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## CIRCULAR

GUIDELINES FOR SOME ARTICLE OF THE GOVERNMENT'S DECREE NO. 35/2003/ND-CP DATED APRIL 04, 2003 AND THE GOVERNMENT'S DECREE NO. 46/2012/ND-CP DATED MAY 22, 2012, WHICH PROVIDE GUIDANCE ON THE LAW ON FIRE PREVENTION AND FIGHTING

*Pursuant to the Government's Decree No. 35/2003/ND-CP dated April 04, 2003 on guidelines for the Law on Fire prevention and fighting; the Government's Decree No. 46/2012/ND-CP dated May 22, 2012 on amendments to the Government's Decree No. 35/2003/ND-CP; and the Government's Decree No. 130/2006/ND-CP dated November 08, 2006 on compulsory fire insurance (hereinafter referred to as the Decree No. 35/2003/ND-CP);*

*Pursuant to the Government's Decree No. 77/2009/ND-CP dated September 15, 2009 defining the functions, tasks, entitlements and organizational structure of the Ministry of Public Security;*

*At the request of the Director of Central Department of Social Issue Police Authority;*

*The Minister of Public Security issues a Circular on guidelines for some Article of the Government's Decree No. 35/2003/ND-CP dated April 04, 2003 and the Government's Decree No. 46/2012/ND-CP dated May 22, 2012, which provide guidance on the Law on Fire prevention and fighting.*

### Chapter I

## GENERAL PROVISIONS

### Article 1. Scope of regulation

This Circular deals with approval, evaluation, acceptance of fire safety design; training in fire safety and firefighting; inspection, statistics, report, safety regulations, materials; responsibility and commitment to satisfy conditions for fire safety and firefighting; firefighting plans; mobilization of forces, vehicles and instruments for firefighting; suspension of establishments, vehicles, households, and individuals upon occurrence of fire risk; manufacture, sale of fire protection equipment, fire safety design services; organization of fire safety and firefighting forces.

### Article 2. Subjects of application

This Circular is applicable to:

1. Commissioned officers, non-commission officers, and firefighters of fire departments (hereinafter referred to as fire department officers)
2. Police officers;
3. Organizations, households and individuals involved in fire safety and firefighting.

### Chapter II

## SPECIFIC PROVISIONS

### Section 1: Fire safety

#### Article 3. Fire safety dossier

1. A fire safety dossier consists of:

- a) Rules, regulations, and procedures for fire safety and firefighting;
- b) A written approval for fire safety design, acceptance of fire safety design; a commitment to satisfy necessary conditions for fire safety and firefighting; a commitment that the fire safety design of the project or construction has been evaluated, approved, and accepted;
- c) A decision on establish an fire prevention and fighting, a professional firefighting team, and a watch team;
- d) An intramural firefighting plan; a firefighting plan of the fire department (applied to the establishments and residential areas of which firefighting plans are formulated by a fire department);
- dd) A record on inspection of fire safety; record on penalties for violations pertaining to fire safety;

e) A logbook to monitor knowledge dissemination, training, and operation of intramural firefighting team and the watch team; A logbook to monitor fire protection equipment;

g) Records on past blazes.

2. Dossier on management of fire safety and firefighting activities compiled by the head of the organization, which is updated regularly and in a timely manner.

#### **Article 4. Statistics and reports on fire safety and firefighting**

1. Statistics on fire safety include:

a) Number of inspections, training courses, and penalties for violations pertaining to fire safety;

c) Quantity of members of the intramural/professional firefighting team;

c) Statistics on firefighting equipment;

d) Statistics on duration of courses and drills of firefighting plans; number of blazes, firefighting, and other contents related to fire safety and firefighting.

2. Reports on fire safety and firefighting include:

a) Reports on blazes;

b) Biannual and annual reports on fire safety and firefighting;

c) Summary reports on fire safety and firefighting.

3. Periodic statistics and reports on fire safety and firefighting must be sent to the regulatory body. If major changes related to fire safety at the establishment are made, such changes must be reported to the local fire department.

#### **Article 5. Safety regulations, diagrams, signs related to fire safety and firefighting.**

1. Safety regulations on fire safety and firefighting include: regulations on management and use of fire sources, heat sources, and flammable substances; equipment and instruments that can give off fire or heat; prohibited acts; regulations on preservation and use of fire protection equipment; things to do when a blaze occurs.

2. Fire safety and firefighting diagrams must show the constructions, internal paths, emergency exits, escape routes, locations of water sources for firefighting and firefighting equipment. Depending on the characteristics of the operation, the fire safety and firefighting diagram may be divided into separate diagrams that demonstrate one of the said contents.

