

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom – Happiness**

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*Hanoi, July 31, 2014*

## **DECREE**

### **GUIDELINES FOR THE LAW ON FIRE SAFETY AND FIREFIGHTING AND THE LAW ON AMENDMENTS TO THE LAW ON FIRE SAFETY AND FIREFIGHTING**

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

*Guidelines for the Law on Fire safety and firefighting dated June 29, 2001; the Law on amendments to the Law on Fire safety and firefighting dated November 22, 2013;*

*At the request of the Minister of Public Security,*

*The government promulgates a Decree on guidelines for the Law on Fire safety and firefighting and the Law on amendments to the Law on Fire safety and firefighting.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Decree deals with fire safety and firefighting activities, fire safety and firefighting equipment, forces; investment in fire safety and firefighting, responsibilities of Ministries, ministerial agencies, Governmental agencies, the People's Committees for fire safety and firefighting.

#### **Article 2. Regulated entities**

This Decree applies to fire safety and firefighting of organizations, households, and other entities related to fire safety and firefighting in Vietnam.

#### **Article 3. Training in fire safety and firefighting**

The Ministry of Education and Training shall cooperate with the Ministry of Public Security developing training programs in fire safety and firefighting, which will be integrated in school programs and extracurricular activities of schools and educational institutions at various levels.

#### **Article 4. Appendix**

Lists of constructions whose fire safety is monitored are promulgated together with this Decree:

1. Appendix I: List of constructions whose fire safety is monitored.
2. Appendix II: List of constructions posing a risk of conflagration.
3. Appendix III: List of constructions required to inform fire departments of their fire safety before being put into operation.
4. Appendix IV: List of constructions whose fire safety design is approved by fire departments.
5. Appendix V: List of fire safety and firefighting equipment.
6. Appendix VI: Specifications of priority signals and signals used during firefighting.

## **Chapter II**

### **FIRE SAFETY**

#### **Article 5. Appendix I: List of constructions whose fire safety is supervised.**

Constructions whose fire safety is supervised are include manufacturing facilities, business premises, public constructions, office buildings, apartment buildings, and independent constructions defined in Clause 1 Article 1 of the Law on amendments to the Law on Fire safety and firefighting and are specified in Appendix I enclosed herewith. Many constructions may belong to one organization.

#### **Article 6. Constructions posing a risk of conflagration**

A construction posing a risk of conflagration defined in Clause 4 Article 3 of the Law on Fire safety and firefighting means a construction whose fire safety is supervised defined in Article 5 of this Article and is subject to strict fire safety requirements. Such constructions are enumerated in Appendix II enclosed herewith.

#### **Article 7. Fire safety requirements applied to facilities**

1. The facilities posing a risk of conflagration enumerated in Appendix II enclosed herewith must satisfy the fire safety requirements below:

- a) There are fire safety regulations, signs, diagrams or escape plan that are suitable for the operation of the facility.
- b) There are persons in charge of fire safety and firefighting in the facility.
- c) The electricity system, lightning protection system, antistatic system, electric devices, spark-generating devices, heat-generating devices, the use of fire sources and heat sources must ensure fire safety.
- d) There are fire safety procedures that are suitable for the operation of the facility.
- dd) There is an internal firefighting team that is trained in fire safety and firefighting that is ready to deal with conflagration on the spot.
- e) There is a firefighting plan and escape plan approved by a competent authority as prescribed in Article 21 of this Decree.
- g) There is adequate traffic system, water supply system and communication system serving fire fighting; fire alarm system, firefighting system, fire blocking system, other fire safety and firefighting equipment, and rescue equipment that are suitable for the facility and conformable with technical standards on fire safety and firefighting or regulations of the Ministry of Public Security.
- h) The Fire department has approved the fire safety design if the facility is a construction enumerated in Appendix IV enclosed herewith.
- i) The fire safety and firefighting activities are monitored in writing as prescribed by the Ministry of Public Security.

2. The facilities whose fire safety is supervised prescribed in Appendix I enclosed herewith that do not pose a risk of conflagration must satisfy fire safety requirements as prescribed in Clause 1

of this Article depending on the scale and operation of the facility and in accordance with technical standards on fire safety and firefighting.

3. The fire safety requirements prescribed in Clause 1 of this Article must be fulfilled throughout the operation of the facility.

#### **Article 8. Fire safety regulations applied to residential areas**

1. There are regulations on fire safety, use of electricity, fire, inflammable substances; signs, diagrams or instructions on fire safety, firefighting, and escape plan that are suitable for the residential area.

2. If the residential area is a new one, its fire safety designed must be approved.

3. The electricity system is conformable with fire safety standards.

4. There is a traffic system and water supply system serving firefighting, solutions for preventing spread of fire, adequate and decent fire safety and firefighting equipment according to fire safety and firefighting standards or regulations of the Ministry of Public Security.

5. There is a firefighting plan and escape plan approved by a competent authority as prescribed in Article 21 of this Decree.

6. There is a watchman team that is trained in fire safety and firefighting, and is ready to deal with conflagration on the spot.

7. There are documents serving management and monitoring of fire safety and firefighting activities as prescribed by the Ministry of Public Security.

#### **Article 9. Fire safety regulations applied to households**

1. The places of cooking and worship where fire sources, heat sources, fire-generating devices, heat-generating devices, electricity, and appliances are used must be conformable with fire safety regulations.

2. Property, supplies, and flammables must be arranged, preserved, and used in accordance with fire safety regulations.

3. There are firefighting instruments suitable for the household.

#### **Article 10. Fire safety regulations applied to motor vehicles**

1. Motor vehicles with 04 seats or more, motor vehicles used for transporting flammable goods must follow the fire safety regulations below:

There are regulations on fire safety, use of electricity, fire, inflammable substances; signs, diagrams or instructions on fire safety, firefighting, and escape plan that are suitable for the residential area.

b) The operation procedures, power and fuel supply system; arrangement of people and goods on the vehicle ensures fire safety.

c) The motor vehicle operator must be trained in fire safety and firefighting during the driving training program as prescribed by the Ministry of Transport.

d) The operator of the motor vehicle has responsibility allowance as prescribed by regulations of law on wages and responsibility allowance of officials, civil servants, servicemen; the operator

and workers on motor vehicles with  $\geq 30$  seats or motor vehicles used for transporting flammable or explosive goods have certificate of training in fire safety and firefighting techniques issued by a competent fire department.

dd) There is firefighting equipment suitable for the requirements and characteristics of the vehicle with sufficient quantity and satisfactory quality according to fire safety standards or regulations of the Ministry of Public Security.

2. Motor vehicles with special fire safety requirements including ships, trains used for transporting passengers, oil, gas, flammable liquids, flammable gas, flammable or explosive chemicals must adhere with fire safety regulations below:

a) The requirements in Clause 1 of this Article that are suitable for the characteristics and operation of the vehicle.

b) The fire department has issued a written approval and acceptance of fire safety design.

3. There is a license to transport flammable or explosive goods when transporting flammable or explosive goods by inland waterways, railway, or road (except for the case within the authority of the Ministry of National Defense)

The Ministry of Public Security shall provide the license template and establish licensing procedures.

#### **Article 11. Fire safety regulations applied to high-rise buildings and steel-frame buildings**

Apart from fire safety requirements in Clause 1 and Article 7 High-rise buildings and steel-frame buildings, which are enumerated in Appendix II enclosed herewith, the following requirements must be complied with:

1. With regard to high-rise constructions with more than 09 stories or higher than 25 m:

a) The fire-resistance rating of structure the building must be suitable for its operation and height according to fire safety and firefighting standards.

b) The furniture and insulation of the walls, partitions, and suspended ceilings of the escape routes, escape stair shaft, and rooms where people gather must not be made of flammable materials.

