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CIRCULAR

GUIDING THE IMPLEMENTATION OF THE GOVERNMENT'S DECREE No. 35/ 2003/ND-CP OF APRIL 4, 2003 DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LAW ON FIRE PREVENTION AND FIGHTING

On April 4, 2003, the Government issued Decree No., 35/2003/ND-CP detailing the implementation of a number of articles of the Law on Fire Prevention and Fighting. For the uniform implementation throughout the country, the Ministry of Public Security hereby guides in detail the implementation of a number of articles of the above-said Decree as follows:

I. DOSSIERS ON MONITORING, MANAGING FIRE PREVENTION AND FIGHTING ACTIVITIES

1. A dossier on monitoring and managing fire prevention and fighting activities shall include:

a) The stipulations, internal regulations, process, directing and guiding documents on fire prevention and fighting;

b) The documents approving, pre-acceptance testing the fire prevention and fighting (if any); the certificate of full satisfaction of fire prevention and fighting conditions (if any);

c) The ticket classifying the establishment in terms of fire prevention and fighting;

d) The decisions on setting up the establishment's fire prevention and fighting team, civil guard team;

dd) The approved fire-fighting scheme;

e) The written-record on fire prevention and fighting safety inspection; written proposals, recommendations on fire prevention and fighting; written records on violations and decisions concerning the handling of violations regarding fire prevention and fighting (if any);

g) Books for monitoring the propagation, fostering, professional training and operation of the establishment's, fire prevention and fighting team, civil guard team; books for monitoring fire prevention and fighting devices;

h) The statistical report on fire prevention and fighting; files on cases of fire (if any).

2. The fire prevention and fighting-monitoring and -managing dossiers must be supplemented regularly and: in time.

3. The fire prevention and fighting-monitoring and -managing dossiers shall be compiled and kept under the direction of the heads of agencies, organizations or establishments.

II. STATISTICS AND REPORTS ON FIRE PREVENTION AND FIGHTING

1. The statistics on fire prevention and fighting shall include:
 - a) The statistics on the number of fire prevention and fighting safety checks, propagation, fostering and training, the handling of violations related to fire prevention and fighting;
 - b) The statistics on the numbers of civil guard-officers and members, fire-prevention and fighting members in the establishment;
 - c) The statistics on fire-fighting means;
 - d) The statistics on fire-fighting plan study, drills; on fire cases fire-fighting work and other matters related to fire- prevention and fighting activities.
2. Reports on fire prevention and fighting include:
 - a) The report on cases of, fire and/or explosion;
 - b) The biannual and annual/reports, on fire prevention and fighting activities;
 - c) The topical reports on fire prevention and fighting preliminary review and final review.
3. The periodical statistics and reports on fire prevention and fighting must be sent to the immediate superior agencies or organizations. In case of big changes related to the assurance of fire prevention and fighting safety in agencies or organizations, such agencies or organizations shall promptly notify them to the fire-fighting police units directly managing such geographical areas.

III. INTERNAL REGULATIONS ON SAFETY, DIAGRAMS ON FIRE PREVENTION AND FIGHTING INSTRUCTIONS, BAN BOARDS, SIGNBOARDS, INSTRUCTION BOARDS

1. An internal regulation on fire prevention and fighting shall cover the following fundamental contents: the regulations on management and use of flame sources, heat sources, inflammables as well as flame or heat generating equipment and instruments; the regulations on prohibited acts, and things to be done to prevent fires and explosions; the regulations on maintenance, use of fire prevention and fighting systems; equipment and means; the specific regulations on things to be done upon the occurrence of fires or explosions.
2. The fire prevention and fighting instruction diagrams must indicate work items, internal passage systems, exits, water sources for fire fighting, and fire-fighting devices; depending on the nature and characteristics, of specific activities; a fire prevention and fighting instruction diagram can be split up into separate instruction diagrams expressing one or a number of the above-mentioned contents.
3. Ban boards signboards and instruction boards in the fire prevention and fighting domain:
 - a) The no-fire boards (boards banning flame), no-smoking boards, passage obstruction ban boards, boards prohibiting the use of water as fire extinguishers. For establishments producing, preserving or using explosive materials, liquefied gas, petrol and oil and other similar places

where exists high danger of fires and explosions, acts of carrying-matches, lighters, mobile phones and equipments, tools as well as substances, which likely spark or emit flame, should be banned and there must be signboards inscribed fully with such banned objects;

b) Signboards on areas or materials with high danger of fire, explosion;

c) Fire prevention and fighting instruction boards mean those guiding the exit direction, exit doors and places where exist telephones, fire extinguishers, surface hydrants, pit hydrants and other fire-fighting means.

4. The specifications and forms of ban boards, signboards and instruction boards in the fire prevention and fighting domain shall comply with Vietnamese standards TCVN 4897:1989. Fire prevention - safety signs on models forms and dimensions. In cases where it is necessary to clearly specify the effect of ban boards and/ or signboards, auxiliary boards shall be attached thereto.

