases authorized by Department of Fire Prevention, Fighting, Relief and Rescue.

6. Transitional handling

a) For any project, works as defined in the Appendix 3a of the Decree No. 46/2012/NĐ-CP dated May 22, 2012 amending and supplementing a number of articles of the Decree No. 35/2003/NĐ-CP dated April 04, 2003 detailing the implementation of the Law on fire prevention and fighting (hereinafter referred to as the Decree No. 46/2012/NĐ-CP) and on the list of projects, works as defined in the Appendix IV enclosed together with the Decree No. 79/2014/NĐ-CP with fire safety designs being examined, approved and put into construction by the construction management organization, investor themselves before the Decree No. 79/2014/NĐ-CP takes effect, such construction management organization, investor shall continue the inspection and be responsible for ensuring fire safety for the project, works;

b) For any project, work as defined in the Appendix 3a of the Decree No. 46/2012/NĐ-CP and on the list of projects, works as defined in the Appendix IV enclosed together with the Decree No. 79/2014/NĐ-CP with fire safety designs being examined and approved but not yet put into construction by the construction management organization, investor themselves after the Decree No. 79/2014/NĐ-CP takes effect, the investor must make the submission of fire safety design documents according to the provisions set out in Clause 3, Article 15 of the Decree No. 79/2014/NĐ-CP to the Fire department for examination and approval;

c) For any project, works with fire safety designs being examined and approved but not yet put into construction or in construction, if there are any new technical regulations and standards on fire prevention and fighting to be issued, the investor shall continue the construction according to the approved designs on fire prevention and fighting. In this case, in reliance on real-life circumstance, the investor shall make adjustments in conformity with issued technical regulations and standards.

Article 8. Acceptance of fire prevention and fighting

1. Any project, works and motor vehicles with special fire safety requirements having the fire safety designs already examined and approved shall be inspected and accepted on fire prevention

and fighting according to the design approved by the fire Department before they are put into use.

2. Within 07 working days since receipt of notice from the investor, vehicle owner, the fire Department shall be responsible for carrying out the inspection and acceptance of fire prevention and fighting according to the provisions set out in Point c, Clause 2, Article 17 of the Decree No. 79/2014/NĐ-CP. Inspection must be documented (form No. PC05)

3. Inspection and acceptance of fire prevention and fighting shall include:

a) Information about the works or vehicle; construction site; investor or vehicle owner;

b) Issues to be inspected and accepted on fire prevention and fighting:

c) Other requirements (if any)

Article 9. Notice about satisfaction of safety conditions for fire prevention and fighting

1. Before any facility as defined in the Appendix III enclosed together with the Decree No. 79/2014/NĐ-CP and motor vehicle with special fire safety requirements is put into operation, head of the facility and vehicle owner must issue a written notice to the fire Department about the satisfaction of safety conditions of fire prevention and fighting (form No. PC06), and at the same time enclose some documents proving satisfaction of safety conditions of fire prevention and fighting according to the provisions set out in Clause 1, Article 7 and Clause 1, Article 10 of the Decree 79/2014/NĐ-CP.

2. Before any facility or motor vehicle that is subject to notification as regulated in Clause 1 of this Article and is under renovation or change of function is put into operation, heads of such facility or motor vehicle must issue a written notice to the fire Department.

3. The written notice about satisfaction of safety conditions for fire prevention and fighting may be sent by post or directly to the fire Department in the locality where the facility or vehicle is directly managed.

4. After receipt of written notice, the fire Department shall be responsible for executing state management in fire prevention and fighting with respect to facilities, motor vehicles.

Article 10. Procedures for the inspection of fire prevention and fighting safety

1. Persons who are responsible for inspecting fire prevention and fighting safety as regulated in Points a, b, Clause 2, Article 18 of the Decree No. 79/2014/NĐ-CP shall define time and frequency of regular inspections of fire prevention and fighting safety within their own management in reliance on real-life conditions, circumstances as well as requirements for fire prevention and fighting safety.

2. Regular inspection

Persons who are responsible for carrying out regular inspection of fire prevention and fighting safety must build plans and issues of inspection before starting the inspection.