2. Any steel-frame building of which the area exceeds the fire compartment area according to fire safety and firefighting standards must satisfy the requirements below:

a) There is a solution for preventing spread of fire using the construction structure or fire prevention and extinguishing system.

b) There are solutions for increasing the fire-resistance ratings of the structures according to fire safety and firefighting standards in order to reduce the risk of collapse in the event of fire.

#### **Article 12. Fire safety and firefighting requirements when planning a new construction project or renovation of an urban area, residential area, industrial park, or hi-tech zone**

When planning a new construction project or renovation of an urban area, residential area, industrial park, or hi-tech zone, the following requirements must be complied with:

1. The construction location, layout of land and housing blocks must be able to prevent spread of fire, minimize damage to the residential area and adjacent constructions caused by heat, dust, and noxious gases generated from the fire.
2. The size and capacity of the traffic system and space must be sufficient for firefighting vehicles to perform their firefighting tasks.
3. There is a water supply system serving firefighting; the communication system and electricity system must be able to serve firefighting activities and fire alarm notification.
4. The fire brigade is located rationally to ensure convenience for preparation, training, and maintenance of firefighting equipment according to regulations of the Ministry of Public Security.
5. The project must provide a budget for fire safety and firefighting.

### **Article 13. Fire safety and firefighting requirements during project planning and construction design**

When planning a new project or making a new construction design, renovating or changing the purpose of a construction whose fire safety design must be approved, the requirements shall be complied with:

1. The fire safety distance of the construction site from adjacent constructions is conformable.
2. The fire-resistance level of the construction is suitable for its scale and operation; there is a solution for preventing spread of fire between parts of the construction and between the constructions.
3. The manufacturing technologies, electricity system, lightning protection system, antistatic system, explosion system, arrangement of technical systems and supplies must comply with fire safety requirements.
4. The escape route (doors, pathways, corridors, staircase), lighting equipment, ventilation, indication of the escape route, signals, and rescue equipment must ensure quick and safe escape.
5. The size and capacity of the traffic system and parking lot must be suitable for operation of firefighting vehicles; the water supply system is sufficient for firefighting.
6. The fire alarm system, firefighting system, and other firefighting equipment must be sufficient; their positions and specifications are suitable for the operation of the construction according to fire safety and firefighting standards.
7. The project must provide a budget for fire safety and firefighting.

### **Article 14. Budget for fire safety and firefighting in construction**

1. Budget for fire safety and firefighting items in Article 12 and Article 13 of this Decree are the budget for developing, assessing, testing, building, and acceptance of fire safety design.
2. Budget for fire safety and firefighting and budget for sustaining operation of firefighting forces and equipment must be set up in the beginning of the project planning.

### **Article 15. Fire safety designs and approval for fire safety design**

1. The new construction or renovation of a project or item (hereinafter referred to as construction), the manufacturing or modification of a motor vehicle with special fire safety

requirements must comply with fire safety and firefighting standards. The planning and design of the constructions mentioned in Appendix IV enclosed herewith and motor vehicles with special fire safety requirements must be carried out by a qualified and lawful designing unit.

2. Fire safety designs of the following subjects must be approved:

- a) Any new or modified construction enumerated in Appendix IV enclosed herewith.
- b) Any new or modified motor vehicle with special fire safety requirements mentioned in Clause 2 Article 10 of this Decree.

3. Application for approval for fire safety design:

The application for approval for fire safety design shall be made into 02 sets and be certified by the project investor or vehicle owner. Documents in foreign languages must be translated into Vietnamese.

a) An application for approval of a planning project consists of:

- A written request for opinions about the fire safety and firefighting solution of the approving body or project investor (a letter of authorization must be made if another unit is authorized to do this tasks);
- Estimated investment in the project;
- Documents and drawings in 1:500 scale showing the requirements for fire safety and firefighting solutions according to Clauses 1, 2, 3, and 4 Article 12 of this Decree.

b) An application for approval for fundamental design consists of:

- A written request for opinions about the fire safety and firefighting solution made by the investor (a letter of authorization must be made if another unit is authorized to do this tasks);
- A copy of the written permission for investment issued by a competent authority;
- Estimated investment in the project;
- Drawings and description of the fundamental design, which specify the requirements for fire safety and firefighting solution according to Clauses 1, 2, 3, 4, 5 and 6 Article 13 of this Decree.

c) An application for approval for technical design or construction drawing consists of:

- A written request for approval for the fire safety design of the investor (a letter of authorization must be made if another unit is authorized to do this tasks);
- A copy of the written approval for the planning issued by a competent authority;
- Estimated investment in the project;
- Drawings and description of the technical design or construction drawing, which specify the requirements for fire safety and firefighting solution according to Clauses 1, 2, 3, 4, 5 and 6 Article 13 of this Decree.

d) An application for approval for the construction location consists of:

- A written request for approval for the construction location (a letter of authorization must be made if another unit is authorized to do this tasks);
- A copy of the document about the lawfulness of the land on which the construction is built;

- Drawings and documents showing the terrain of the land pertaining to fire safety such as fire resistance level, distance from the construction to adjacent constructions, wind direction, altitude.

dd) An application for technical design of a motor vehicle with special fire safety requirements consists of:

- A written request for approval for the fire safety design made by the project investor or vehicle owner (a letter of authorization must be made if another unit is authorized to do this tasks);

- A copy of the written permission for investment, manufacturing, or modification of the vehicle issued by a competent authority;

- Estimated investment in the vehicle;

- Drawings and description of the technical design, which describes the fire safety solution with regard to the operation and flammability threat of the vehicle; conditions for fire blocking, preventing spread of fire, escape, and rescue in the event of fire; solution for fire safety of the electricity system, the fuel system and engines; the fire alarm system, fire extinguishing system and other firefighting equipment; systems and equipment for detecting and dealing with leak of flammable gases and liquids.

#### 4. Procedures for approving fire safety design.

a) The fire departments shall approve the fire safety design of construction drawings of construction projects

Fire departments shall make written responses with regard to fire safety and firefighting solutions of planning projects in scale 1:500 and fundamental designs of construction projects.

b) Locations of the constructions posing a threat of conflagration mentioned in Sections 14, 16, and 20 of Appendix IV enclosed herewith must be approved in writing by fire departments before their design is created.

c) Fire safety design in the technical design documents of motor vehicles with special fire safety requirements shall be approved by fire departments.

#### 5. Time limits for approving fire safety design

The time limit for approving fire safety design begins when satisfactory documents are received, in particular:

a) Planning project: 10 working days.

b) Construction location: 05 working days.

c) Fundamental design: 10 working days for Group A projects; 05 working days for Group B and C projects.

d) Technical design or construction drawing: 15 working days for Group A projects; 10 working days for Group B and C projects.

The classification of construction projects into Group A, B and C is carried out in accordance with regulations of the government on construction project management.

dd) Technical design of motor vehicle with special fire safety requirements: 10 working days.

6. When a construction that is not mentioned in Appendix IV enclosed herewith is built or renovated, its design must satisfy fire safety requirements in accordance with fire safety and firefighting standards. Approval for fire safety design is exempt.

7. Fire safety designs of planning projects shall be approved in accordance with Clauses 1, 2, 3, and 4 Article 12 of this Decree; Fire safety designs of construction designs shall be approved in accordance with Clauses 1, 2, 3, 4, 5, and 6 Article 13 of this Decree.

Result of fire safety design assessment is the basis for considering approving the project and issue the construction license.

8. The Ministry of Public Security shall specify the competence to approve fire safety designs of constructions, projects, and motor vehicles with special fire safety requirements; provide instructions and procedures for approving fire safety designs.