5. The internal regulations and diagrams guiding the fire prevention and fighting at any place must be disseminated to the people thereat and posted up at easily-spotted places for other relevant people to know and abide by;

IV. FIRE PREVENTION AND FIGHTING APPRAISAL

1. The fire prevention and fighting appraisal of projects, construction works prescribed in Appendix 3 to Decree No. 35/2003/ND-CP and motorized transport means with special requirements on fire prevention and fighting safety means the examination and comparison of designing solutions and contents with the standards, criteria and current legal documents of the State or international or foreign standards permitted for application in Vietnam in order to ensure the full satisfaction of the fire prevention and fighting-safety requirements.

When the technical designs fully satisfy the fire prevention and fighting requirements, the fire-fighting police offices shall grant certificates of fire prevention and fighting appraisal according to Form PC1 in Appendix 1 (not printed herein) and affix the stamp "Having already appraised the fire prevention and fighting", made according to Form PC2 in Appendix 1 to this Circular to every examined and compared drawing.

2. The fire prevention and fighting appraisal:

a) For construction planning projects, work building investment projects: The fire prevention and fighting police offices shall appraise the fire prevention and fighting and give written replies on the appraisal results;

b) For work designing: The appraisal contents shall comply with the provisions in Clause 2, Article 16 of Decree No. 35/2003/ND-CP;

c) For works prescribed in Sections 14, 15 and 19 of Appendix 3 to Decree No. 35/2003/ ND-CP, which are not subject to formulation of construction planning projects and investment projects, their locations must be approved by the fire-fighting police offices before designing the works;

d) For motorized transport means with special requirements on fire prevention and fighting safety, when being newly manufactured or transformed, they shall be appraised in the following contents;

- Solutions to ensure fire prevention and fighting safety for inflammables expected to be loaded onto the means;
- Conditions to ward off fires to combat-fire spreads;
- Solutions to ensure fire prevention and fighting safety for electric-system, fuel system and engines;
- Conditions for exits,-, human rescue upon occurrence of fires;
- Fire-alarm system, fire-fighting system and fire-fighting means;
- Systems and equipment for detecting and handling the leakages of gas or liquids with fire and explosion danger.

3. Dossiers for fire prevention and fighting appraisal, each made in three, sets, must be certified by investors; if the dossiers are, expressed in foreign languages, the Vietnamese versions thereof are required and the agencies, organizations or individuals requesting the appraisal shall have to bear responsibility for the accuracy of such translations;

The contents of the dossiers for fire prevention and fighting appraisal are prescribed as follows:

a) For the approval of locations for construction of works, they include:

- The investor's written request for approval of the construction location, clearly stating the characteristics, scale, nature of the works to be constructed;
- The documents or drawings clearly indicating the locations, prevailing wind direction, information on the land terrain, climate, hydrology, distance from the to be-constructed works to surrounding establishments, works.

b) For work designing, the provisions at Clause 3, Article 16 of Decree No. 35/2003/ND-CP shall be complied with.

c) For motorized transport means with special requirements on fire prevention and fighting safety, they include:

- The investor's written request for appraisal; where the investor authorizes another unit to do it, the letter of authorization, must be enclosed therewith;
- The copy of the competent body's decision permitting the manufacture or transformation of means (with the investor's certification);
- Drawings and explanations expressing the contents of fire prevention and fighting requirements prescribed at Point d, Clause 2 of this Section;
- Documents on technical parameters of fire prevention and fighting means and devices installed and equipped.

d) Drawings and explanations, after being appraised, will be returned to the investor with 2 sets, the fire-fighting police offices directly appraising them, shall keep 1 set for inspection of the

construction, pre-acceptance test of fire prevention and fighting works then returns it to the investor according to regulations after the work is pre-acceptance tested and put into operation.

4. The duration for fire prevention and fighting appraisal and approval shall be calculated from the time the valid dossiers are received and prescribed as follows:

a) For the approval of work construction locations: Within no more than 10 working days, the fire prevention and fighting police offices shall have to examine the dossiers and reply the investors in writing about the construction locations;

b) For projects, work designing the provisions in Clause 4, Article 16 of Decree No. 35/2003/ND-CP shall be complied with.

c) For motorized transport means with special requirements on fire prevention and fighting safety: it shall not exceed 20 working days.

5. Decentralization of responsibilities for fire prevention and fighting appraisal and approval:

a) The Fire Prevention and Fighting Police Department shall appraise and approve the fire prevention and fighting for investment projects and technical, designs of national important works approved by the Prime Minister who also decides the investment therein; the designing dossiers on manufacture, or transformation of motorized transport means with special fire prevention and fighting safety requirements; investment projects and technical designs proposed by the fire prevention and fighting police sections of the provincial-level Police Departments or other works decided by the General Department of Police according to professional requirements. In cases where the General Department of Police makes decisions, it shall have to notify the investors in writing thereof;

b) The fire prevention and fighting police sections of the provincial-level Police Departments shall appraise and approve the fire prevention and fighting for investment projects and technical designs for cases not falling under the competence of the Fire Prevention and Fighting Police Department or cases authorized by the later. In case of authorization, the director of the Fire Prevention and Fighting Police Department must have the letter of authorization.