3. Fire safety and firefighting signs include:

a) "Inflammable", "No smoking", "No blockade", "No water" signs. At establishments where explosives, liquefied petroleum gas, oil, or other inflammable/explosive substances are manufactured or stored, where signs prohibiting matches, lighters, cell phones, other items and substances that can give off sparks or fire are necessary, the prohibited items must be specified;

b) Signs indicating inflammable/explosive substances or areas;

c) Signs showing instructions on fire safety and firefighting: signs showing direction to the exit, signs indicating the exits, locations of phones, fire extinguisher, water pumps, and other firefighting equipment.

4. The formats, designs of signs are specified in TCVN 4879-1989. Secondary signs are required if the effect of the signs must be specified.

5. Regulations and diagrams must be posted where they are easily seen.

#### **Article 6. Approval for fire safety and firefighting design**

1. Approval for fire safety and firefighting design means the fire department inspecting, comparing the solutions and design with technical regulations, standards, and Vietnam's regulations of law on fire safety and firefighting, foreign standards, and international standards of fire safety and firefighting that are applicable in Vietnam in order to ensure that safety requirements for fire safety and firefighting are satisfied.

2. Approval for fire safety and firefighting design of projects and constructions in Appendix 3 of Decree No. 35/2003/ND-CP

a) If the scale of a planning project is 1:500; the fire department shall give a written response with regard to the fire safety and firefighting solutions in accordance with regulations in Clauses 1, 2, 3, and 4 Article 13 of Decree No. 35/2003/ND-CP.

The written response is one of the foundations for competent authorities to consider approving the planning project.

b) If the fundamental design of the project consists of two or more steps, the fire department shall provide written opinions about the fire safety and firefighting solutions, in particular:

- The conformity of the technical regulations and standards on fire safety and firefighting of Vietnam, foreign standards, or international standards applied to the construction design; adherence to Vietnamese regulations on fire safety and firefighting when applying foreign standards or international standards;

- The solutions for fire safety and firefighting designs prescribed in Clauses 1, 2, 3, 4, 5, and 6 Article 14 of Decree No. 35/2003/ND-CP. In particular:

+ Location of the construction, overall floor plan or topographical map of the construction; safety distance or safety corridor of the constructions (applied to constructions along the routes); assurance of traffic and space for firefighting vehicles;

+ Solution for ensuring that fire resistance level of primary parts of the construction is suitable for the scale and operation of the construction; solutions for blocking fire and stopping fire from spreading over various parts of the construction and between the constructions;

+ Design of escape system such as doors, paths, corridors, emergency staircase, lighting system, escape instructions, ventilation system, smoke extraction system, and rescue equipment;

+ Solutions for ensuring fire safety of technological lines, electricity system, electrical equipment, lighting protection, and fuel supply system;

+ Solutions for ensuring that the fire safety and firefighting system is suitable for the scale and operation of the construction.

Written opinions from the fire department about the fire safety and firefighting solutions of the fundamental design dossier is the basis for competent authorities to consider approving the construction project, and for approving fire safety and firefighting designs of subsequent steps.

c) Approval for fire safety of the technical design or construction drawing will take into account:

- Its conformity to the fire safety and firefighting solutions of the approved fundamental design;

- Its conformity to the fundamental design whose fire safety and firefighting solutions are commented by the fire department.

- Conformity of the design and regulations of Clauses 1, 2, 3, 4, 5, and 6 Article 14 of Decree No. 35/2003/ND-CP.

In case the technical design or construction drawing fails to meet the fire safety and firefighting requirements, the fire department shall request the investor in writing to make improvements.

When the technical design or construction drawing meets the fire safety and firefighting requirements, the fire department shall issue a certificate of approved fire safety design (form PC01) and append an approval stamp (form PC02) onto the drawing and descriptions that were examined. The certificate of approved fire safety design is the basis for considering the issuance of the license for construction.

d) Approval for location of a project or construction mentioned in Sections 13, 14, and 19 Appendix 3 of Decree No. 35/2003/ND-CP shall be considered as follows:

- If the design of the project or construction consists of only one step, the fire department shall consider granting a written approval for the construction location before the construction design is initiated;

- If the project design consists of two or more steps, approval for the construction location shall be considered together with provision of opinions on fire safety and firefighting solutions of the fundamental design.

3. Approval for fire safety of motor vehicles with special fire safety requirements consists of:

a) Solutions for ensuring fire safety that are suitable for the operation and fire risk of the vehicle;

b) Fire blocking and protection against fire spreading;

c) Solutions for ensuring fire safety of the electricity system, fuel supply system, and the engine;

d) Ability to escape and rescue when a fire occurs;

e) Fire alarm system, firefighting system, and other firefighting equipment;

f) Systems and equipment for detection of flammable gases or liquids.