3. Regular, unregular inspection

a) Persons who are responsible for carrying out regular inspection must make a written notification to those subject to inspection about the time, content and members of the Inspectorate before three working days;

b) Persons who are responsible for carrying out unexpected inspection of fire prevention and fighting safety must provide reasons for inspection to those subject to inspection. Before starting unexpected inspection, members from the fire Department must present letter of introduction issued by the agency directly in charge.

c) Those subject to inspection must make adequate preparations for the inspection as notified and arrange competent and responsible persons to work with the Inspectorate members upon receipt of notice about the inspection.

4. Upon conducting regular or unregular inspections of fire prevention and fighting safety with respect to facilities, administrative divisions managed by lower levels, heads of upper-level agencies, organizations, Presidents of the People's Committee of central or provincial-affiliated districts, communes (hereinafter referred to as Presidents of the People's Committees of districts) must make a written notice to such facility, administrative division. In case of necessity, the management level to such facility, administrative division is required to join the Inspectorate, providing documents and developments concerning fire prevention and fighting at the facility and administrative division inspected. Results of inspection shall be notified to the management level of such facility and administrative division.

5. 5. Regular and unregular inspection of fire prevention and fighting safety must be documented (form No. PC05)

Article 11. Procedures for temporary, permanent suspension and restoration of operation with respect to facilities, motor vehicles, households and individuals

1. Procedures for temporary suspension of operation

a) Upon detection of the cases subject to temporary suspension according to the provisions set out in Clause 1, Article 19 of the Decree No. 79/2014/NĐ-CP, the competent person as defined in Clause 6, Article 19 of the Decree No.79/2014/NĐ-CP has the power to ask organizations, individuals to stop operation or terminate acts of violation and execute the followings :

- Make written records to determine the risk of causing fire, explosion or acts of violation of the regulations on fire prevention and fighting;

- Issue decision or make reports to competent persons for decision on temporary suspension of operation.

b) Issuance of decision on temporary suspension must be made in writing (form No.PC07). In case of urgency, decision may be made orally but must be made in writing after that. When a oral decision on temporary suspension is made, full name, title, organization, scope of activities that result in temporary suspension must be clearly announced.

Persons who issue a decision on temporary suspension shall be responsible for following up remedial work to eliminate possible generation of fire, explosion.

2. Procedures for the suspension of operation

a) When the time limit for temporary suspension expires, competent persons who issued previous decision on temporary suspension shall be responsible for organizing the inspection of the facilities, motor vehicles, households and activities of individuals being temporarily suspended to consider and eliminate possible generation of fire, explosion or to tackle violations of the regulations on fire prevention and fighting. The inspection must be documented (form No. PC05);

b) When the inspection is completed, upon finding signs of possible generation of fire, explosion are not yet eliminated or violations are not fully tackled or can not be tackled and likely to cause fire, explosion resulting serious consequences, the competent persons who gave previous decision shall consider and give the decision on temporary suspension of the operation of the facilities, households, motor vehicles and activities of individuals (form No. PC08).

3. Procedures for the restoration of operation

a) During the period of temporary suspension or when the time limit of temporary suspension expires, upon finding that signs of possible generation of fire, explosion are eliminated or violations of the regulations on fire prevention and fighting are tackled, heads of the facilities, households, motor vehicle owners, and individuals must make a written request (form No. PC09) to competent persons who gave previous decision on temporary suspension for consideration and decision on the restoration of operation (form No. PC10);

b) Facilities, households, motor vehicles and activities of individuals that are temporarily suspended shall be considered for the restoration of operation if later they are found to have met all safety conditions of fire prevention and fighting and want to start operation again. However, heads of such facilities, households, motor vehicle owners and individuals must make a written request (form No. PC09) to the competent persons for consideration and decision;

c) Within five working days since receipt of the written request for the restoration of operation, persons who gave previous decision on temporary or permanent suspension must organize the inspection to find out ways to tackle risks of causing fire, explosion and violations of the regulations on fire prevention and fighting or safety conditions of fire prevention and fighting. The results of inspection must be documented (form No. PC05);

In case risks of causing fire, explosion are eliminated, or violations of the regulations on fire prevention and fighting are tackled or the safety conditions of fire prevention and fighting are met, a decision of the restoration of operation shall be given (form No.PC10).4.