V. INSPECTION OF CONSTRUCTION RELATED TO FIRE PREVENTION AND FIGHTING

1. The fire prevention and fighting construction inspection covers the examination of work items on fire prevention and fighting as well as the installation of fire prevention and fighting equipment according to the approved designs. The fire prevention and fighting construction inspection shall be carried out at least once at the stage of construction and installation of such equipment and the unexpected inspection when there are signs showing that the construction and installation have been conducted at variance with the approved designs.

2. The Fire Prevention and Fighting Police Department shall inspect the fire prevention and fighting construction for works, motorized transport means with special fire prevention and fighting safety requirements it has appraised and approved.

3. The fire prevention and fighting police sections shall inspect the fire prevention and fighting construction for works they have appraised and approved and works authorized or requested by the Fire Prevention and Fighting Police Department.

In case of necessity, the Fire Prevention and Fighting Police Department shall join the fire prevention and fighting police sections in inspection of fire prevention and fighting constructions

4. Upon the inspection of fire prevention and fighting construction, the representatives of investors, means owners and construction units must be present to participate and at the same time the investors may invite other directly involved persons to participate if deeming it necessary. The investors, the means owners and the contractors must prepare adequate dossiers and documents and ensure necessary conditions in service of the inspection. The dossiers in service of the construction inspection shall include the approved designing dossiers and the certificates, as well as necessary documents related to the quality of construction and installation of fire prevention and fighting equipment.

5. The investors and the means owners shall have to notify the work construction and fire prevention and fighting equipment installation tempo to the local fire prevention and fighting police sections of the localities where the construction works exist.

6. At least 3 working days before conducting the construction inspection, the fire prevention and fighting police offices must notify the investors and means owners of the inspection time, contents and plans.

7. The inspection results shall be inscribed in the records made according to a set form. The investors and means owners shall have to materialize fully and on time the proposals of the inspecting agencies stated in the records.

VI. PRE-ACCEPTANCE TEST OF FIRE PREVENTION AND FIGHTING ITEMS

1. Pre-acceptance test of fire prevention and fighting items constitutes a part of the pre-acceptance test of the whole work or motorized transport means with special fire prevention and fighting safety requirements.

2. The dossiers on fire prevention and fighting pre-acceptance test prepared by investors or means owners shall include:

a) The certificate of fire prevention and -fighting appraisal and approval and the record on fire prevention and fighting construction inspection of the fire-fighting police offices;

b) The investors or means owners' reports on results of construction; inspection, expertise, experiment and pre-acceptance test of fire prevention and fighting systems, equipment and structures;

c) Documents, certificates of expertise of fire prevention and fighting equipment and means already installed in works;

- d) The written record on experiment and pre-acceptance test of parts and whole of fire prevention and fighting items and systems;
- dd) Drawing on complete construction of fire prevention and fighting systems and construction items related to fire prevention and fighting;
- e) Documents and process guiding the operation and maintenance of fire prevention and fighting equipment and systems of works or means.
- g) Documents on pre-acceptance test of items, systems and technical designs related to fire prevention and fighting.

The above-mentioned documents and dossiers must contain adequate stamps and signatures of investors, means owners, contractors, designing units; if they are expressed in foreign language(s), they must be translated into Vietnamese; particularly the drawings on complete construction of fire prevention and fighting systems as well as items related to fire prevention and fighting shall have only fundamental contents translated into Vietnamese at the requests of the fire-fighting police offices.

3. Contents and order of pre-acceptance test inspection:

- a) Inspection of the contents and legality of the pre-acceptance test documents on fire prevention and fighting, prepared by investors or means owners;
- b) The actual inspection of fire prevention and fighting conditions of the works according to the approved designs;
- c) Organization of actual trial run of the works' fire prevention and fighting systems and equipment when deeming it necessary.

4. The inspection and experimentation results shall be recorded in writing according to a set form. Within 7 working days after the involved parties adopt the written records, the fire prevention and fighting police offices shall have to examine them; if the requirements are satisfied, they shall issue documents on fire prevention and fighting acceptance.

5. Decentralization of responsibilities for fire prevention and fighting pre-acceptance tests:

- a) The Fire Prevention and Fighting Police Department shall conduct pre-acceptance tests and issue acceptance documents on fire prevention and fighting for works, transport means with special fire prevention and fighting safety requirements, which it has appraised and approved;
- b) The fire prevention and fighting police sections shall conduct pre-acceptance tests and issue acceptance documents on fire prevention and fighting for works they have appraised and approved and works authorized by the Fire Prevention and Fighting Police Department.

VII. CERTIFICATION OF FULL SATISFACTION OF FIRE PREVENTION AND FIGHTING CONDITIONS

1. The establishments defined in Appendix 2 to Decree No. 35/2003/ND-CP and the motorized transport means with special fire prevention and fighting safety requirements, before being put into operation and satisfying the fire prevention and fighting conditions prescribed in Article 9,

or Clause 1, Article 12, of Decree No. 35/2003/ND-CP, shall be considered for granting the certificates of full satisfaction of fire prevention and fighting conditions, made according to a set form. In the course of operation, if there are any changes in utility and use nature, the procedures must be carried out for re-granting of the certificates as for the first-time granting; if the fire prevention and fighting conditions are not fully maintained as at the time of certificate granting, they shall be handled according to law provisions.