9. The Ministry of Finance shall cooperate with the Ministry of Public Security in specifying the collection and use of fees for fire safety design approval. The fee for fire safety design approval is part of the investment in the project or vehicle.

**Article 16. Responsibilities of project investors, owners of motor vehicles, consultancy units, supervisory units, designing units, building contractors, approving bodies, licensing bodies, and fire departments**

1. Responsibilities of project investors and vehicle owners:

a) Develop the design in accordance with Clause 1 Article 15 of this Decree. Submit the application for approval for fire safety design of the motor vehicle with special fire safety requirements or the project mentioned in Appendix IV enclosed herewith to the fire department.

b) Organize and supervise the construction according to the approved fire safety design. Provide explanation or additional design if the design or fire safety and firefighting equipment is changed during the construction process. Another assessment shall be carried out.

c) Inspect and accept fire safety design of motor vehicles with special fire safety requirements or project mentioned in Appendix IV enclosed herewith.

d) Before a facility mentioned in Appendix III enclosed herewith or a motor vehicle with special fire safety requirements is put into operation, the head of the facility or owner of the vehicle must notify the fire department of fulfillment of fire safety requirements.

dd) Ensure fire safety of the project through out its construction until it is accepted and transferred.

2. Responsibilities of advisory and supervisory unit:

Take legal responsibility for implementation of fire safety and firefighting regulations according to the contract between the project investor and the advisory unit.

3. Responsibilities of designing unit:

a) Make designs that satisfy fire safety requirements; take responsibility for design quality during the construction and operation of the project.

b) Carry out designer's supervision throughout the construction of the project.

c) Participate in fire safety inspection.

#### 4. Responsibilities of building contractor:

- a) Carry out the instruction in accordance with approved fire safety design.
- b) Ensure fire safety of the project through out its construction until the project is transferred.
- c) Make the as-built dossiers; prepare documents and conditions for inspection and participate in the inspection.

#### 5. Responsibilities of the approving body and licensing body:

- a) Before approving a project mentioned in Appendix IV enclosed herewith, the approving body must obtain a certificate of approved fire safety design or written approval for the construction location or solution for fire safety and firefighting of a fire department.
- b) Before issuing the construction license to a construction mentioned in Appendix IV enclosed herewith, the licensing body shall request the investor to present the certificate of approved fire safety design issued by a fire department.

#### 6. Responsibilities of fire departments:

- a) Consider and response to fire safety and firefighting solutions in the planning project documents, fundamental design documents; consider approving construction locations; assess fire safety designs in technical design documents or construction drawings of the constructions in Appendix IV enclosed herewith and motor vehicles with special fire safety requirements.
- b) Inspect fire safety and firefighting equipment; inspect fire safety during the construction process.
- c) Carry out inspection and acceptance of fire safety design of constructions and motor vehicles with special fire safety requirements.

### **Article 17. Fire safety acceptance**

1. Before a project or motor vehicle with special fire safety requirements, of which fire safety design has been assessed, is put into operation, its fire safety must be inspected and accepted by its investor or owner.

Each stage, each part shall be inspected; then a final inspection shall be carried out before acceptance. The parts of the construction or motor vehicle that is blocked must be inspected before carrying out other tasks.

#### 2. Acceptance procedures:

a) The subjects mentioned in Clause 2 Article 15 of this Decree must undergo fire safety inspection and accepted by their investors or owners. Then, their investors and owners must request fire departments to carry out a fire safety inspection before they are put into operation.

b) Fire safety acceptance documents include:

- A copy of the certificate of approved fire safety design issued by a fire department;
- A copy of the certificate of inspection of fire safety and firefighting equipment in the construction or motor vehicle.
- Records on testing, partial inspection and overall inspection of the fire prevention and extinguishing system;

- As-built drawings of fire prevention and extinguishing system and items pertaining to fire safety and firefighting according to the approved design documents;
- Instructions on operation and maintenance of fire prevention and extinguishing system of the construction or motor vehicle;
- Record of acceptance of the whole system and equipment related to fire safety and firefighting.

The aforesaid documents must be certified by the project investor/vehicle owner, contractor, and consultancy unit. Documents in other languages shall be translated into Vietnamese.

c) The fire department shall carry out the fire safety inspection as follows:

- Inspect the contents and legitimacy of fire safety and firefighting acceptance documents prepared by the project investor or vehicle owner;
- Inspect the installation of fire prevention and fighting equipment in the construction or motor vehicle according to the approved design;
- Test the fire prevention and fighting equipment in the construction or motor vehicle if necessary.

d) Within 07 working days from the day on which the inspection record is approved, the fire department shall issue a written acceptance of the fire safety design if all requirements are met.

dd) The written acceptance of the fire safety design issued by the fire department is one of the bases for the investor to make the financial statement and put the construction or vehicle with special fire safety requirements into operation.

### **Article 18. Fire safety inspection**

1. A fire safety inspection includes inspection of:

- a) Fire safety of the facility, residential area, household, forest, or motor vehicles according to the Law on Fire safety and firefighting, this Decree, and relevant regulations of law.
- b) Fulfillment of responsibility for fire safety and firefighting of the entities mentioned in the Law on Fire safety and firefighting, this Decree, and relevant regulations of law.
- c) Adherence to the Law on Fire safety and firefighting, this Decree, technical regulations and standards, relevant regulations of law, and fire safety requirements of fire departments.

2. Periodic and irregular fire safety inspections shall be carried out as follows:

- a) Heads of facilities, Presidents of the People's Committees of communes, or vehicle owners, forest owners, householders shall carry out periodic and irregular fire safety inspections within their area of competence.
- b) Heads of organizations and Presidents of the People's Committees of districts shall carry out periodic and irregular fire safety inspections within their area of competence.
- c) Fire departments shall carry out periodic and quarterly fire safety inspections at facilities posing a risk of conflagration and motor vehicles with special fire safety requirements; carry out biannual and annual fire safety inspections at other places; carry out irregular inspections when a fire safety threat or a violation against fire safety regulations is found or when there is a special security demand.

3. The Ministry of Public Security shall specify procedures for fire safety inspection.

**Article 19. Suspension of operation of facilities, vehicles, households, and individuals that fail to ensure fire safety**

1. Cases of suspension:

a) There is a new fire source or heat source in the environment, or there is a threat near the fire source of heat sources (hereinafter referred to as flammability threat).

b) If the violations against fire safety regulations are not prevented promptly,

c) Violations against regulations on fire safety and firefighting are not rectified after the fire department has requested that the violations be rectified or after administrative violations have been imposed.

2. The suspension is limited to the operations that pose a risk of conflagration or violate regulations on fire safety and firefighting.

3. The suspension duration is determined according to the possibility to eliminate the threat of conflagration and ability to rectify violations. Nevertheless, the suspension duration shall not exceed 30 days.

4. Any facility, motor vehicle, household, or individual whose operation is suspended as prescribed in Clause 1 of this Article that still poses a threat of conflagration shall be banned from operation. The ban shall be imposed upon some parts or the whole facility, motor vehicle, household, or individual's operation.

5. The decision on suspension or ban shall be made in writing. In an emergency, the decision may be made orally but then a written decision must be issued.

The head of the facility, householder, vehicle owner or operator, or individual shall promptly implement the decision, eliminate the threat of conflagration or rectify the violations against regulations on fire safety and firefighting.

6. Competence to impose suspension and ban:

a) The Minister of Public Security or an authorized person is entitled to impose suspension or ban upon part of or the whole operation of any facility, motor vehicle, household, or individual nationwide.

b) Presidents of the People's Committees are entitled to impose suspension or ban upon part of or the whole operation of any facility, motor vehicle, household, or individual under their management.

c) Directors of Central Department of Fire safety, Firefighting, and Rescue and heads of local fire departments are entitled to impose suspension or ban upon part of or the whole operation of any facility, motor vehicle, household, or individual under their management.

d) Fire department officers and firefighters are entitled to impose suspension in the cases mentioned in Point a Clause 1 of this Article and report the case to his/her superior officer.