Decisions on temporary, permanent suspension or restoration of operation must be delivered to subjects under temporary or permanent suspension, to management levels directly above such subjects (if any); district-level People's Committee where subjects under suspension are headquartered or reside; in case temporary or permanent suspension involving a multiple of subjects, each subject must be delivered a decision.

Section 2. FIRE FIGHTING

Article 12. Fire fighting plans

1. Construction of fire fighting plans

- a) Fire fighting plans of facility (form No.PC11);
- b) Fire fighting plans of the fire Department (form No.PC12);
- c) Fire fighting plans must be re-examined and approved by competent persons when the most complicated fire detail is changed or there are at least two typical fire details being changed.

In case there is only one fire detail being changed, fire fighting plans shall be examined and approved by head of the facility that construct such fire fighting plans.

2. The fire Department that constructs the fire fighting plan for nuclear facility, other facilities on the administrative division of commune-level neighboring the two central-affiliated provinces, and residential areas as regulated in Article 13 hereof must make a written notice about the time for construction of fire fighting plans to heads of the abovementioned facilities and residential areas before three working days. Heads of facilities, the Presidents of the People's Committee of communes, wards, and towns (hereinafter referred to as Presidents of People's Committees of communes) shall be responsible for providing necessary documents, information concerning the construction of fire fighting plans as required by the fire Department, arranging people to get involved and ensuring conditions for the construction of fire fighting plan.

3. Authorities to approve fire fighting plan

- a) Presidents of People's Committees of communes, heads of agencies, organizations shall approve the fire fighting plan for facilities that are not defined in the Appendix II enclosed together with Decree No. 79/2014/NĐ-CP within their scope of management ;
- b) Heads of the Fire department affiliated to the Fire department of provincial level shall approve the fire fighting plans prepared by facilities as defined in the Appendix II enclosed together with the Decree No.79/2014/NĐ-CP within the administrative division; the fire fighting plans prepared by the fire Department for facilities within their scope of management;

c) Head of the Department of fire safety, relief and rescue shall approve the fire fighting plans prepared by facilities as defined in the Appendix II enclosed together with the Decree No.79/2014/NĐ-CP; the fire fighting plans prepared by the fire Department for facilities, residential areas within their administrative division; in special circumstances, the fire fighting plans shall be approved by Director of provincial police department;

d) Director of the fire Department of provincial level shall approve the fire fighting plans prepared by the fire Department that mobilizes human forces and means from at least two subordinate fire Departments or mobilizes human forces and means from many agencies, organizations outside the administrative division of one subordinate fire Department;

dd) The President of the People's Committee of central-affiliated provinces and cities shall approve the fire fighting plans prepared by the fire Department for facilities on the administrative division of commune neighboring the two central-affiliated provinces and the fire fighting plans prepared by the locally based army with human forces and means mobilized;

e) General Director of the Central Department of Fire Prevention, Firefighting, Relief and Rescue shall approve the fire fighting plans by the fire Department that mobilizes human forces and means from many central-affiliated provinces and cities.

4. Fire fighting plan practice

a) The fire fighting plans by facilities as defined in Clause 2, Article 21 of the Decree No.79/2014/NĐ-CP must be developed for regular practice. Number of practices shall be decided by a competent person who develops the fire fighting plan but shall not be less than once a year; the fire fighting plan can be developed into one or more different situations but ensures all the situations in the plan are practiced;

b) The fire fighting plan by the Fire department shall be practiced at the request of the competent person who approves the fire fighting plan as stipulated in the Points b, c, d, dd and e, Clause 3 of this Article; The competent person who requests practice of the fire fighting plan must make a written notice to the President of People's Committee of commune, head of the facility where the practice is expected to take place at least 30 working days prior to the practice, and send request for mobilization of human forces and means for agencies, organizations and locality at least 20 working days before the practice takes place. The President of People's Committee of commune, head of the facility where the practice is expected to take place shall be responsible for ensuring necessary conditions for the organization of the practice of fire fighting plan;

c) The fire fighting plan shall be put into unexpected practice in the preparation for special political, cultural and social events at local or national levels at the request of the competent person who approves the fire fighting plan according to the provisions set out in Clause 3 of this Article.