4. Application for approval for fire safety.

a) For the projects and constructions mentioned in Appendix 3 of Decree No. 35/2003/ND-CP, the application for approval for fire safety shall comply with Clause 7 Article 16 of Decree No. 35/2003/ND-CP.

b) For motor vehicles with special fire safety requirements, the application consists of:

- A written request for approval made by the investor or the vehicle owner; a letter or attorney is required if another person is authorized to submit the application;

- A copy (authenticated) of a decision from a competent authority to permit the fabrication or modification of the vehicle;
- Drawings and descriptions of fire safety and firefighting requirements mentioned in Clause 3 of this Article;
- Documents about specifications of fire protection equipment on the vehicle.

5. The time limit for fire safety and firefighting approval begins when the fire department receives the satisfactory application. In particular:

a) For the projects and constructions in Appendix 3 of Decree No. 35/2003/ND-CP:

- A planning project shall be approved within 10 working days;
- Fundamental design shall be approved within 10 working days (applied to group A projects) or 05 working days (applied to group B and C projects);
- Construction location shall be considered within 05 working days;
- Technical design or construction drawing shall be approved within 15 working days (applied to group A projects) or 10 working days (applied to group B and group C projects).

b) For motor vehicles with special fire safety requirements, the evaluation shall be done within 10 working days.

6. After approval, a copy of the drawings and descriptions shall be returned to the investor or vehicle owner; another copy shall be kept by the fire department to serve acceptance inspection of fire safety design.

7. Responsibilities for approving fire safety designs.

a) Central Department of Fire safety, Firefighting, and Rescue shall approve fire safety designs of projects and constructions of national importance, projects and constructions in which investment is decided or approved by the Prime Minister; projects and constructions that involved two provinces or more; projects and constructions taller than 100 m; special projects and constructions; motor vehicles with special fire safety requirements, including: passenger ships whose length is 50m or more, ships for transporting oil, flammable liquids, gases, explosives, flammable/explosive chemicals with a gross weight of 1,000 tonnes or more, and trains.

b) Provincial Fire Departments, Provincial Departments of Fire safety, Firefighting, and Rescue shall approve fire safety designs of the projects, constructions, and motor vehicles with special fire safety requirements under their management and are not mentioned in Point a of this Clause, and the projects, constructions delegated by Central Department of Fire safety, Firefighting, and Rescue.

### **Article 7. Evaluation of fire safety and firefighting design**

1. Evaluation of fire safety and firefighting designs of projects and constructions in Appendix 3a of Decree No. 35/2003/ND-CP:

a) For planning projects with scale of 1:500

Fire safety evaluation shall be carried out in accordance with Clauses 1, 2, 3, and 4 Article 13 of Decree No. 35/2003/ND-CP.

The evaluation result shall be demonstrated in writing and is the basis for competent authorities to consider approving the planning project.

b) If the fundamental design of the project consists of two or more steps, opinions about the fire safety and firefighting solutions shall be provided in accordance with Point b Clause 2 Article 6 of this Circular.

Opinions about fire safety and firefighting solutions of the fundamental design must be provided in writing and is one of the foundations for competent authorities to consider approving the construction project.

c) Point c Clause 2 Article 6 of this Circular shall apply to evaluation of fire safety contents of the technical design or construction drawing.

If the technical design or construction drawing meets the fire safety requirements, the investor shall issue a decision to approve the fire safety design (form PC03).

The decision to approve the fire safety design is the basis for considering approving the design and issuing the license for construction.

2. A dossier serving fire safety evaluation consists of the materials, drawings, and descriptions of the fire safety design prescribed in Points a, b, and d Clause 7 Article 16 of Decree No. 35/2003/ND-CP.

### **Article 8. Acceptance of fire safety design**

1. Acceptance of fire safety design includes acceptance of separate parts and stages; The investor must accept the parts that will be concealed before the next parts are built.

2. The investors and owners of motor vehicles with special fire safety requirements (hereinafter referred to as vehicle owners) must accept fire safety designs of the projects and constructions enumerated in Appendix 3

and Appendix 3a of Decree No. 35/2003/ND-CP and that of motor vehicles with special fire safety requirements. Result of acceptance of fire safety design must be shown in the dossier on acceptance of overall fire safety system, including:

- a) A copy of the certificate of approved fire safety design issued by the fire department or the written evaluation of fire safety design issued by the investor.
- b) A copy of the certificate of inspection of fire protection equipment installed in the construction or motor vehicle;
- c) Records on the test, partial acceptance and overall acceptance of the fire safety and firefighting system;
- d) As-built drawings of the fire prevention and extinguishing system and parts related to fire safety and firefighting that are conformable with the evaluated and approved designed;
- dd) Materials and instructions on operation and maintenance of fire prevention and extinguishing system of the construction or motor vehicle;
- e) Written acceptance of the finished fire safety and firefighting system, equipment.