2. Procedures for granting of certificates of full satisfaction of fire prevention and-fighting conditions:

a) The dossiers of application for the granting of certificates of full satisfaction of fire prevention and fighting conditions shall each include:

- The application for granting of certificate of full satisfaction of fire prevention and fighting, conditions made according to Form PC5 in Appendix 1 to this Circular (not printed herein);

- The copy of the certificate of fire prevention and fighting appraisal and approval and the written document on fire prevention and fighting acceptance for newly-built and transformed establishments or newly manufactured or transformed transport means with special fire prevention and fighting safety: requirements or the copy of inspection fire prevention and fighting safety for other establishments and motorized transport means;

- The written statistics on the equipped fire prevention and fighting means and human rescue means, made according to Form PC6 in Appendix 1 to this Circular (not printed herein);

- The decision on setting up the grassroots fire prevention and fighting team, enclosed with the list of persons already trained in fire prevention and fighting;

- The fire-fighting scheme.

b) Within 7 working days after receiving complete and valid dossiers, the fire prevention and fighting police offices shall have to consider and grant the certificates of full satisfaction of fire prevention and fighting conditions; in case of failure to fully meet the fire prevention and fighting conditions for granting of the certificates, the fire prevention and fighting police offices shall have to notify-the applying agencies, organizations or individuals thereof, clearly: stating the reasons therefor.

3. Competence to grant-certificates of full satisfaction of fire prevention and fighting conditions:

a) The Fire Prevention and Fighting Police Department shall grant certificates of full satisfaction of fire prevention and fighting conditions to objects it has appraised, approved and pre-acceptance tested in term of fire prevention and fighting;

b)The fire prevention and fighting police sections shall grant certificates of full satisfaction of fire prevention and fighting conditions to the remaining objects defined in Appendix 2 to Decree No. 35/2003/ND-CP and the objects authorized by the Fire Prevention and Fighting Police Department.

VIII. GRANTING PERMITS FOR TRANSPORTATION OF SUBSTANCES AND GOODS WITH FIRE AND/OR EXPLOSION DANGERS

1. Motorized transport means, when carrying substances or goods with fire and/or explosion dangers defined in Appendix 2 to this Circular (not printed herein), must satisfy all fire prevention and fighting safety conditions as prescribed and get transportation permits issued by fire-fighting police offices.

The permits for transportation of substances and/or goods with fire and/or explosion dangers are issued uniformly nationwide according to Form PC7 in Appendix 1 to this Circular (not printed herein) and have the symbols of such substances and/or goods made according to Form PC7a in Appendix 1 to this Circular (not printed herein) stuck to the front wind shields of the means. Particularly the granting of permits for transportation of substances and/or goods with fire and/or explosion dangers shall comply with the provisions in the Government's Decree No. 47/CP of August 12, 1996 and the guiding documents.

2. Procedures for granting permits for transportation of substances and goods with fire and/or explosion dangers:

a) The means owner's dossier of application for granting-of permit for transportation of substances and goods with fire and/or exposition dangers shall include:

- The application for granting of permit for transportation of substances and/or goods with fire and/or explosion dangers, made according to Form PC8 in Appendix 1 to this Circular (not printed herein);
- The copy of the certificate of full satisfaction of conditions for transportation of substances and/or goods with fire and/or explosion dangers for motorized transport means, granted by registry offices; the written record on inspection of fire prevention and fighting conditions for motorized waterway and railway means;
- The copy of the contract on supply or . contract on transportation of substances and/or goods with fire and/or explosion dangers;
- The copies of necessary papers ensuring that the means are allowed for circulation under law provisions (upon submission of the dossiers, there must be the originals for comparison).

b) Within no more than 3 working days after receiving complete and valid dossiers as provided for at Point a of this: Clause, the fire prevention and fighting police offices shall consider and grant the transportation permits; in case of failure to fully meet the conditions for granting the permits, the fire-fighting police offices must, notify the reasons therefor to the means owners.

c) The valid duration of permits for transportation of substances and goods with fire and/or explosion dangers is prescribed as follows:

- Being valid, for a single transportation, for means with contracts for each shipment;
- Being valid for 6 months,, for means used exclusively for transportation of substances and/ or goods with; fire and/or. explosion dangers.

3. The fire prevention and fighting police sections of the provincial-level Police Departments of the localities, where the means owners have permanent residence registration or head-quarters, shall have to consider and grant transportation permits to such means.