7. The Ministry of Public Security shall provide the template of the decision on suspension and decision on ban.

**Article 20. Restoration of operation of facilities, vehicles, households, and individuals**

1. During the suspension, if the threat of conflagration is eliminated or violations against regulations on fire safety and firefighting have been rectified, a request for lift of suspension shall be sent to the person that issued the decision on suspension.
2. Any facility, motor vehicle, household, or individual whose operation is suspended that wishes to resume their operation after all fire safety requirements have been met shall submit a written request for lift of suspension to the person that issued the decision on suspension.
3. The decision on restoration of operation shall be made in writing. If the decision on suspension was made orally, the decision on restoration of operation may be made orally.
4. The person that issued the decision on suspension or ban also has the competence to decide the restoration of operation.
5. The Ministry of Public Security shall provide the template of the decision on restoration of operation.

### **Chapter III**

## **FIREFIGHTING**

### **Article 21. Firefighting plan**

1. The firefighting plan must:
    - a) Show the nature and danger of fire, explosion, toxicity, and conditions related to firefighting activities.
    - b) Construct the worst-case scenario and some typical scenarios with various fire development rates.
    - c) Formulate a plan for mobilizing forces, vehicles, coordination, technical measures, firefighting tactics, and firefighting tasks suitable for each stage of the fire.
  2. Responsibilities for formulating firefighting plans:
    - a) Presidents of the People's Committees of communes, heads of facilities, owners of forests, owners of motor vehicles with special fire safety requirements are responsible for formulating firefighting plans using the forces and vehicles under their management (hereinafter referred to as grassroots firefighting plans). Heads of nuclear facilities shall formulate firefighting and rescue plans in the cases of fire that leads to nuclear accidents prescribed in Points a, b, and c Clause 2 Article 82 of the Law on Atomic Energy.

Presidents of the People's Committees of communes, heads of facilities and residential areas enumerated by the Ministry of Public Security in Point b of this Clause shall cooperate with fire departments in formulating firefighting plans for their residential areas and facilities as instructed by the Ministry of Public Security.
    - b) Fire departments shall formulate firefighting plans for the facilities and residential areas that need the intervention of forces and vehicles of fire departments and other local organizations (hereinafter referred to as firefighting plans of fire departments).
- The Ministry of Public Security shall compile a list of the aforesaid facilities and residential areas.

c) Presidents of the People's Committees of provinces adjacent to two other provinces shall cooperate in formulating and approving firefighting plans in order to mobilize forces and vehicles to participate in firefighting in the event of big fire that threatens to cause loss of lives and property in the bordering area between two provinces.

d) Presidents of the People's Committees of provinces that have nuclear facilities shall formulate firefighting and rescue plans in the cases of fire that leads to nuclear accidents prescribed in Point d Clause 2 Article 82 of the Law on Atomic Energy; formulate a plan for cooperation in firefighting at facilities and forests in the communes in bordering areas between two provinces.

dd) The Ministry of Public Security shall take charge and cooperate with the Ministry of Science and Technology, the Ministry of Industry and Trade, the Ministry of Health, the Ministry of National Defense, Presidents of the People's Committees of provinces that have nuclear facilities in formulating firefighting and rescue plans in the cases of fire that leads to nuclear accidents prescribed in Point dd Clause 2 Article 82 of the Law on Atomic Energy.

e) Firefighting plans must be promptly revised when there are changes to the nature of danger of fire, explosion, toxicity, and conditions related to firefighting activities.

3. Every firefighting plan formulated in accordance with Point a and Point c Clause 2 of this Article shall be kept at the facility; its copies shall be sent to the local fire department. Every firefighting plan formulated in accordance with Point b and Point d Clause 2 of this Article shall be kept at the fire department; its copies shall be sent to the facility and the People's Committee of the commune. The organizations whose forces are involved in the firefighting plan shall be informed of their tasks.

4. Practice of firefighting plans:

a) Every firefighting plan formulated in accordance with Point a Clause 2 of this Article shall be practiced at least once per year. Irregular practice shall be conducted on request.

b) Every firefighting plan formulated in accordance with Points b, c, and d Clause 2 of this Article shall be practiced on request.

c) Heads of organizations and Presidents of the People's Committees of communes are responsible for conducting practice of firefighting plans. Before a firefighting plan mentioned in Point b, c, or d Clause 2 of this Article is practiced, an agreement shall be reached with the fire department in order to mobilize forces and vehicles.

d) All forces and vehicles mentioned in the firefighting plan must participate in the practice.

5. Fire departments shall provide instructions and inspect the formulation, practice, management, and application of firefighting plans.

6. The Ministry of Public Security shall provide the templates of grassroots firefighting plans and firefighting plans of fire departments; specify the competence to grant approval and time limit for practicing firefighting plan; specify responsibilities of organizations, households, and individuals when fire departments formulate firefighting plans; specify the practice of firefighting plans of fire departments.

**Article 22. Responsibility for fire alarm notification, firefighting and participation in firefighting**

1. Any person that discovers a fire shall immediately notify people nearby and any or all of the units below:

- a) The watchmen, intramural or professional firefighting team where the fire occurs.
- b) The nearest fire department.
- c) Local government or nearest police station.

2. When being notified of a fire that occurs locally, any organization or unit mentioned in Clause 1 of this Article must immediately go to the scene, notify relevant units to provide reinforcement; if a fire occurs beyond their administrative division, the units in charge of the administrative division where the fire occurs must be notified.

3. The health persons present at the scene shall take every measures to save people, prevent spread of fire, and extinguish the fire; participants in firefighting must comply with every order of the fire commander.

4. Police officers, the army, the militia, medical facilities, electricity supply and water supply authority, urban environment authority, traffic authority, and other agencies relevant to firefighting shall comply with regulations in Clauses 2, 3, and 4 Article 33 of the Law on Fire safety and firefighting.

**Article 23. Mobilization of privileged vehicles forces, vehicles and equipment of the army, international organizations, and foreign entities Vietnam to participate in firefighting**

1. Military forces and equipment army that are not on any emergency mission may be mobilized to participate in firefighting. Every military commander who receives the order to mobilize force and equipment for firefighting must immediately comply to such order or notify his/her superior officer.

The Ministry of Public Security shall take charge and cooperate with the Ministry of National Defense in providing instructions on mobilization of military forces and equipment for firefighting.

2. The following vehicles shall not be mobilized to participate in firefighting:

- a) Military vehicles or police vehicles on emergency missions.
- b) Ambulances on emergency missions.
- c) Vehicles serving recovery of natural disaster or state of emergency prescribed by law.
- d) Vehicles guided by the police.
- d) Funerary vehicles.
- e) Other privileged vehicles defined by law.

3. Forces and equipment of international organizations and foreign entities in Vietnam may be mobilized to participate in firefighting, except for the international organizations and foreign entities entitled to diplomatic immunity and privileges as prescribed by law.

The Ministry of Foreign Affairs shall notify the Ministry of Public Security of the international organizations and foreign entities entitled to diplomatic immunity and privileges.

**Article 24. Competence to mobilize forces, vehicles, and property in firefighting**

1. Competence to mobilize forces, vehicles, and property to extinguish fire:

a) The fire commander that is a firefighter, head of the organization, or President of the People's Committee is entitled to mobilize people, vehicles, and property of organizations, households, and individuals under their management; if people, vehicles and property beyond their competence must be mobilized, a competent person must be notified.

b) Heads of fire departments are entitled to mobilize people, vehicles, and property of local organizations, households, and individuals under their management. After mobilizing, the person in charge of such forces, vehicles, and property shall be notified.

c) Heads of Central Department of Fire safety, Firefighting, and Rescue are entitled to mobilize people, vehicles, and property of organizations, households, and individuals nationwide. After mobilizing, the person in charge of such forces, vehicles, and property shall be notified.