The aforementioned documents must be certified by the investor, vehicle owner, contractors, and provides of design consultancy services. Documents in other languages must be translated into Vietnamese.

3. After being accepted, investors in projects and constructions mentioned in Appendix 3 of Decree No. 35/2003/ND-CP and owners of motor vehicles with special fire safety requirements shall send written requests to the fire department for acceptance inspection of fire safety design. The inspection consists of:

- a) Inspection of the contents and legitimacy of documents about acceptance of fire safety design prepared by the investor or vehicle owner;
- b) Inspection of the installation of fire protection equipment in the construction or vehicle according to approved designs.
- c) Testing of fire protection equipment in the construction or vehicle where necessary.

The result of the acceptance inspection shall be made into a record (form PC05). Within 07 working days from the day on which the acceptance inspection record is approved, the fire department shall consider issuing a written acceptance of fire safety design.

4. Responsibilities for acceptance inspection of fire safety design of projects and constructions enumerated in Appendix 3 of Decree No. 35/2003/ND-CP and motor vehicles with special fire safety requirements

- a) Central Department of Fire safety, Firefighting, and Rescue shall carry out acceptance inspections and issue written acceptance of the fire safety design of the projects, constructions, and motor vehicles with special fire safety requirements approved by Central Department of Fire safety, Firefighting, and Rescue.
- b) Provincial Fire Departments, Provincial Departments of Fire safety, Firefighting, and Rescue shall carry out acceptance inspections and issue written acceptance of the fire safety design of the projects, constructions, and motor vehicles with special fire safety requirements approved by Provincial Fire Departments, and Provincial Departments of Fire safety, Firefighting, and Rescue.

5. Before putting the any of projects and constructions enumerated in Appendix 3a of Decree No. 35/2003/ND-CP into operation, the investor must submit a written declaration that the fire safety design of the project or construction has been evaluated, approved, and accepted in accordance with law (form PC04) to the fire department.

#### 6. Transition

With regard to the projects and constructions mentioned in Appendix 3a of Decree No. 35/2003/ND-CP whose designs were approved by the fire department and were issued with certificates of approved fire safety design before the Decree No. 46/2012/ND-CP takes effect, the fire department shall keep carrying out inspections and consider issuing written acceptance of fire safety design.

### **Article 9. Responsibility for ensuring fire safety during construction process**

#### 1. Responsibilities of the investor

The investor or any project or construction mentioned in Appendix 3 and Appendix 3a of Decree No. 35/2003/ND-CP must ensure fire safety throughout the construction process until the construction is accepted, transferred, and put into operation. In particular:

- a) Formulate and introduce regulations on fire safety and firefighting at the construction site and an on-site firefighting plan;
- b) Put up diagrams showing the escapes; ensure conditions for escape and rescue that suit each construction stage;
- c) Provide training in fire safety and firefighting for the on-site firefighting team and the persons working in environments posing fire risk or in contact with flammable/explosive substances;

d) Impose responsibilities for ensuring fire safety upon participating contractors; inspect the fulfillment of such responsibilities;

dd) Make a plan for water supply serving firefighting that suits the scale and characteristics of the construction site; provide fire extinguishing equipment in the areas posing fire risk;

e) Carry out inspections of fire safety as prescribed;

g) Send written reports on the construction progress to the local fire department.

## 2. Responsibilities of contractors:

Ensure fire safety of the parts for which they are responsible through out the construction process until such parts are transferred.

## 3. Responsibilities of local fire department

Every fire department shall carry out inspections of fire safety of local projects and constructions enumerated in Appendix 3 and Appendix 3a of Decree No. 35/2003/ND-CP; inspect the fulfillment of the investors', contractors' obligations prescribed in Clause 1 and Clause 2 of this Article.

Not more than two inspections shall be carried out in a year. A surprise inspection shall be carried out whenever the construction is suspected of lack of fire safety.

Procedures for fire safety inspection are specified in Article 11 of this Circular.

### **Article 10. Commitment to ensure fire safety conditions**

1. Before any of the establishments enumerated in Appendix 2 of Decree No. 35/2003/ND-CP is put into operation, its head must make a commitment to ensure fire safety conditions prescribed in Clause 1 Article 9 of Decree No. 35/2003/ND-CP (form PC06), then send it together with documents proving the fire safety conditions mentioned in Clause 3 Article 9 of Decree No. 35/2003/ND-CP to the local fire department.