IX. PROCEDURES FOR FIRE PREVENTION AND FIGHTING SAFETY INSPECTION

1. Regular inspection:

a) The persons responsible for fire prevention and fighting safety inspection, when conducting regular inspections, must notify the to be inspected subjects 3 working days in advance of the inspection time and contents as well as the composition of the inspection teams. Depending on practical situation and requirements, the inspection can be conducted with every content or comprehensively;

b) The to be-inspected subjects, when receiving the inspection notices, must prepare all contents requested-and-arrange responsible and competent persons/to work with-the inspection teams;

c) The heads of the superior agencies or organizations, when organizing or directly conducting the fire prevention and lighting inspection of establishments or geographical areas managed by their subordinates, must notify the authorities managing such establishments or geographical areas thereof, and, if deeming it necessary request the latter to join the inspection teams, supply documents and brief on situation related to the fire prevention and fighting activities of the inspected establishments or geographical areas. The inspection results shall be notified to the authorities managing such establishments or geographical areas.

2. Irregular inspection:

a) The persons responsible for fire prevention and fighting safety inspection, when conducting irregular inspections, must notify the reasons therefor to the to be-inspected subjects.

Particularly for persons with inspection responsibility as provided for at Point c, Clause 3, Article 19 of Decree No. 35/2003/ND-CP, the introduction papers of their agencies are required;

b) The to be-inspected subjects, when receiving the notices, must abide by the requests, prepare fully the contents and arrange responsible and competent persons to work with the persons responsible for the inspection.

3. The regular and irregular inspections of fire prevention and fighting safety must all be recorded in inspection documents made according to Form PC3 in Appendix 1 to this Circular (not printed herein).

X. SUSPENSION, EXTENSION OF SUSPENSION OF OPERATION AND RESTORATION OF OPERATION OF ESTABLISHMENTS, MOTORIZED TRANSPORT MEANS, HOUSEHOLDS AND INDIVIDUALS THAT FAIL TO ENSURE FIRE PREVENTION AND FIGHTING SAFETY

1. The operation suspension prescribed in Clause 1, Article 20 of Decree No. 35/2003/ND-CP shall be effected in the following order:

- a) Making, written records on the violation, according to Form PC9 in Appendix 1 to this Circular (not printed herein); the written records on violations of the regulations on fire prevention and fighting safety must be signed by the record makers and the violators or the representatives of the violating agencies or organizations (if the violators or representatives of the violating agencies or organizations refuse to sign the records, their reasons therefor must be clearly inscribed in the records) and signed by witnesses (if any). The written records, after being completely made, must be handed or sent to the violating individuals, agencies or organizations, the relevant agencies and organizations and the record makers keep one copy thereof;
- b) Based on the violation written records; the competent persons shall issue decisions on operation suspension decisions-according to Form PC10 in:Appendix.1 to this Circular (not printed herewith); in cases where the fire and/or explosion dangers are deemed high and must be warded; off. in time, the competent persons may make verbal suspension decisions and within no more than 3 working days must express such decisions in writing, except where such fire and/or explosion dangers have been immediately overcome;
- c) The operation suspension decisions shall be sent to the subjects:-suspended from operation, the immediate superior agencies or organizations of the decision makers and the immediate superior; agencies or organizations of the suspended subjects; (if any), and be kept in files.

2. Extension of operation suspension.

- a) If before the expiry of the suspension time limit the direct fire and/or explosion dangers or serious and extremely serious violations of fire prevention and fighting regulations have not yet been overcome for objective reasons and require more time therefor, the agencies, organizations or individuals suspended from operation must file their applications for extension of the suspension duration, made according to Form PC11 in Appendix 1 to this Circular (not printed herein) to the agencies which have issued the suspension decisions for extension consideration and decision;
- b) Within 7 working days after receiving the extension requests, the competent persons shall have to consider and extend the operation suspension. The decisions on operation suspension extension shall be made according to FormPG12 in Appendix 1 to this Circular (not printed herein); and sent to. the subjects defined at Point c, Clause 1 of this Section.

3. Restoration of operation

- a) Agencies, organizations, household masters, motorized transport means owners, forest owners and individuals, that are suspended from operation, after doing away with the direct fire and/or explosion dangers or remedying the violations of fire prevention and fighting regulations, shall

file their applications for operation restoration, made according to Form PC13 in Appendix 1 to this Circular (not printed herein), to the agencies which have issued the suspension decisions for consideration and restoration of operation.

Subjects suspended from operation in cases where the direct fire and/or explosion dangers arise due to objective factors, when deeming that such dangers no longer exist, shall notify such in writing to the persons who have issued the operation suspension decisions for inspection, consideration and decision on the restoration of operation.

For cases where the operation suspension is decided verbally and immediately after that the direct fire and/or explosion dangers are overcome with certification by the persons who have made the suspension decisions, the suspended agencies, organizations or individuals shall not necessarily have to file their applications or written requests for operation restoration;

b) Within no more than 7 working days after receiving the applications or written requests for operation restoration, the persons who have issued the operation suspension decisions must organize the inspection and consider the remedial results as well as conditions to ensure fire prevention and fighting safety, then make the inspection written records according to Form PC3 in Appendix 1 to this Circular (not printed herein). If the direct fire and/or explosion dangers have been eliminated or fire prevention and fighting-related violations have been redressed, they shall issue written decisions on operation restoration according to Form PCI 4 in Appendix 1 to this Circular (not printed herein).