Article 13. List of facilities, residential areas posing high risk of fire, explosion

Enclosed together with this Circular is the list of facilities, residential areas posing high risk of fire, explosion to which the fire Department shall be responsible for constructing the fire fighting plans (Appendix I).

Article 14. Procedures for the mobilization of human forces, means and properties for fire fighting

1. The mobilization of human forces, means and properties for fire fighting must be carried out by orders (form No. PC13); in case of urgency, such orders may be given orally but must be made in writing no later than three working days.
2. Persons who give orders must declare full name, title, business organization, and specific requests for human forces, means and properties, time and location for gathering.

Section 3. ORGANIZATION OF HUMAN FORCE FOR FIRE PREVENTION AND FIGHTING

Section 15. Activities of night-watch forces, human force for prevention and fighting at intramural and professional levels

1. Organization, staff of night-watch teams
 - a) Night-watch teams from 10-20 staff shall be arranged with one captain and one vice-captain; from 20 to 30 staff, an additional vice-captain shall be promoted. Night-watch teams can be divided into sub-teams from 5-10 staff with one captain and one vice-captain;
 - b) Officials, members of the night-watch teams are those who are permanently present at their residence;
 - c) The President of People's Committee of commune shall decide the appointment of captains, vice-captains of the night-watch teams and sub-teams;
 - d) Police authorities of communes shall act as an advisor for the President of the People's Committee of the same level in the direction of night-watch teams.
2. Organization and part-time staff of intramural fire fighting team
 - a) If any facility, motor vehicle has less than 10 permanent staff, all the staff working in such facility, motor vehicle shall be considered as members of intramural fire fighting team under the command of the head of such facility, motor vehicle;
 - b) If any facility, motor vehicle has from 10-50 permanent staff, the number of staff as members of the intramural fire fighting team shall be at least 10 with one captain;
 - c) If any facility, motor vehicle has from 50-100 permanent staff, the number of staff as members of the intramural fire fighting team shall be at least 15 with one captain and one vice-captain;

d) If any facility, motor vehicle has from 100 permanent staff and over, the number of staff as members of the intramural fire fighting team shall be at least 25 with one captain and two vice-captains;

dd) If any motor vehicle or facility has more than one independent workshop, department, or operates in shifts, each department, workshop, and shift must have one intramural fire fighting team with at least from 05-09 staff with one captain and one vice-captain.

Head of the agency or organization directly superior to facilities, motor vehicles shall decide the appointment of captains, vice-captains of the intramural fire fighting team.

3. Organization and full-time staff of intramural fire fighting team

a) Number of full-time staff of intramural fire fighting team must ensure requirements for fire prevention and fighting of the facility and be suitable for nature and characteristics of fire, explosion in such facility. Head of the agency or organization directly superior to facilities shall consider and give decision on the organization and full-time staff of the intramural fire fighting team. Full-time staff of intramural fire fighting team shall work in shifts around the clock. Leaders of the team include one captain and one vice-captain;

b) Equipment of fire prevention and fighting for intramural fire fighting teams shall be decided by the Ministry of Public Security; Agency of fire prevention and fighting shall provide guidance on fire fighting competence.

4. In addition to the facilities that need the establishment of the professional fire fighting team according to the provisions set out in Clause 25, Article 1 of the Law on amendments and supplements to a number of articles of the Law on fire prevention and fighting, other facilities such as national reserve and petrol stores with capacity of at least 50,000 m³, nuclear power plants and power plants with capacity of at least 200 MW, paper production facilities with capacity of at least 25,000 tons per year, nitrogenous fertilizer production facilities with capacity of at least 180,000 tons per year, textile factories with capacity of 20 million m² per year; oil refineries, industrial zones, processing and exporting zones with an area of at least 50 ha must establish the professional fire fighting team.