If the building is consists of 7 - 8 stories, or is a shopping mall of which the total area of kiosk is from 300 m<sup>2</sup> to below 1200 m<sup>2</sup>, the copy of the certificate of approved fire safety design and the written certification of accepted fire safety design shall be replaced with the declaration that the fire safety design of the building has been evaluated, approved, and accepted.

2. Before a motor vehicle with special fire safety requirements is put into operation, its owner must make a commitment to ensure fire safety conditions, then send it together with documents proving the fire safety conditions mentioned in Clause 2 Article 12 of Decree No. 35/2003/ND-CP to the local fire department.

3. During the operation, if any of the buildings or vehicles mentioned in Clause 1 and Clause 2 of this Article has its uses or purposes changed, a new commitment shall be sent to the local fire department.

4. The commitment may be sent by post or directly to the local fire department.

5. After receiving the commitment, the fire department shall discharge their duties with regard to state management of fire safety and firefighting of buildings and motor vehicles as prescribed.

### **Article 11. Inspection of fire safety**

#### 1. Periodic inspections:

a) 03 days before the inspection, the inspecting agency or inspector must notify the inspected entity of the inspection time, contents, and composition of the inspectorate.

b) When the head of a superior agency carries out a fire safety inspection at a subordinate entity, the subordinate entity must be informed of the inspection. The local authority may be requested to join the inspectorate, provide documents and information about the fire safety of the inspected entity. The inspection result shall be notified to the local authority.

#### 2. Surprise inspection

The inspected entity must be informed of the reasons for surprise inspection. Fire department officers must present the letter of introduction of the direct governing body when carrying out a surprise inspection.

3. when receiving the inspection notice, the inspected entity must comply with the requests, prepare documents and appoint competent persons to work with the inspectorate or inspector.

4. Periodic and surprise inspections of fire safety must be recorded in writing (form PC05).

### **Article 12. Suspension of establishments, vehicles, households, and individuals upon occurrence of fire risk**

1. When the operation of an establishment, motor vehicle, household, or individual poses a fire risk according to Point a Clause 1 Article 20 of Decree No. 35/2003/ND-CP, the competent person mentioned in Clause 6 Article 20 of Decree No. 35/2003/ND-CP shall issue a decision on operation suspension. The decision on operation suspension must be made in writing (form PC07). If necessary, a verbal decision on suspension of operation may be made as long as it is made in writing afterwards.

The person that makes the decision on suspension must state his/her name, position, workplace, and suspended operations.

2. After the expiry of the suspension duration, if the fire risk is deemed eliminated, the person that makes the decision on suspension must issue a decision on restoration of operation (form PC08).

After the expiry of the suspension duration, if the fire risk is not eliminated, the person that makes the decision on suspension shall issue a decision to extend the suspension in accordance with Clause 3 Article 20 of Decree No. 35/2003/ND-CP (form PC09).

3. The decision on suspension of operation, decision to extend the suspension, decision on restoration of operation must be given to the head of the establishment, the operator or owner of the vehicle, the head of the household, or the individual whose operation is suspended. If the suspended operations are related to multiple entities, each of them shall receive a copy of the decision.

The person that decides the suspension of operation must monitor the elimination of fire risk.

4. Regulations of law on penalties for administrative violations shall apply to violations against regulations on fire safety and firefighting A dossier serving fire safety in Point b and Point c Clause 1 Article 20 of Decree No. 35/2003/ND-CP.

## **Section 2: FIREFIGHTING**

### **Article 13. Firefighting plan**

1. Firefighting plans includes: intramural firefighting plans (form PC10) ; firefighting plans of fire departments (form PC11).

2. 03 days before formulating intramural firefighting plans for an establishment or residential area (the list of establishments and residential areas of which firefighting plans are formulated by a fire department is enclosed to this Circular), the fire department must notify the head of the establishment or residential areas of the formulation time. The head of the establishment, the President of the People's Committee of the commune, ward, or town (hereinafter referred to as the President of the People's Committee of the commune) shall provide materials, dispatch participants, and facilitate the firefighting plan formulation.

The organizations appointed to participate in the plan must provide information about their firefighting forces, equipment, and other necessary information at the request of the fire department.

3. The firefighting plan must be re-approved by a competent person when the most complicated fire scenario is changed or two typical fire scenarios or more are changed. If only one typical fire scenario of the plan is changed, the plan shall be approved by the head of the establishment.