Particularly for cases where suspension decisions are made verbally and immediately after that the direct fire and/or explosion dangers are overcome or eliminated, the operation restoration decisions shall be made verbally;

c) The operation restoration decisions must be sent to the subjects defined at Point c, Clause 1 of this Section.

XI. PROCEDURES TO SUSPEND OPERATION OF ESTABLISHMENTS, MOTORIZED TRANSPORT MEANS, HOUSEHOLDS AND INDIVIDUALS THAT FAIL TO ENSURE FIRE PREVENTION AND FIGHTING SAFETY

For the suspension cases defined in Clause 1, Article 20 of Decree No. 35/2003/ND-CP, if the operation suspension duration (including the extension, if any) has expired while the suspended agencies, organizations, household masters, motorized transport means owners, forest owners and individuals fail to overcome or cannot overcome the direct fire and/or explosion dangers or commit violations of fire prevention and fighting regulations, which likely cause serious fires and/or explosions, the competent persons shall have to organize the inspection and consideration before issuing decisions on operation suspension in the following order:

1. Inspection and making written records thereon according to Form PC3 in Appendix 1 to this Circular (not printed herein); the inspection written records; must be signed by the record makers, the violators or representatives of the violating agencies or organizations (if the violators or representatives of the violating agencies or organizations refuse to sign; their reasons therefor must be clearly inscribed in the records) and the witnesses (if any). The

completed written records must be handed or sent to relevant individuals, agencies and organizations;

2. Basing themselves on the inspection written records and deeming that the operation must be suspended, the competent persons shall issue decisions on operation suspension according to Form PC15 in Appendix 1 to this Circular; the operation suspension decisions shall be sent to the suspended subjects, the immediate superior agencies or organizations of the decision makers and the immediate superior agencies or organizations managing the suspended subjects (if any) and be archived in files.

XII. SETTING UP FIRE PREVENTION AND FIGHTING POLICE TEAMS

When the setting up of fire prevention and fighting teams is required, the directors of the Police Departments of the provinces or centrally-run cities shall draw up schemes therefor and submit them to the presidents of the People's Committees of the same level for approval, then report thereon to the Minister of Public Security for consideration and decision.

XIII. LOCATIONS FOR CONSTRUCTION OF STATIONS OF FIRE PREVENTION AND FIGHTING POLICE UNITS

The arrangement of fire prevention and fighting police teams in urban centers or areas which need to be protected shall comply with the provisions in Article 5.16 and Article 7.16 of Vietnam Construction Standards, Volume I.

XIV. FIRE-FIGHTING SCHEMES

1. Fire-fighting schemes shall be elaborated according to Form PC16 in Appendix 1, to this Circular (not printed herein).

2. The time limits for approving fire-fighting schemes are prescribed as follows:

a) For fire-fighting schemes falling under the approving competence of the presidents of the commune-level People's Committees, the heads of agencies or organizations, the heads of the fire-fighting police sections, or the directors of the provincial-level Police Departments the approval time limit shall not exceed 10 working days;

b) For fire-fighting schemes falling under the approving competence of the Minister of Public Security, the provincial-level People's Committee presidents, the general director of the General Department of Police, the director of the Fire Prevention and Fighting Police Department: the approval time limit shall not exceed 15 working days.

3. Drills on fire-fighting schemes:

a) Drills on fire-fighting schemes must be organized periodically at least once a year; each drill may dwell on one or several different circumstances, but all circumstances envisaged in the schemes must be practiced one after another. When drills are organized, the competent fire-

fighting scheme approvers may mobilize forces and means for the. drills on fire-fighting schemes and decide on the drill scales;

b) Irregular drills on fire-fighting schemes shall be organized upon requirements to ensure fire prevention and fighting, safety for special political, economic, cultural and social events of localities or the country or at requests of the heads of fire prevention and fighting police offices.

XV- PROCEDURES FOR MOBILIZING FORCES, MEANS AND PROPERTIES FOR FIRE FIGHTING

The mobilization of forces, means and properties for fire fighting must be effected strictly according to competence prescribed in Article 25 of Decree No. 35/2003/ND-CP and as follows:

1. The mobilization of forces, means and properties for fire fighting shall be effected with orders made according to Form PC17 in Appendix 1 to this Circular (not printed herein); in cases of urgency to fight fires, the mobilization can be ordered verbally but within 3 working days therefrom, such order must be expressed in writing;

2. When the mobilization is ordered verbally, the mobilizers must clearly state their names and positions as well as the requirements on human forces, means and properties to be mobilized, rendezvous time and places.

XVI. ORGANIZATION, MANAGEMENT AND OPERATION OF CIVIL GUARD, GRASSROOTS AND SPECIALIZED FIRE PREVENTION AND FIGHTING FORCES

1. Organization and staff of civil guard teams

a) A civil guard team is staffed with between 10 and 30 persons or more when, it is deemed necessary, including/a team leader and his/her assisting deputies. A civil guard-team can be: divided into many groups according to population clusters or quarters; a civil guard group is staffed with between 5 and 10 persons or more when it is deemed necessary, including a group leader and his/her assisting deputies;

b) Civil guard officers and members are persons who are frequently present in their residence places;

c) The commune-level People's Committee presidents shall issue decisions to appoint civil guard team leaders and deputy-team leaders, civil guard group leaders and group deputy leaders;

d) The commune police personnel shall have the responsibility to directly direct the operations of civil guard teams.