Number of staff of professional fire fighting team must ensure requirements for fire prevention and fighting of the facility and be suitable for nature and characteristics of fire, explosion in such facility. Head of the agency or organization directly over facilities shall consider and give decision on the organization and staff of the professional fire fighting team. The professional fire fighting team shall work shifts around the clock. Leaders of the team include one captain and one vice-captain;

5. The person who decides the establishment of night-watch team, intramural and professional fire fighting teams shall be responsible for maintaining the operation, organizing training in fire fighting competence, ranking operation of armed force teams, intramural and professional fire fighting team on an annual basis.

Article 16. Training in fire prevention and fighting competence

1. Trainees

- a) Fire fighting commanders as defined in Clause 2, Article 37 of the Law on fire prevention and fighting;
- b) Officials, members of night-watch team, intramural and professional firefighting team;
- c) Staff who work in the environment posing risks of fire, explosion or are frequently in contact with inflammable and explosive substances;
- d) Ship, train and plane captains, persons working on motor vehicles with at least 30 seats, transporters of substances and commodities posing risk of fire, explosion.
- dd) Persons who work in fire prevention and fighting equipment manufacturers
- e) Other individuals who need training in fire prevention and fighting competence.

2. The President of the People's Committee of all levels, heads of agencies, organizations and facilities shall be responsible for organizing training courses in fire prevention and fighting for the subjects within scope of management. Heads of automobile driver training institutions shall be responsible for introducing knowledge of fire prevention and fighting into the training course.

In case agencies, organizations and facilities that are not able to organize their own training course or individuals have demand for the training in fire prevention and fighting competence, they should submit a written request of the fire Department for the organization of the training course. Expenses for the organization of the training course shall be incurred by such agencies, organizations, facilities or individuals.

3. Time for the training in fire prevention and fighting competence

- a) Time for the first training is from 16 to 24 hours with respect to the subjects as defined in Clause 1 of this Article;
- b) Time for re-training for replacement of the expired certificate of fire prevention and fighting competence is 16 hours at a minimum.

4. Application for the issuance of the certificate of fire prevention and fighting competence submitted to the fire Department is as follows:

- a) For agencies, organizations and facilities that organize the training themselves, the documents include:
 - Written request for inspection and issuance of certificate of fire prevention and fighting competence;

- Training plan and program

- Resumes of participants in the training course

b) For agencies, organizations and facilities that are not able to organize the training themselves, the documents include:

- Written request for the training;

- Resumes of participants in the training

e) Other individuals who need to take part in the training and apply for the certificate of fire prevention and fighting competence must submit the application for attendance in the training course (form No. PC14).

5. Procedures for issuance, re-issuance and replacement of certificates of fire prevention and fighting competence

a) After completing the training with satisfactory results, the subjects as defined in Clause 1 of this Article shall be issued the certificates of fire prevention and fighting competence by the competent fire agency.

b) In case the certificate becomes torn, lost or invalid, a written request for re-issuance or replacement must be submitted.

The time for issuance, re-issuance and replacement of certificates of fire prevention and fighting competence is five working days since the result is confirmed as satisfactory or a written request for re-issuance and replacement is submitted.

6. Certificates of fire prevention and fighting competence issued by General Director of Central Department of Fire Prevention, Fighting, Relief and Rescue, Director of provincial fire Department, Head of provincial Department of Fire Prevention, Fighting, Relief and Rescue are valid across the country for a period of two years since the date of issuance. After this period, re-training is compulsory for re-issuance of certificate.

Article 17. Procedures for mobilization of night-watch teams, intramural and professional fire prevention and fighting forces in the activities of fire prevention and fighting

1. Upon request for participation in propaganda, marches, and manoeuvres about fire prevention and fighting, practice of fire prevention and fighting plans; participation in the remedy of possible generation of fire, explosion, aftermath of fire cases and other activities, the night-watch teams, intramural and professional fire prevention and fighting teams shall be responsible for complying with the competent person's requests.