4. Practicing firefighting plan

a) The intramural firefighting plan must be practiced at least once a year; each practice may involve one or some scenarios, as long as all scenarios of the plan are practiced one after another.

b) Firefighting plans formulated by fire departments shall be practiced at the request of the persons competent to approve firefighting plans according to Points b, c, d, dd, and e Clause 3 Article 22 of Decree No. 35/2003/ND-CP. The person entitled to request firefighting plan practice must send a written notification to the Presidents of the People's Committees of communes and the head of the establishment where the practice takes place at least 30 working days before the practice, send requests for forces and vehicles to local organizations and authorities at least 20 working days before the practice. The President of People's Committees of the commune where the firefighting plan practice takes place must ensure the conditions for the practice.

c) The firefighting plan shall be practiced on an ad hoc basis at the request of the person entitled to approve firefighting plans defined in Clause 3 Article 22 of Decree No. 35/2003/ND-CP in order to ensure fire safety of local and national special political, economic, cultural, or social events.

### **Article 14. Procedures for mobilizing forces, vehicles, and other property to extinguish fire**

1. The order for mobilization of forces, vehicles, and other property shall be made using form PC12. In an emergency, the order may be verbal and must be made in writing within 03 working days afterwards.

2. The person that gives the verbal order must state his/her name, position, workplace, the need for manpower, vehicles, other property, time and location.

## **Section 3. ORGANIZATION OF FIRE SAFETY AND FIREFIGHTING FORCES**

### **Article 15. Establishment of fire fighter teams**

At the request for establishment of a fire fighter team, the Director of provincial police authority, the Director of the provincial fire department shall formulate a scheme and submit it to the President of the People's Committee of the province for approval. After obtaining the consent of the Ministry of Public Security, the Director of provincial police authority, the Director of the provincial fire department shall issue a decision to establish a fire fighter team.

## **Article 16. Organization of watch teams, intramural and professional firefighting teams**

### 1. Organization and composition of a watchmen squad:

a) A watchmen squad consists of 10 - 30 people, including 01 leader and 1 - 2 vice-leaders. A watchmen squad may be divided by neighborhood; a watchmen team consists of 5 - 10 people, including 01 leader and 01 vice-leader. If necessary, the number of members of a watchmen team or squad may be increased.

b) Watchmen are people that are regularly present at their residences.

c) Presidents of the People's Committees of communes shall appoint leaders, vice-leaders of watchmen teams and watchmen squads.

d) Police departments of communes must advise Presidents of the People's Committees of communes establishing watchmen squads and direct the operation of watchmen squads.

### 2. Organization and composition of a part-time intramural firefighting team:

a) If there are fewer than 10 people working at the establishment or the motor vehicle, all of them are members of the intramural firefighting team. The head of that establishment or vehicle shall be the leader.

b) If there are 10 - 50 people working at the establishment or the motor vehicle, at least 10 of them shall be members of the intramural firefighting team. Including 01 leader and 01 vice-leader.

b) If there are 50 - 100 people working at the establishment or the motor vehicle, at least 15 of them shall be members of the intramural firefighting team. Including 01 leader and 01 or 02 vice-leaders.

d) If there are more than 100 people working at the establishment or the motor vehicle, at least 25 of them shall be members of the intramural firefighting team. Including 01 leader and 02 or 03 vice-leaders.

dd) If the motor vehicle or establishment consists of multiple departments that work independently or in shifts, each of those departments shall have a intramural firefighting team which consists of 5 - 7 people, including 1 leader and 1 vice-leader.

The head of the regulatory body of the establishment or motor vehicle shall appoint leaders and vice-leaders of intramural firefighting teams.

### 3. Organization and composition of a full-time intramural firefighting team:

a) A full-time intramural firefighting team must have sufficient members and firefighting equipment, work in shifts, and on duty 24/7. Each team has 01 leader and some vice-leaders.

b) Heads of special economic zones, industrial parks, export-processing zones, hi-tech zones shall decide the establishment of full-time intramural firefighting teams, appoint their leaders and vice-leaders.

4. Organization and composition of a professional intramural firefighting team shall comply with relevant regulations of law.

5. The person that decides the establishment of the intramural or professional firefighting team shall maintain its operation, provide annual training in fire safety and firefighting, and classify its quality.

## **Article 17. Training in fire safety and firefighting**

### 1. Training in fire safety and firefighting shall be provided for:

a) The leaders mentioned in Clause 2 Article 37 of the Law on Fire prevention and fighting.

b) Leaders and members of watchmen squads, intramural and professional firefighting teams;

c) People working in places posing fire risk or regularly in contact with flammable/explosive substances.

d) Commanders of ships, trains, airplanes; people working on motor vehicles with 30 seats or more; people working on specialized motor vehicles used for transport of flammable/explosive goods.

dd) People working in establishments where fire protection equipment are manufactured or sold.

e) Other people that need to be trained in fire safety and firefighting.

2. The Presidents of the People's Committees, heads of organizations and establishments are responsible providing training courses in fire safety and firefighting for people under their management. Heads of driving schools must include knowledge about fire safety and firefighting in the training program.