2. The Ministry of Public Security shall specify the procedures for mobilization of forces, vehicles, and property.

### **Article 25. Compensation for damage to vehicles and property mobilized in firefighting**

Vehicles and property of organizations, households, and individuals mobilized in firefighting shall be returned to their owner after firefighting is done. If vehicles or property are lost or damaged, houses or constructions are dismantled as prescribed in Point c and Point d Clause 1 Article 38 of the Law on Fire safety and firefighting, compensation shall be provided as prescribed by law.

Compensation shall be covered by government budget.

### **Article 26. Privileges and assurance of privileges of people and vehicles mobilized in firefighting**

1. Vehicles, ships, aircraft, and other means of transport of fire departments may switch on siren and is entitled to right of way, and other privileges prescribed by law.

Road motor vehicles of organizations and individuals mobilized in firefighting are given the privileges prescribed in Point b Clause 2 Article 36 of the Law on Fire safety and firefighting, given priority to pass bridges, ferries, and exempt from road charges.

2. When a person mobilized in firefighting presents the mobilization order, the vehicle owner or operator, or a relevant person shall run the vehicle as soon as possible.

### **Article 27. Flags, signs, and bands used during firefighting**

Flags, signs, and bands used during firefighting include:

1. Flags of fire commanders

2. Fire commander's band.

3. Signs and tapes indicating the boundary of firefighting zone.

4. No entry signs at the firefighting zone.

Designs of the flags, signs, and bands used during firefighting are specified in Appendix VI enclosed herewith.

### **Article 28. Fire commanders**

1. The fire commander of a fire department is the person holding the highest rank of the fire department that is present at the fire scene.
2. If the fire spreads from one facility to another or from a facility to a residential area and vice versa before the firefighters arrive, the fire commander of that facility and residential area shall cooperate with each other in commanding the firefighting.
3. If a motor vehicle is on fire in a facility, village, or forest, before the firefighters arrive, the fire commander of the vehicle shall cooperate with the local fire commander.
4. When the person holding the highest rank of the fire department arrives at the fire scene, the fire commanders defined in Clause 2 Article 37 of the Law on Fire safety and firefighting shall participate in the commanding board and comply with the orders of the fire commander of the fire department.

#### **Article 29. Fire commander's tasks**

1. Fire commander's tasks:

- a) mobilize forces, vehicles, and property in firefighting.
- b) Determine the firefighting zone, develop and implement technical measures as well as fire fighting tactics.
- c) Make demands for assurance of traffic and order.
- d) Organize logistics and health services serving firefighting.
- dd) Organize communications serving firefighting.
- e) Encourage belief and morale.
- g) Organize disclosure of information about the fire.
- h) Make other requests serving firefighting.

2. Forces, vehicles, equipment, supplies, water, and extinguishing materials shall be mobilized in firefighting; ensure conditions for firefighting such as traffic, order, communication, logistics, health services, and encouragement works.

3. Before the firefighter arrive at the fire scene, the head of the facility or Presidents of the People's Committees shall perform the tasks mentioned in Clause 1 and Clause 2 of this Article. Before the firefighters arrive at the fire scene, the head of the facility or Presidents of the People's Committees shall perform the tasks mentioned in Clause 1 of this Article. They are also responsible for commanding the firefighting and perform the tasks in Clause 2 of this Article.

#### **Article 30. Emergencies in which houses, constructions, obstacles may be dismantled or destroyed and property may be moved to serve firefighting.**

Fire commanders of fire departments are entitled to decide to destroy, dismantle houses, constructions, obstacles and move property in accordance with Point d Clause 1 Article 38 of the Law on Fire safety and firefighting in the following emergencies:

1. There are people stuck in the fire or the fire is threatening lives of many people.
2. The fire is likely to cause an explosion or poisoning, negative impacts to the environment, serious loss of lives and property; or negative political impacts if it is not promptly controlled.

3. The firefighting is obstructed by houses, constructions, obstacles and there are no other better solutions.

**Article 31. Firefighting at diplomatic missions, consular offices, representative offices of international organizations, and houses of members thereof**

1. Firefighters of Vietnam may enter the premises of the organizations below to carry out firefighting upon request or approval of the heads of the organizations (or persons authorized by the heads):

a) The premises of diplomatic missions.

b) The premises of consular offices of countries with which Vietnam sign consular agreements that which allow Vietnam's firefighters to enter to carry out firefighting upon request or approval of the heads of the organizations (or persons authorized by the heads).

c) The premises of representative offices of international organizations that belong to the UN.

d) The premises of intergovernmental organizations that do not belong to the UN, associations of international organizations if the international agreements between Vietnam and such organizations allow Vietnam's firefighter to enter and carry out firefighting upon request or approval of the heads of the organizations (or persons authorized by the heads).

2. Vietnam's firefighters may enter the premises of the organizations that are not mentioned in Clause 1 of this Article without request or approval of the heads or persons authorized by the heads.

3. Vietnam's firefighters may enter houses of the persons below to carry out firefighting upon their request or approval:

a) Houses of foreign service officers that are not Vietnamese citizens and their families; technical and administrative employees that are not Vietnamese citizens or Vietnam's residents and their families.

b) Houses of consular officers that are not Vietnamese citizens or Vietnam's residents if the consular agreement between Vietnam and their countries allow Vietnam's firefighters to enter and carry out firefighting upon their request or approval.

4. Vietnam's firefighters may enter houses of members of consular offices, representative offices of international organizations that are not mentioned in Clause 3 of this Article to carry out firefighting without their request or approval.

5. The Ministry of Foreign Affairs shall notify the Ministry of Public Security of the entities mentioned in Points b, c, and d Clause 1 and Point b Clause 3 of this Article.

**Chapter IV**

**ORGANIZATION OF FIRE SAFETY FORCES**

**Article 32. Organization and management of watchman forces and intramural and professional firefighting forces**

1. Heads of villages, mountain villages, mountain hamlets, ethnic minority villages or neighborhoods (hereafter referred to as villages) must suggest setting up and maintaining the operations of the watchman groups of the villages. With regard to large villages, the watchmen may be divided into multiple smaller groups. Presidents of People's Committees of communes

must set up, impose operating regulation, balance the budget, provide equipment and maintain the operations of the watchman groups.

2. The heads of facilities must set up or propose setting up a full-time or part-time intramural firefighting team. The heads of facilities prescribed in Clause 3 of Article 44 of Law on fire safety must set up or propose setting up and maintain a full-time professional firefighting team. The infrastructure investors in industrial zones, export processing zones, or hi-tech zones must set up and directly maintain full-time intramural firefighting teams.

The heads of authorities supervising the facilities must set up, impose operating regulation, balance the budget, provide equipment and maintain the operations of intramural firefighting teams and professional firefighting teams.

3. The Fire department must direct and inspect the qualification and professional skills of watchman groups, intramural and professional firefighting teams.

4. Composition of the watchman groups, intramural and professional firefighting teams:

a) A watchman group is composed of from 10 to 30 people, where there is 1 captain and 1 or 2 vice captains.

b) An intramural firefighting team is composed of from 10 to 25 people, where there is 1 captain and 2 or 3 vice captains.

c) A professional firefighting team shall be composed as prescribed in regulations of the Ministry of Public Security.