2. Organization and staff of grassroots fire prevention and fighting teams:

a) The staff of grassroots fire prevention and fighting teams is prescribed as follows:

- Establishments or motorized transport means where less than 10 persons regularly work, all persons working at such establishments or traffic means are members of the grassroots fire

prevention and fighting teams, with the heads of such establishments or traffic means are team leaders and deputy leaders;

- Establishments or motorized, transport means where between 10 and 50 persons regularly work, the grassroots fire prevention and fighting teams thereof shall each be staffed with at least 10 persons, including a team leader and his/her assisting deputies;

- Establishments or motorized transport means where between over 50 and 100 persons regularly work, the grassroots fire prevention and fighting teams shall each be staffed with at least 15 persons including a team leader and his/her assisting deputies;

- Establishments or motorized transport means where over 100 persons regularly work, the grassroots fire prevention and fighting teams shall each be staffed with at least 25 persons, including a team leader and his/her assisting deputies;

- Motorized transport means or establishments with many workshops or sections where work is performed independently or in shifts shall organize fire prevention and fighting group for every workshop, section or working shift such a group shall be staffed with at least between 5 and 7 persons, including a group leader and his/her assisting deputies.

b) The grassroots fire prevention and fighting team officers and members are persons who regularly work at the establishments or on those traffic means.

c) The heads of the agencies or organizations directly managing establishments or motorized traffic means shall issue decisions to appoint leaders and deputy leaders of the grassroots fire prevention and fighting teams and groups.

3. Organizations and staff of the grassroots fire prevention and fighting teams operating on the full-time regime

a) The full-time grassroots fire prevention and fighting teams must be staffed with adequate, personnel in conformity with their equipped fire-fighting means and work shifts to ensure 24/24 hours' standby,. The leadership of such a team shall be composed of a team leader and assisting deputy- team leaders;

b) The heads of the management boards of exclusive economic zones; industrial parks, export-processing zones or hi-tech parks shall issue decisions to set up, to appoint leaders and deputy leaders of full-time grassroots fire prevention and fighting teams.

4. The organization and staff of specialized grassroots fire prevention and fighting teams shall comply with separate regulations.

5. The persons who issue decisions to set up civil guard teams, grassroots or specialized fire prevention and fighting teams shall have to maintain their operations, annually classify them and draw up plans on training and fostering to raise the quality of their activities.

To assign the General Department of Police to guide in detail the classification of civil guard teams as well as grassroots and specialized fire prevention and fighting teams.

XVII. TRAINING AND FOSTERING ON FIRE PREVENTION AND FIGHTING OPERATIONS

1. Subjects of training-and-fostering on fire prevention and fighting operation shall include:

a) Persons holding the position of fire-fighting commanders defined in Clause 2, Article 37 of the Law on Fire Prevention and Fighting;

b) Officers and members of civil guard teams, grassroots and specialized fire prevention and fighting teams;

c) Persons working in the environment where exist fire and/or explosion dangers or being regularly exposed to substances latent with fire and/or explosion dangers;

d) Captains of ships, trains, aircraft, operators of motorized transport means enjoying responsibility allowances, means operators, persons working and servicing on motorized transport means with 30 or more seats or on motorized transport means used exclusively for transportation of substances and/or goods with fire and/or explosion dangers;

dd) Persons working in establishments producing or dealing in fire prevention and fighting means;

e) Other subjects requesting to be trained in fire prevention and fighting operation.

2. The presidents of the People's Committees at different levels, the head of agencies, organizations or establishments shall have to organize courses for training and fostering in fire prevention and fighting operation for the subjects defined in Clause V of this Section. The heads of establishments which train operators of transport means with 4 or more seats shall have to include the fire prevention and fighting contents and knowledge into their training programs.

3. Duration of training and fostering in fire prevention and fighting operation:

a) The duration of the first-time training and fostering in fire prevention and fighting operation is prescribed as follows:

- Between 32 and 48 hours for the subjects defined at Points a, b, c and d, Clause 1 of this Section;

- Between 16 and 32 hours for the subjects defined at Points e and e, Clause 1 of this Section;

b) The duration of annual additional fostering in fire prevention and fighting operation for the subjects defined in Clause 1 of this Section shall be at least 16 hours.

4. Granting "fire prevention and fighting operation training certificates":

a) The subjects defined in Clause 1 of this Section, after completing the programs on training in fire prevention and fighting operation with satisfactory or higher results, shall be granted certificates of training in fire prevention and fighting operation, made according to Form PC18, Appendix 1 to this Circular;

b) The certificates of training in fire prevention ,and fighting operation shall be granted by the director of the Fire Prevention and Fighting Police Department or heads of fire-fighting police sections of the provincial-level Police Departments; The forms of certificates of training In fire

prevention and fighting operation shall be printed and distributed by the Fire Prevention and Fighting Police Department.

