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*Hanoi, ...*

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**CIRCULAR**

**Guideline for construction of eco-industrial parks**

*Pursuant to the Law on Investment No. 61/2020/QH14 dated June 17, 2020;*

*Pursuant to the Government's Decree No. 35/2023/ND-CP dated May 22, 5, 2018 regulating the management of industrial parks and economic zones;*

*Pursuant to the Government's Decree No. 86/2017/ND-CP dated July 25, 2017 stipulating the functions, tasks, powers and organizational structure of the Ministry of Planning and Investment;*

*At the proposal of the Director of the Department of Economic Zone Management;*

*The Minister of Planning and Investment promulgates a Circular Guideline for construction of eco-industrial parks and eco-enterprises.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

This Circular regulates in detail the construction of eco-industrial parks and related forms specified in Articles 36, 37, 38, 40, 41, 42, 43 of the Government's Decree No. 35/2022/ND-CP dated May 28, 2022 regulating the management of industrial parks and economic zones (hereinafter referred to as Decree No. 35/20, 22/ND-CP).

**Article 2. Subjects of application**

This Circular applies to state management agencies, organizations and individuals involved in the construction, development, certification and recertification of eco-industrial parks and eco-enterprises.

### **Article 3. Database system on resource efficiency and cleaner production in industrial parks**

1. The database system on efficient use of resources in industrial parks specified in Clauses 4 and 5, Article 36 of Decree No. 35/2022/ND-CP is a collection of data and foundation to support the efficient implementation of resources and cleaner production, connecting industrial symbiosis in industrial parks, including:

a) The database on efficient use of resources at the local level shall be collected, built, managed and operated by Industrial Park and Economic Zone Authority as the focal point for monitoring, supervision, certify and re-certify eco-industrial parks, eco-enterprises and perform the tasks specified in Clause 5, Article 36 of Decree No. 35/2022/ND-CP. This database includes indicators for evaluating, monitoring and supervising the implementation of eco-industrial parks and eco-enterprises specified in Appendix IV issued with this Circular.

b) Database on efficient use of resources at the enterprise and organization levels is collected, built, managed and operated by industrial park developer, enterprises and related organizations for implementation of efficient use of resources, cleaner production and industrial symbiosis connection of industrial parks and enterprises in industrial parks. This database is developed as the indicators specified at Point a, Clause 1 of this Article with the coordination and supervision of the of Industrial Park and Economic Zone Authority

2. The databases specified in Clause 1 of this Article shall be integrated into the database system on resource efficiency and cleaner production in industrial parks under the national information system on industrial parks and economic zones built and managed by the Ministry of Planning and Investment.

### **Article 4. Industrial symbiosis and solutions for efficient use of resources and cleaner production**

1. Industrial symbiosis specified in Point b, Clause 2, Article 37 of Decree No. 35/2022/ND-CP includes cooperation networks:

a) Exchange of waste (solid, liquid, gas) between enterprises in industrial parks as input materials for production;

b) Shared use of infrastructure for production in the industrial park provided by parties implementing industrial symbiosis or third parties (excluding shared technical and social infrastructure of the industrial park provided by industrial park developers);

c) Use services for production and business activities in industrial parks provided by parties implementing industrial symbiosis or third parties.

2. Solutions for efficient use of resources and cleaner production specified in Point c, Clause 2, Article 37 of Decree No. 35/2022/ND-CP include:

a) Solutions to reduce waste at source: internal management of enterprises and use of alternative materials; control of production processes and equipment; improve and replace equipment and technological lines of enterprises to reduce losses, reduce waste, reduce hazardous levels of waste, increase production and business efficiency of enterprises;

b) Circular solutions: collection, treatment and reuse of wastes and scraps as raw materials for production within enterprises or exchange between enterprises in industrial parks;

c) Solutions to improve products through product innovation, packaging and designing improvement in order to reduce environmental impacts.

3. In the process of evaluating enterprises implementing industrial symbiosis, applying solutions for efficient use of resources and cleaner production specified at Points b and c, Clause 2, Article 37 of Decree No. 35/2022/ND-CP, competent state agencies can consult with domestic specialized organizations and units that meet the conditions for providing consulting services on efficient use of resources and cleaner production or consult with international units with capacity and expertise on efficient use of resources and cleaner production.

#### **Article 5. Industrial park land for shared technical zones and social infrastructure**

1. The land area of an industrial park specified at Point a, Clause 3, Article 37 of Decree No. 35/20, 22/ND-CP includes:

a. Green land area of the industrial park;

b. Traffic land area of industrial park;

c. Land area for technical infrastructure systems in industrial park: including transportation, energy supply, lighting, telecommunication, water supply, drainage and wastewater treatment, solid waste management, public sanitation and other technical infrastructure systems;

d. Land area for shared social infrastructure systems in industrial park: including infrastructure systems for public utility services such as healthcare, education, culture, sport, commerce, park, flower garden, playground and other social infrastructure works.