### **Article 33. Fire safety volunteers**

1. A volunteer taking part in the fire safety operations must register with the People's Committee of commune where he/she resides or with his/her workplace; that People's Committee of commune, or company must receive and make a list, then send it to the fire department supervising such commune.

A volunteer organization taking part in the fire safety operations must register with the local fire department.

2. Once participation in fire safety operations is registered, the volunteer or volunteer organization must fulfill their duties and follow the guidance of the Captains or Vice captains of watchman groups, intramural or professional firefighting teams or other person in charge as prescribed.

### **Article 34. Providing training and fresher courses in fire safety operations for members of watchman groups, intramural and professional firefighting teams**

1. The members of watchman groups, intramural and professional firefighting teams shall be provided with training and fresher courses in fire safety operations as follows:

a) Legal knowledge, fire safety knowledge that is suitable for every entity.

b) Method of propagation and raising the public awareness of fire safety.

c) Fire safety method.

d) Formulation and practice of firefighting plans; measures, tactics, techniques in firefighting.

dd) Method of preserving and using firefighting equipment.

e) Method for inspecting fire safety.

2. A Captain of a professional firefighting team must have an associate's degree in fire safety or above and have professional knowledge in accordance with operating field.

3. The Ministry of Public Security shall provide specific guidance on program, content, and duration of fresher course in fire safety; the issuance and form of Certificate of training in fire safety, and provide members prescribed in Clause 1 of this Article with that training.

**Article 35. Benefits for firefighting participants and members of watchman groups, intramural and professional firefighting teams.**

1. A person who is ordered to directly extinguish the fire and serve the firefighting by the competent persons shall receive benefits as follows:

a) If it takes longer than 2 hours for firefighting, he shall receive 0.5 day's basic salary.

b) If it takes from 2 hours to 4 hours for firefighting, he shall receive 0.75 day's basic salary.

c) If it takes longer than 4 hours or multiple days for firefighting, he shall receive a day's basic salary for every 4 hours of firefighting. If he extinguishes the fire from 22:00 p.m to 6:00 a.m, the above benefits shall be doubled.

d) If a firefighting participant has an accident or injuries, he shall have the treatment cost covered; if his working capacity reduces due to the accident according to the conclusion of Medical Examination Council, he shall receive a subsidy depending on the reduced working capacity; if he dies, he shall be received the death benefits and funeral cost The above expenditures shall be paid by a social insurance organization of health insurance organization as prescribed; if the aforesaid participant has not bought the social insurance and health insurance, his expenditures shall be covered by the local government or his supervisory organization.

dd) If he has injuries in one of the cases mentioned in Ordinance on Preferential Treatment of People with Meritorious Services to the Revolution, he shall receive benefits for war invalids or equivalent.

e) If he dies in any of the cases mentioned in Ordinance on Preferential Treatment of People with Meritorious Services to the Revolution, he shall be recognized as a revolutionary martyr.

2. According to specific condition of each province, the Presidents of the People's Committees of provinces shall request People's Council of provinces to decide a regular support for a Captain or a Vice captain of watchman groups provided that it is not lower than 25% of basic salary.

3. Apart from receiving adequate salary and other allowances (if any), a Captain or a Vice captain of a part-time intramural firefighting team may receive a regular support paid by his supervisory organization. According to actual condition, the head of that organization shall provide every position with a support provided that it is not lower than 0.3 basic salary.

4. When participating in a fresher course in fire safety operations, a member of a watchman group shall receive an allowance of 1.5 day's basic salary; a member of an intramural or professional firefighting team shall receive day offs, adequate salary and other allowances (if any), and a support of 0.5 day's basic salary.

5. When participating in a fresher course in fire safety operations, if a member prescribed in Clause 4 of this Article has accidents, injuries, or he dies, he shall benefit from social insurance; if he has not bought compulsory social insurance, his benefits shall be covered by the local government budget or his supervisory organization.

6. The Ministry of Labor, War Invalids and Social Affairs shall take charge or cooperate with the Ministry of Public Security, the Ministry of Finance and relevant agencies in guidance on Point d, dd and e Clause 1, Clause 4 and Clause 5 of this Article.

### **Article 36. Mobilization of watchman forces and intramural and professional firefighting forces in participation in fire safety operations**

1. Competence to mobilize watchman forces and intramural and professional firefighting forces in participation in fire safety operations:

a) The Presidents of the People's Committees, Heads of authorities or organization may mobilize watchman groups, intramural and professional firefighting teams within their area of competence.

b) Heads of local fire departments may mobilize watchman forces, intramural and specialist firefighting forces in participation in fire safety operations within their area of competence.

c) Directors of Central Department of Fire safety, Firefighting, and Rescue may mobilize watchman forces, intramural and specialist firefighting forces in participation in fire safety operations on the national scale.

2. When the Decision of mobilization in fire safety operations is received, the person in charge of the watchman forces, intramural and professional firefighting forces must implement that Decision.

3. The Ministry of Public Security shall provide for forms, management regulation and use of the Decision of mobilizing watchman forces and intramural and specialist firefighting forces in participation in fire safety operations and procedures of mobilization.

### **Article 37. Benefits for commissioned officers, non-commissioned officers, or soldiers in the Fire department**

Apart from benefits for commissioned officers, non-commissioned officers, or soldiers, they shall be provided with special diet after a practice session or a firefighting event; they also receive the benefits according to the List of extremely exhausting, dangerous or noxious jobs prescribed in regulations of law. Employees in the Fire department shall receive the same benefits as those of employees in Public Security.

## **Chapter V**

### **FIRE SAFETY AND FIREFIGHTING EQUIPMENT**

#### **Article 38. Fire safety and firefighting equipment**

1. Fire safety and firefighting equipment includes motor vehicles, equipment, machinery, tools, chemical, or supporting tools specially used in fire safety, saving people and property prescribed in Appendix V enclosed herewith.

2. The firefighting vehicles of the Fire department include fire trucks, firefighting boats or firefighting aircrafts.

3. Fire trucks of the Fire department include trucks ejecting extinguishant, trucks transporting fire-fighting personnel and material, water trucks, aerial ladder trucks and other motor vehicles used for the purpose of fire safety.
4. Domestic or imported fire safety and firefighting equipment must:
  - a) Conform with technical specifications required to fire safety purpose.
  - b) Conform with Vietnam's technical regulations and standards or foreign or international standards permitted to apply in Vietnam.
5. New domestic or imported fire safety and firefighting equipment must be undergone verification of quality, category and model as prescribed in regulations of the Ministry of Public Security.
6. Fire safety and firefighting equipment which is domestically assembled or converted must be permitted by the competent Fire departments and undergone the verification of quality, category and model as prescribed in regulations of the Ministry of Public Security.

#### **Article 39. Provision of fire safety and firefighting equipment for the Fire department**

According to capacity of the government budget, the Fire department shall be provided the fire safety and firefighting equipment and other equipment with assurance of quantity, quality, uniformity, and modernity that satisfy requirements for fire safety and saving people in any cases and any fields.

The Ministry of Public Security shall allocate quota and standard of fire safety and firefighting equipment provided for the Fire department.

#### **Article 40. Management and use of fire safety and firefighting equipment**

1. Fire safety and firefighting equipment must be managed, maintained, and repaired as prescribed and be ready for fire fighting. Apart from fire safety purpose, the fire trucks may be used in the following purposes:
  - a) Assurance of security and politics.
  - b) Assurance of social order and safety.
  - c) Providing emergency care for victims; or handling urgent accidents.
  - d) Prevention of disaster and disaster recovery.
2. The Minister of Public Security or authorized person, the President of provincial People's Committees within their competence is entitled to entitled to mobilize the fire trucks used in the purpose prescribed in Clause 1 of this Article.
3. Directors of Central Department of Fire safety, Firefighting, and Rescue of provinces, Chiefs of Office of Fire safety and Rescue affiliated to the Public Security of provinces within their competence are entitled to mobilize the fire trucks used in the purpose prescribed in Point b, c and d Clause 1 of this Article.
4. Heads of authorities within their competence are entitled to mobilize the fire trucks used in the purpose prescribed in Clause 1 of this Article.