2. Mobilization of night-watch teams, intramural and professional fire prevention and fighting forces in the activities of fire prevention and fighting must be decided in writing (form No.

PC16); for emergencies, the mobilization can be made orally but no later than three working days after that a written decision must be issued. When the mobilization is made orally, a person who carries out the mobilization must declare full name, title, business organization, address, contact phone number and specify number of people to be mobilized, time, location and activities.

3. Decision on mobilization shall be sent to those who are responsible for execution and filing.

Section 4. ASSESSMENT OF EQUIPMENT, CERTIFICATES OF SATISFACTION OF CONDITIONS FOR PROVISION OF FIRE PREVENTION AND FIGHTING SERVICES; FORMS USED IN FIRE PREVENTION AND FIGHTING

Article 18. Assessment of fire prevention and fighting equipment

1. Content of assessment

- a) Assess types, designs of fire prevention and fighting equipment
- b) Assess technical specifications concerning quality of equipment

2. Method of assessment

- a) Inspect origins, time of manufacture, serial number and technical specifications of equipment;
- b) Inspect types and designs of equipment;
- c) Carry out inspection, testing and experiment by probability sampling; for each batch of goods of the same type, design, assessment shall be done on less than 5% of the vehicle quantity but from 10 samples and over; in case there are less than 10 vehicles to be assessed, all those vehicles shall be assessed;
- d) Valuation of results and establishment of written records of vehicle assessment (form No. PC18);

3. Each fire prevention and fighting equipment shall be inspected once and issued certificate of fire prevention and fighting equipment assessment (form No.PC19) and stuck with an “assessed” stamp (form No.PC20) on the equipment if the result is satisfactory.

4. Procedures for assessment of fire prevention and fighting vehicles

a) Application documents for assessment includes:

- A written request for assessment of equipment (form No. PC17);
- Technical materials of the equipment proposed for assessment;

- Certificate of equipment quality (if any);
- Equipment's factory certificate

If the application documents for assessment of equipment are in a foreign language, a translation in Vietnamese must be included and agencies, organizations, and individuals that request the assessment must be responsible for accuracy of such translation. Agencies, organizations, and individuals must submit one set of application documents for assessment of equipment and provide a sample of equipment to be assessed to the agency of fire prevention and fighting.

b) Within 30 working days at the latest since receipt of all eligible documents and sample of equipment for assessment, the competent agency of fire prevention and fighting must return the result of assessment. For equipment that requires comprehensive installation of the system, the competent agency that carries out the assessment must make a written notice to agencies, organizations, and individuals that request assessment about the time for returning the result of assessment.

b) Within five working days at the latest since receipt of an official dispatch accompanied by the minutes of assessment issued by the assessing organization as stipulated in Point c, Clause 5 of this Article, the competent agency of fire prevention and fighting must review and issue the certificate of equipment assessment. In case the certificate is not issued, a written reply must be issued with proper reasons stated.

5. Decentralization in assessment and issuance of certificates of fire prevention and fighting equipment

a) General Director of Central Department of Fire Prevention, Fighting, Relief and Rescue shall carry out the assessment and issue the certificate of fire prevention and fighting equipment assessment as stipulated in the Appendix V enclosed together with the Decree No. 79/2014/NĐ-CP;

b) Director of the Fire department of provincial level shall carry out the assessment and issue the certificate of fire prevention and fighting equipment assessment according to the provisions set out in Sections 2, 7, 8 and 9 of the Appendix V enclosed together with the Decree No. 79/2014/NĐ-CP with respect to the fire pumps possessed by agencies, enterprises and facilities situated in the administrative division and other fire prevention and fighting equipment assessed under the authorization by the fire Department;

c) Other organizations allowed by the Ministry of Public Security to carry out the assessment of the fire prevention and fighting as defined in the Appendix V enclosed together with the Decree No. 79/2014/NĐ-CP; After the result of assessment is available, an official request accompanied by the minutes of assessment must be sent to General Director of Central Department of Fire Prevention, Fighting, Relief and Rescue or Director of the fire Department of provincial level for assessment and issuance of the certificate of assessment.