Any establishment that is not able to run a training course or any individual that wishes to be trained in fire safety and firefighting shall submit a written request for a training course to the local fire department. The cost of the training course shall be incurred by that establishment or individual.

### 3. Duration of a training course in fire safety and firefighting

a) First course:

- 24 - 32 hours for the entities mentioned in Points a, b, c, and d Clause 1 of this Article;

- 16 - 24 hours for the entities mentioned in Points dd and e Clause 1 of this Article.



b) Minimum duration of a training course for issuance of certificates of training in fire safety and firefighting after the old certificates expire is 16 hours.

4. Composition of an application for certificates of training in fire safety and firefighting:

a) If the training course is held by the establishment itself:

- A written request for examination and issuance of certificates of training;
- A training plan;
- A list of participants in the course (form PC14).

b) If the training course is not held by the establishment itself:

- A written request for a training course;
- A list of participants in the course.

c) Any individual that wishes to be trained and issued a certificate of training in fire safety and firefighting shall submit an application for training (form PC13).

5. Procedures for issuing, replacing, reissuing the certificates of training in fire safety and firefighting:

a) After completing the course and having satisfactory results, the entities mentioned in Clause 1 of this Article shall be issued with certificates of training in fire safety and firefighting (form PC15).

b) If a certificate of training in fire safety and firefighting is damaged, old, or lost, the holder must submit an application for a replacement or reissuance.

The certificate shall be replaced or reissued within 05 working days from the day on which the inspection is finished or from the receipt of the application.

6. Certificates of training in fire safety and firefighting issued by the Director of Central Department of Fire safety, Firefighting, and Rescue, Directors of Provincial Fire Departments, Directors of Provincial Department of Fire safety, Firefighting, and Rescue are valid nationwide for 02 years from the dates of issue. After this period, the certificate holder must undergo the training again to be issued with a new certificate.

#### **Article 18. Procedures for mobilizing watchmen, intramural and professional firefighting teams to participate in fire safety and firefighting**

1. Watchmen squads, intramural and professional firefighting teams shall be mobilized to participate in dissemination, meetings, parades, fire firefighting games, fire drills; reduction of fire risk, blaze relief, and other activities pertaining to fire safety and firefighting at the request of competent persons.

2. Decisions on mobilizing watchmen, intramural and professional firefighting teams to participate in fire safety and firefighting activities must be made in writing (form PC16). In an emergency, they may be mobilized verbally, but a written decision must be made within 03 working days afterwards. The person that makes the verbal decision must state his/her name, position, workplace, address, phone number, needed number of people, time, location, and activities.

3. The decision on mobilization shall be sent to the mobilized people and kept by the decision maker.

#### **Section 4: MANUFACTURE, SALE, INSPECTION OF FIRE PROTECTION EQUIPMENT, PROVISION OF FIRE SAFETY DESIGN SERVICES, FORMS USED FOR FIRE SAFETY AND FIREFIGHTING MANAGEMENT**

##### **Article 19. Conditions for manufacture, sale, inspection of fire protection equipment, and provision of fire safety design services**

1. Any entity that manufacture or sell fire protection equipment must satisfy the following conditions:

- a) Buildings and equipment are able to ensure the production and product quality inspection after production;
- b) Individual sellers must have certificates of training in fire safety and firefighting;
- c) Apart from satisfying the condition in Point b Clause 1 of this Article, any individual that directly carries on the manufacture must have appropriate qualifications.

2. Provider of fire safety design services must satisfy the following conditions:

- a) Chief designers, Directors or Deputy Directors must be capable of construction design or have bachelor's degrees in fire safety and firefighting;
- b) Direct designers must have bachelor's degrees that suit their designing tasks.

##### **Article 20. Inspection of fire protection equipment**

1. Inspection contents

- a) Categories and designs of fire protection equipment.
- b) Specifications related to the equipment quality.

## 2. Inspection method

- a) Inspecting the origins, manufacture dates, serial numbers, and specifications of the equipment.
- b) Inspecting categories and designs of the equipment.
- c) Inspecting, testing by random sampling method. If a batch consists of equipment of the same category or design, not more than 5% of them but not fewer than 10 products shall be inspected. If there are fewer than 10 products, all of them shall be inspected.
- d) Assessing results and making a record on vehicle inspection (form PC18).

3. Each fire protection equipment shall be inspected once. If the result is satisfactory, a certificate of inspection of fire protection equipment (form PC19) shall be granted, an inspection seal (form PC20) or stamp (form PC21) shall also be appended.

## 4. Procedures for inspecting fire protection equipment

- a) An application for inspection consists of:
  - A written request for inspection (form PC17);
  - Manuals of the inspected equipment;
  - Certificate of equipment quality (if any);
  - Certificate of origin of the equipment.