5. The Ministry of Public Security shall provide for regulations of management, preservation, maintenance and use of fire safety and firefighting equipment and provide guidance of implementation for Ministries, regulatory bodies and local governments.

## **Chapter VI**

### **PROVISION OF FIRE SAFETY SERVICES**

#### **Article 41. Requirements applied to a business providing services of consultancy of design, assessment, supervision and inspection, technical assessment of fire safety**

1. The Head or the legal representative of the business must have qualification or certificates of training in fire safety.
2. A business must have employees obtaining the practice certificates of eligibility for fire safety, in particular:
  - a) There is at least 1 employee obtaining a practice certificate in consultancy of design, assessment, supervision and inspection, and technical assessment of fire safety prescribed in Point a and c Clause 3 Article 47 of this Decree.
  - b) There is at least 1 employee who is in charge of design, assessment, supervision and inspection, and technical assessment of fire safety prescribed in Clause 4 Article 47 of this Decree.
3. There are operating places; vehicles, equipment, or places serving the consultancy of design, assessment, supervision and inspection, and technical assessment of fire safety

#### **Article 42. Requirements applied to a business providing fire safety technology transfer consultancy services; training and guidance on fire safety operations**

1. The Head and legal representative of the business must have qualification or certificates of training in fire safety.
2. There is at least one employee having a bachelor's degree in fire safety or having bachelor's degree in business-related field together with completing at least a 6-month fresher course in fire safety.
3. There are operating places; vehicles, equipment, or places serving the consultancy of technology transfers; there are vehicles and equipment serving training, or places organizing training or guidance on fire safety operation.

#### **Article 43. Requirements applied to a business providing fire safety system construction and installation services**

1. The Head and legal representative of the business must have qualification and certificates of training in fire safety.
2. There is at least one Commander who is in charge of construction of fire safety.
3. There are operating places and facilities, vehicles, equipment, or machinery serving the construction and installation of fire safety system.

#### **Article 44. Requirements applied to a business that manufacture or assemble fire safety equipment**

1. The Director and legal representative of the business must have qualification and certificates of training in fire safety.
2. There is at least one employee having a bachelor's degree in fire safety or having bachelor's degree in business-related field as well as completing at least a 6-month fresher course in fire safety.
3. There are operating places and workshops, vehicles, or equipment serving the production and installation of fire safety equipment.

**Article 45. Requirements applied to a business providing services of vehicles and equipment serving fire safety**

1. The Director and legal representative of the business must have qualification and certificates of training in fire safety.
2. There are at least two employees having certificates of fire safety in business-related field.
3. There are operating places and facilities, vehicles, or equipment serving the operation of fire safety equipment.

**Article 46. Requirement applied to a person providing fire safety services**

A person shall be permitted to provide fire safety services if he satisfy the following requirements:

1. The person has qualification or certificates of fire safety in business-related field.
2. The person works in a business providing fire safety services.

**Article 47. Qualification or certificates of fire safety and requirements applied to persons that are in charge of design, assessment, inspection, and technical assessment of fire safety**

1. Qualification in fire safety includes:
  - a) Bachelor's degree in fire safety.
  - b) College's degree in fire safety.
  - c) Associate's degree in fire safety.
2. Certificates of fire safety include:
  - a) Certificates of training in fire safety.
  - b) Practice certificates of designing consultancy for fire safety.
  - c) Practice certificates of assessment consultancy for fire safety.
  - d) Practice certificates of observing consultancy for fire safety.
  - dd) Practice certificates of inspecting consultancy and technical assessment for fire safety.
  - e) Certificates of commander training in construction of fire safety.
3. Requirements for issuance of Certificates of fire safety:
  - a) In order to be granted a Certificate of training in fire safety, a person must be completed at least a 6-month fresher course in fire safety.

b) In order to be granted a practice certificate of inspecting consultancy and technical assessment for fire safety, a person must satisfy the following requirements:

- The person has a bachelor's degree in fire safety or a bachelor's degree in consultancy-related field together with a certificate of training in fire safety.
- The person has at least 5 years' experience in consultancy of design, assessment, supervision and inspection, and technical assessment of fire safety and designs at least 5 constructions.

c) In order to be granted a practice certificate of observing consultancy for fire safety, a person must satisfy the following requirements:

- The person has an associate's degree in fire safety or above or there is an equivalent degree in observing consultancy-related field together with certificate of training in fire safety;
- The person has at least 3 years' experience in design or construction or observation of construction or installation of fire safety system and completion of fresher course in observation of construction.

d) In order to be granted the Certificate of commander training in construction of fire safety, a person must satisfy the following requirements:

- The person has an associate's degree in fire safety or above or there is an equivalent degree together with certificate of training in fire safety;
- The person has at least 5 years' experience in construction or installation of fire safety system.

4. In order to be in charge of design, assessment, inspection, observation, or technical assessment of fire safety, a person must satisfy the following requirements:

a) The person has a practice certificate in consultancy of design, assessment, inspection, observation, or technical assessment of fire safety as prescribed in Point b Clause 3 of this Article.

b) The person involves in consultancy in design, assessment, inspection, observation, or technical assessment of fire safety for at least 3 constructions.

#### **Article 48. Procedures for Certificate of eligibility to provide fire safety services**

1. Application for Certificate of eligibility to provide fire safety services includes:

- a) Application form for Certificate of eligibility to provide fire safety services.
- b) Copies of Certificates of Business registration or Operating licenses.
- c) A list of employees having the Certificates of fire safety in accordance with provision of fire safety services; together with copies of their Certificates and copies of their employment decisions or labor contracts.
- d) Copies of qualification of employees.
- dd) Documentary evidence for conditions of facilities, vehicles, or equipment serving the businesses.

2. Within 7 working days, from the day on which the satisfactory application is received, the competent fire department must provide the businesses with the Certificate of eligibility to

provide the fire safety services. If the application is rejected, the Fire department shall notify the businesses or the persons and provide an explanation in writing.

3. The businesses may not provide any fire safety services unless they are granted the Certificate of eligibility to provide fire safety services by a fire department.

**Article 49. Management, use, replacement, reissuance, or revocation of Certificate of eligibility to provide fire safety services (hereinafter referred to as the Certificate)**

1. The Director or the legal representative of a business providing fire safety services must manage the Certificate. All acts of correction, cleaning, trading, lending, leasing of Certificate are prohibited.

2. If the business goes bankrupt or no longer provides the fire safety services, the Certificate shall be annulled; if it is shut down, the Certificate must be returned to the fire department who granted that Certificate within 5 days from the day on which their operations are shut down; if it suspend its operation, a notification of reason and duration of suspension must be send to the fire department who granted that Certificate.

3. In case the Certificate is lost or damaged; or the business change their names, directors, legal representatives, location, or operations of fire safety services, they must send the application for reissuance the Certificate or replacement of new Certificate to the fire department who granted the initial Certificate.

4. The Certificate shall be revoked in the following cases:

a) The businesses go bankrupt or no longer provide the fire safety services.

b) They do not satisfy the requirements for provision of fire safety services after granted the Certificate as prescribed in this Decree.

**Article 50. Handling with businesses providing fire safety services and persons granted the practice certificate of fire safety before the effective date of this Decree**

1. From the effective date of this Decree, the businesses that are providing the fire safety must be granted the Certificate by the fire department.