6. The Department of Fire Prevention, Fighting, Relief and Rescue shall construct and promulgate procedures for assessment, management and guidance on the assessment of fire prevention and fighting equipment;

Article 19. Procedures, powers to issue, re-issue and replace certificates of satisfaction of conditions for provision of fire prevention and fighting services

1. Procedures for issuance, re-issuance and replacement of certificates of satisfaction of conditions for provision of fire prevention and fighting services

a) Within seven working days since receipt of the written request (form No. PC21) and eligible papers as defined in the Points b, c, d and dd, Clause 1, Article 48 of the Decree No. 79/2014/NĐ-CP, the competent agency of fire prevention and fighting shall organize the inspection of the satisfaction of conditions of location, material facilities, vehicles and equipment for business activities. The result of inspection shall be documented (form No. PC05). In case enterprises, facilities meet the conditions as required, the competent agency of fire prevention and fighting shall issue the certificate of satisfaction of conditions for provision of fire prevention and fighting services (form No. PC22) or make a written reply with proper reasons stated in case of refusal to issue the certificate.

b) Certificates of satisfaction of conditions for provision of fire prevention and fighting services shall be issued or replaced according to the provisions set out in Clause 3, Article 49 of the Decree No. 79/2014/NĐ-CP, specifically as follows:

- Re-issuance or replacement due to loss or damage: No later than five working days since receipt of the request form;

- Replacement due to changes in name, head, representative, location, and activities of fire prevention and fighting services: in this case, the documents shall include the followings: A written request for replacement of the certificate; authenticated copy of Certificate of Business registration or Certificate of operation registration after changes. Time limit for settling replacement of the certificate shall not exceed five working days since the agency of fire prevention and fighting receives all the eligible documents;

2. Powers to issue, replace, and re-issue certificates of satisfaction of conditions for provision of fire prevention and fighting services.

a) General Director of Central Department of Fire Prevention, Fighting, Relief and Rescue shall issue, replace, re-issue certificates of satisfaction of conditions for provision of fire prevention and fighting services to enterprises, facilities that belong to the ministries, departments, or foreign-invested enterprises;

b) Director of the fire Department of provincial level, Head of provincial Department of Fire Prevention, Fighting, Relief and Rescue shall issue, replace and re-issue certificates of satisfaction of conditions for provision of fire prevention and fighting services to enterprises,

facilities at local level and cases authorized by General Director of Central Department of Fire Prevention, Fighting, Relief and Rescue.

Article 20. Certificates of fire prevention and fighting

1. Certificates of fire prevention and fighting issued by fire prevention and fighting training institutions shall be valid throughout the country.

2. Procedures for issuance of the practising certificate of fire prevention and fighting consulting (hereinafter referred to as the practising certificate)

a) The application documents for issuance of the practising certificate shall include two sets (enclosed with two color photos 3x4 size), specifically:

- A request form for issuance of the practising certificate accompanied by a track record in relevant areas (form No. PC23);

- An authenticated copy of degrees, certificates in relevant areas;

b) Within 35 working days since receipt of eligible documents according to the provisions set out in Point a of this Clause, Central Department of Fire Prevention, Fighting, Relief and Rescue shall be responsible for consideration and issuance of the practising certificate to relevant individuals (form No. PC24).

3. Procedures for re-issuance of the practising certificate in case of expiration or loss; replacement of the practising certificate in case of damage or any individual has request for supplements made to his/her practising activities, specifically:

a) In case of re-issuance of the practising certificate, individuals must submit a request form (form No. PC23) to the agency of fire prevention and fighting that previously issued the certificate to them.

b) In case of replacement due to damage, in addition to a request form, the damaged certificate must be submitted;

c) In case of replacement due to some supplements made to the practising activities, the documents shall include: A request form (form No. PC23); an authenticated copy of degrees, certificates in relevant areas.

d) Time limit for re-issuance, replacement of the practising certificate

- The time limit for re-issuance or replacement of the practising certificate due to damage is five working days since receipt of the request form;

- The time limit for replacement of the practising certificate when an individual has a request for supplements made to his/her practising activities is 35 working days since receipt of all eligible documents.