5. The Fire Prevention and Fighting Police Department shall be assigned to compile materials and textbooks for training and fostering in fire prevention and fighting operation suitable to each kind of subjects defined in Clause 1 of this Section.

XVIII. MOBILIZATION OF CIVIL GUARD, GRASSROOTS AND SPECIALIZED FIRE PREVENTION AND FIGHTING FORCES FOR PARTICIPATION IN FIRE PREVENTION AND FIGHTING ACTIVITIES

1. Civil guards teams, grassroots and specialized fire prevention and fighting teams shall be mobilized for participation in propagation, campaigning, meeting, demonstrations, seminars on fire prevention and fighting, in fire-fighting plan drills, fire and/or explosion-related protection; participation in overcoming fire and/ or explosion dangers; remedying fire consequences; and in other fire prevention and fighting activities at requests of competent persons.

2. The mobilization of civil guard, grassroots and specialized fire prevention and fighting forces or participation in fire prevention and fighting activities must be decided in writing according to Form PC19 in Appendix 1 to this Circular; in case of urgency, the mobilization can be effected verbally, but within 3 working days the written decisions thereon must be made. When the mobilization is decided verbally, the mobilizers must clearly state their full names, positions, work units, addresses, telephone numbers and clearly state the requirements on numbers of people, means to be mobilized, rendezvous time and places and activity contents.

3. The mobilization decisions shall be sent to subjects obliged to execute them and be kept in files.

XIX. CONDITIONS FOR FIRE PREVENTION AND FIGHTING MEANS PRODUCTION, TRADING AND DESIGNING

1. Organizations and individuals engaged in fire prevention and fighting means production and trading must fully satisfy the following conditions on material foundations and professional requirements:

a) Having workshops and technological equipment meeting the requirements on production, product quality inspection, for production establishments;

b) In each production domain, there must be professionally and technically qualified officials and workers;

c) Officials and workers directly engaged in production and/or business must possess certificates of training in fire prevention and fighting operations.

2. Agencies, organizations and individuals practicing the fire; prevention and fighting designing must fully have the following designing capacities:

- a) Designing managers, directors or deputy directors must have full construction designing capacity as prescribed or the university or higher degree in fire prevention and fighting;
- b) Members directly engaged in designing must have university or higher degree in disciplines suitable to the designing tasks.

XX. EXPERTISE OF FIRE PREVENTION AND FIGHTING MEANS

1. The expertising contents:

- a) Expensing categories and models of fire prevention and fighting means;
- b) Expertising the technical parameters related to the quality of fire prevention and fighting means.

2. Expertising modes:

- a) Expertising the origins, manufacture time, serial number and technical parameters of fire prevention and fighting means;
- b) Expertising categories and models;
- c) Inspection, experimentation and testing by method of probability sampling; for each lot of goods of the same categories and models, the expertise shall be conducted on samples of not more than 5% of the to be-expertised means, but on not less than 10 samples; in cases where the to be expertised means, number less than 10, the whole lots shall be expertised;
- d) Assessing the, expertising results and making records thereon according to Form PC20 in Appendix 1 to this Circular (not printed herein);
- dd) Granting expertise certificates according to Form PC21Hn. Appendix .1 of stuck with expertise stamps or. seals according to Form PC22 in Appendix to this Circular (not printed herein).

3. Procedures for expertising fire prevention and fighting means:

- a) Dossiers of application for expertise shall each include:
 - The expertise application of the fire prevention and fighting means owner, made according to Form PC 23 in Appendix 1 to this Circular;
 - Technical documents of fire prevention and fighting means;
 - The certificates of quality of fire prevention and fighting means, issued by competent bodies (if any);
 - The certifications of the delivery of fire prevention and fighting means from workshops.
 - The expertise application dossiers, if made in foreign language(s), must be enclosed with the Vietnamese version(s) and the expertise applying agencies, organizations or individuals must be responsible for the accuracy of such translations.
- b) The means owners shall prepare 2 sets of dossiers and supply samples of the to be expertised means at the: requests of the fire-fighting police offices.

XXI. ORGANIZATION OF IMPLEMENTATION

1. The General Department of Police shall have to direct, guide, inspect and urge the implementation of Decree No. 35/2003/ND-CP and this Circular.

The general directors of the general departments, the directors of departments under the minister, the directors of the Police Departments of the provinces and centrally-run cities shall, according ;to their respective functions and tasks; have to coordinate with the General Department of Police in organizing the implementation of this Circular.

2. The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies,; the presidents of the provincial/municipal People's Committees are requested to coordinate, within their respective functions and powers, with the Ministry of Public Security in managing and supervising the activities of agencies, organizations, households and individuals under their respective management.

3. This Circular takes effect 15 days after its publication in the Official Gazette.

Any problems arising in the course of implementation should be reported to the Ministry of Public Security (the General Department of Police) for study, guidance and timely direction.

**FOR THE MINISTER OF PUBLIC
SECURITY
VICE MINISTER
LIEUTENANT GENERAL**

Le The Tiem