2. After 36 months from the effective date of this Decree, if the businesses do not satisfy the requirements for provision of fire safety services as prescribed in this Decree, they must terminate their businesses.

3. If a person is granted a Certificate of fire safety by other authorities not the fire department, he must apply for replacement of the Certificate in accordance with Clause 3 Article 47 of this Decree.

**Chapter VII**

**INVESTMENT IN THE FIRE SAFETY OPERATIONS**

**Article 51. Use of financial investment in the fire safety operations**

1. The financial source invested in the fire safety operations shall be used for the following purposes:

a) Investment in operations, facilities, fire safety equipment and other equipment of the fire department.

- b) Support for operations of watchman groups, intramural firefighting teams.
- c) Support for propagating and raising the public awareness of fire safety.
- d) Support for giving commendations in fire safety operations.
- dd) Support for other fire safety operations.

2. The sources of finance invested in the fire safety operations shall be managed and used as prescribed in the Law on Government budget.

#### **Article 52. Budget invested in the fire safety operations**

1. The expenditure on fire safety operations of fire department, regulatory agencies, public service providers, the armed forces and other units entitled to the central or local government budget shall be provided for by the government budget according to the current divisions of the budget.

The Government shall allocate an annual budget to the fire department; the Ministry of Public Security shall make a plan for budget invested in the fire safety operations and authorize Central Department of Fire safety, Firefighting, and Rescue to implement that plan; the People's Committees shall make a plan for defense and security budget serving the local fire safety operations.

2. Authorities not entitled to the Government budget, households, individuals, or foreign organizations located within Vietnam's territory shall budget themselves for their fire safety operations as prescribed.

3. The government budget invested in the fire safety operations of the fire department shall be used for the following purposes:

- a) Regular operations of the Fire department.
- b) Provision, renovation and modernization of firefighting equipment and technical facilities; scientific and technological research on fire safety as prescribed.

4. The expenditures on fire safety operations in defense and security budget of the People's Committees include:

- a) Regular operations of militia forces; regular support for Captains or Vice captains of watchman groups.
- b) Purchase of protecting equipment, firefighting equipment for watchman groups.

#### **Article 53. Investment promotions of the fire safety operations**

1. The Government encourages and enables domestic agencies, organizations, and individuals; overseas Vietnamese; foreign organizations and individuals; or international organizations to invest and finance in the following fields:

- a) Fire safety operations.
- b) Provision of firefighting equipment.
- c) Training and improvement in fire safety knowledge.
- d) Application of science and technology advance to fire safety operations.

2. The Government encourages investors in domestic production and assembly, and export of firefighting equipment.
3. The agencies, organizations, and individuals who produce or assemble firefighting equipment domestically, export or import firefighting equipment shall be eligible for incentive policy on taxes as prescribed in regulation of law.

## **Chapter VIII**

### **RESPONSIBILITIES OF MINISTRIES, MINISTERIAL-LEVEL AGENCIES, GOVERNMENTAL AGENCIES AND THE PEOPLE'S COMMITTEE IN THE FIRE SAFETY OPERATIONS**

#### **Article 54. Responsibilities of Ministries, Ministerial-level agencies, and Governmental agencies**

The Ministries, Ministerial-level agencies, and Governmental agencies within their competence shall cooperate with the Ministry of Public Security in implementation of fire safety operations and, in particular:

1. Issue legislative documents and regulations on fire safety within their competence.
2. Cooperate with the Ministry of Public Security in implementation of law on fire safety.
3. Propagate legal knowledge; improve knowledge of fire safety; direct organization and maintenance of raising the public awareness of fire safety.
4. Direct the financial investment in fire safety operations, provision of fire safety equipment.
5. Direct the organization of firefighting and recover from negative effect of the fire.
6. Arrange the forces performing the fire safety duties; release statistics and send reports to the Government and the Ministry of Public Security on fire safety.

#### **Article 55. Responsibilities of the Ministry of Public Security**

The Ministry of Public Security shall perform their State management function in fire safety on the national scale, in particular:

1. Propose and implement the strategy, project, or plan for fire safety on the national scale.
2. Propose issuing or issue legislative documents on fire safety; provide guidance, organize the implementation and inspect the compliance with regulations on fire safety.
3. Provide guidance on propagation of legal knowledge, improve knowledge of fire safety; raise the public awareness of fire safety.
4. Carry out the inspection on fire safety; handle complaints or denunciation relating to fire safety within their competence.
5. Carry out the inspection on fire safety of projects, constructions, or motor vehicles which require special requirement for fire safety; inspect and certify that firefighting equipment, flameproof material are conformable.
6. Conduct an investigation or solve the fire case and handle with violations against regulations on fire safety.

7. Provide guidance on establishment of a standing organization that are ready for firefighting, practicing firefighting plans; and perform the rescue duties.
8. Set up and carry out the investment project on provision of firefighting equipment for the fire department; issue and implement regulations of provision and use of firefighting equipment.
9. Set up the fire department forces; offer the fresher courses on fire safety to officials.
10. Examine, popularize and apply the science and technology advance to fire safety operations.
11. Create management information system, conduct the fire safety operations.
12. Inspect the fire and explosion insurance relating to fire safety operations.
13. Suggest the participation in international organizations, conclusion of national agreement on fire safety operations to the Government; conduct the international operations relating to fire safety within their competence.

#### **Article 56. Responsibilities of the People's Committees**

1. The People's Committees of provinces and districts shall perform their State management function in fire safety within their competence in that provinces and districts in particular:
  - a) Issue local regulations on fire safety.
  - b) Direct, inspect and organize the implementation of law on fire safety in the local areas; handle the administrative violations against regulations on fire safety within their competence.
  - c) Provide guidance on propagation, improve knowledge of fire safety for the people; raise the public awareness of fire safety.
  - d) Allocate the budget for fire safety operations; provide fire safety equipment.
  - dd) Make a site plan; suggest granting land and building barracks for the fire department.
  - e) Direct the practicing firefighting plans which require a great number of forces and vehicles.
  - g) Direct the organization of firefighting and handling with negative effect of the fire.
  - h) Release statistics and send reports to the supervisory People's Committees, the Government and the Ministry of Public Security on fire safety.
2. The People's Committees of communes shall perform their State management function in fire safety within their competence in that communes in particular:
  - a) Direct, inspect and organize the implementation of law on fire safety in the local areas; ensure the safe requirement for fire safety applied to residential areas; handle the administrative violations against regulations on fire safety within their competence.
  - b) Propagate legal knowledge; improve knowledge of fire safety; direct organization and maintenance of raising the public awareness of fire safety.
  - c) Set up and manage the watchman groups in the villages.
  - d) Allocate the budget for fire safety operations; provide fire safety equipment for watchman groups as prescribed.
  - dd) Fulfill requirements for fire alarm information; road, or water source serving firefighting.

- e) Direct the formulation and practice firefighting plans.
- g) Direct the organization of firefighting and handling with negative effect of the fire.
- h) Release statistics and send reports to the People's Committees of districts.

## **Chapter IX**

### **IMPLEMENTATION**

#### **Article 57. Effect**

This Decree shall take effect from September 15, 2014 and replace the Decree No. 35/2003/ND-CP dated April 4, 2003 providing guidance on Law on fire safety and Article 1 of Decree No. 46/2012/ND-CP dated May 22, 2012 on amendments to Decree No. 35/2003/ND-CP dated April 1, 2003 providing guidance on Law on fire safety.

#### **Article 58. Implementation**

1. The Ministers of: Public Security, Finance, Construction, Labor – Invalids and Social Affairs, and Education and Training within their competence shall provide guidance on implementation of this Decree.
2. The Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, Presidents of People's Committees of provinces and relevant entities shall be responsible for implementation of this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**