If the application is in a foreign language, it must be translated into Vietnamese and the applicant is responsible for the accuracy of such translation.

Every applicant shall prepare 01 application and provide a sample of the equipment that need inspecting at the request of the fire department.

- b) Within 30 working days from the day on which the satisfactory application and the sample is received, the fire department shall give the inspection result. The inspecting authority must notify the applicant if the inspection depends on the installation of the overall system, and reach an agreement with the applicant on the time of giving the inspection result.

Within 05 working days from the receipt of the dispatch enclosed with an inspection record from the inspecting unit specified in Clause 6 of this Article, the fire department must issue a certificate of inspected equipment. If the application is rejected, a written explanation must be provided.

## 5. Responsibilities for inspecting and issuing certificates of inspection of fire protection equipment

- a) Central Department of Fire safety, Firefighting, and Rescue shall carry out inspections and issue certificate of inspection to the fire protection equipment enumerated in Appendix 5 enclosed with Decree No. 35/2003/ND-CP.
- b) Local fire departments appointed by the Ministry of Public Security to inspect fire protection equipment shall carry out inspections and issue certificate of inspections of fire protection equipment enumerated in Sections 2, 7, 8, and 9 of Appendix 5 enclosed with Decree No. 35/2003/ND-CP, firefighting pumps, and other fire protection equipment of which the inspection is delegated in writing by Central Department of Fire safety, Firefighting, and Rescue.

6. Apart from the units competent to inspect fire protection equipment in Clause 5 of this Article, other units permitted by the Ministry of Public Security to inspect fire protection equipment shall inspect the fire protection equipment enumerated in Appendix 5 enclosed with Decree No. 35/2003/ND-CP. After the inspection results are available, such units must send the inspection records to Central Department of Fire safety, Firefighting, and Rescue or the local fire department in order for them to consider issuing the certificates of inspection.

7. Central Department of Fire safety, Firefighting, and Rescue shall introduce procedures for inspection, management, and provide guidance on inspection of fire protection equipment nationwide.

## **Article 21. Forms**

1. The forms enclosed with this Circular include:

- a) Certificate of approved fire safety design (form PC01);
- b) Fire safety design approval seal (form PC02);
- c) Decision on approval for fire safety design (form PC03);
- d) Commitment that fire safety design of the project/construction is evaluated, approved, and accepted (Form PC04);
- dd) Fire safety and firefighting inspection record (form PC05);
- e) Commitment to satisfy conditions for fire safety (form PC06)

- g) Decision to suspend operation (form PC07);
- h) Decision to restore operation (form PC08);
- i) Decision to extend suspension period (form PC09);
- k) Intramural firefighting plan (form PC10);
- l) Firefighting plan of fire department (form PC11).
- m) Order to mobilize forces, vehicles, and property to extinguish fire (form PC12);
- n) Application for training course in fire safety and firefighting (form PC13);
- o) List of participants in training course in fire safety and firefighting (form PC14);
- p) Certificate of training in fire safety and firefighting (form PC15);
- q) Decision to mobilize watchmen, intramural and professional firefighting teams to participate in fire safety and firefighting activities (form PC16)
- r) Application for inspection of fire protection equipment (form PC17);
- s) Record on inspection of fire protection equipment (form PC18);
- t) Certificate of inspection of fire protection equipment (form PC19);
- u) Fire safety inspection seal (From PC20);
- v) Inspection stamp of fire protection equipment (form PC21);

2. The forms enumerated in Clause 1 of this Article must be printed on A4 papers (except for forms PC02, PC15, PC20, PC21). The contents of those forms must not be changed without permission. The printing, distribution, and use of forms must be management and monitored in writing.

### **Chapter III**

## **IMPLEMENTATION**

### **Article 22. Effect**

This Circular takes effect on May 02, 2014 and supersedes Circular No. 04/2004/TT-BCA dated March 31, 2004 of the Minister of Public Security on guidelines for the Government's Decree No. 35/2003/ND-CP dated April 04, 2003, which provide guidance on the Law on Fire prevention and fighting.

### **Article 23. Responsibility for implementation**

1. The Director of Central Department of Police Authority in charge of social issue shall provide guidance and inspect the implementation of this Circular.

2. Directors, heads of affiliates of the Ministry of Public Security, Directors of Provincial Police Authorities, Directors of Provincial Fire Departments, relevant entities are responsible for the implementation of this Circular.

Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Public Security for consideration for timely instructions.

**MINISTER**

**Gen. Tran Dai Quang**

1. Circular No. 04/2004/TT-BCA of March 31, 2004, 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

1. ...