4. The practising certificate shall be valid throughout the country (Vietnam) for a period of five years since the date of issuance.

Article 21. Forms

Enclosed herewith are forms used in fire prevention and fighting tasks (Appendix II); specifically:

1. Permit for transport of substances, commodities posing risk of fire, explosion (form No. PC01).
2. Request form for issuance of permit for transport of substances, commodities posing risk of fire, explosion (form No. PC02).
3. Certificate of approved fire safety design (form No.PC03);
4. Specimen seal of fire safety approval (form No.PC04);
5. Inspection record of fire prevention and fighting (form No.PC05);
6. Written notice about fire safety condition assurance (form No.PC06);
7. Decision on temporary suspension of operation (form No. PC07).
8. Decision on permanent suspension of operation (form No. PC08).
9. A request form for restoration of operation (form No. PC09);
10. Decision on the restoration of operation (form No. PC10);
11. Fire fighting plans made by facilities (form No.PC11);
12. Fire fighting plans made by the fire Department (form No.PC12);
13. Orders given to human forces, means and properties for fire fighting (form No. PC13).
14. Application form for attendance in the fire safety training course (form No. PC14)
15. Certificates of fire prevention and fighting competence (form No. PC15)
16. Decision on mobilization of night-watch teams, intramural and professional fire prevention and fighting forces in the activities of fire prevention and fighting (form No. PC16).

17. A request form for assessment of fire prevention and fighting equipment (form No. PC17).
18. Minutes of assessment of fire prevention and fighting equipment (form No. PC18).
19. Certificates of fire prevention and fighting equipment assessment (form No. PC19).
20. Stamp of fire prevention and fighting equipment assessment (form No. PC20).
21. A request form for issuance, re-issuance and replacement of certificates of satisfaction of conditions for provision of fire prevention and fighting services (form No. PC21).
22. Certificates of satisfaction of conditions for provision of fire prevention and fighting services (form No. PC22).
23. A request form for issuance/re-issuance/replacement of the practising certificate and a track record in activities of fire prevention and fighting (form No. PC23);
24. The practising certificate (form No. PC24)

The forms as defined in this Article must be uniform in A4 size paper when they are made (printed) by local police authorities (except such forms as PC01, PC03, PC04, PC15, PC19, PC20, PC22, PC24 to be printed and delivered by General Department of Fire Prevention, Fighting, Relief and Rescue) without discretionary modification to content or format accepted. Local police authorities shall be responsible for managing the production, delivery and use of the forms.

Chapter III

IMPLEMENTATION

Article 22. Effect

This Circular shall take effect since February 06, 2015 and replace the Minister of Public Security's Circular No. 11/2014/TT-BCA dated March 12, 2014 detailing the implementation of a number of articles of the Decree No. 35/2003/NĐ-CP dated April 04, 2003, the Decree No. 46/2012/NĐ-CP dated May 22, 2012 detailing the implementation of a number of articles of the Law on Fire Prevention and Fighting and Chapter III of the Minister of Public Security's Circular No. 35/2010/TT-BCA dated October 11, 2010 regulating the issuance of permit for transport of industrial explosives and dangerous commodities.

Article 23. Responsibilities

1. General Director of Central Department of Fire Prevention, Fighting, Relief and Rescue shall be responsible for instructing, inspecting and speeding up the implementation of this Circular.

2. General directors, heads of agencies, organizations affiliated to the Ministry of Public Security, directors of fire departments of central-affiliated provinces, cities, and relevant organizations, individuals shall be responsible for executing this Circular.

Local police authorities, agencies, organizations, and individuals should report difficulties that arise during the implementation of this Circular to the Ministry of Public Security (via Central Department of Fire Prevention, Fighting, Relief and Rescue) for early instruction.

**MINISTER
TOP-RANKING GENERAL**

Tran Dai Quang

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