2. The land area specified in Clause 1 of this Article shall be determined in the industrial park construction planning approved by a competent state agency as the national regulations on construction planning.

## **Chapter II**

### **CERTIFICATION OF ECO-INDUSTRIAL PARKS AND ECO-ENTERPRISES**

#### **Article 6. Contents of a proposal for the new construction of an eco-industrial park**

1. Contents of a proposal for the new construction of an eco-industrial park specified at Point a, Clause 2, Article 38 of Decree No. 35/2022/ND-CP include:

a) It is expected that the main industries attracting investment in the industrial park as the construction subdivision planning of the industrial park approved by a competent agency.

b/ Estimated emission levels for industries implementing industrial symbiosis;

c/ A plan to develop and implement a mechanism to monitor the input and output of the industrial park on the use of raw materials, water, energy, chemicals, waste and scrap;

d/ A plan to implement social responsibility towards the surrounding community.

dd) Commit to meet the criteria for identification of eco-industrial parks within 08 years from the industrial park is established and the implementation roadmap.

2. Contents of proposal for new construction of eco-industrial parks mentioned in Clause 1 of this Article shall be explained in the investment project proposal or pre-feasibility study report in the dossier of application for approval of investment policies for investment projects on construction and infrastructure business of industrial parks prepared as the provisions of investment law.

#### **Article 7. Form for implementing procedures for registration of eco-industrial park certification and eco-enterprise certification.**

1. Promulgate together with this Circular the forms of documents specified in Clause 2, Article 41, Clause 2, Article 42 of Decree No. 35/2022/ND-CP, including:

a) Form of document implementing procedures for registration of eco-industrial park certification applicable to industrial park infrastructure developer specified in Appendix I;

b) Form of document implementing procedures for registration of eco-enterprise certification applicable to production and business enterprises in eco-industrial parks specified in Appendix II.

2. The forms of documents specified in Clause 1 of this Article shall be applied uniformly nationwide.

### **Article 8. Certificate of Eco-Industrial Park, Certificate of Eco-Enterprise**

1. Certificate of eco-industrial park and certificate of eco-enterprise are made as the forms specified in Appendix III promulgated together with this Circular.

2. In case of not meeting the criteria for eco-industrial parks, eco-enterprises, IP developer and eco-enterprise developer are responsible for reporting to competent authorities for implementing the procedures to revoke or terminate the validity of the Eco-Industrial Park Certificate and Eco-Enterprise Certificate.

## **Chapter III**

### **REPORT ON MONITORING, SUPERVISION AND EVALUATION OF IMPLEMENTATION OF ECO-INDUSTRIAL PARKS AND ECO-ENTERPRISES**

#### **Article 9. Report on monitoring, supervision and evaluation of the effectiveness of the implementation of eco-industrial parks and eco-enterprises**

1. An annual report on the implementation of an eco-industrial park includes the following contents:

a) The implementation and maintenance of efficient use of resources and cleaner production activities of enterprises in industrial parks and the results obtained;

b) The implementation of industrial symbiosis, the efficiency obtained and new enterprises participating in symbiosis linkages (if any);

c) Results of saving raw materials, materials, water, energy and chemicals and reducing emissions to the environment of industrial parks.

2. A report on the implementation of an eco-enterprise includes the following contents:

a/ The implementation and maintenance of efficient use of resources and cleaner production;

- b/ The implementation of industrial symbiosis;
  - c) Efficiency in saving raw materials, materials, water, energy and chemicals and reducing emissions to the environment;
3. The reporting forms specified in Clauses 1 and 2 of this Article are specified in Appendix IV promulgated together with this Circular.

**Article 10. Evaluating the effectiveness of eco-industrial parks and eco-enterprises**

1. Evaluation of the effectiveness of implementation of eco-industrial parks and eco-enterprises specified in Clause 4, Article 43 of Decree No. 35/2022/ND-CP is carried out through economic, social and environmental indicators specified in Appendix IV issued with this Circular.
2. The assessment of economic, social and environmental achievements of eco-industrial parks and eco-enterprises shall be carried out through the database system specified in Article 3 of this Circular.

**Chapter IV**

**ENFORCEMENT TERMS**

**Article 11. Implementation organization**

Industrial Zone and Economic Zone Authority preside and coordinates with Departments, branches and competent agencies to perform the following tasks:

- A) Review and assess the difficulties and problems (if any) in the implementation of legal regulations on eco-industrial parks and eco-enterprises annually.
- b) Timely update regulations related to eco-industrial parks in accordant with legal documents on investment, land, trade, construction, labor, environment and other legal documents other to report to the Provincial People's Committee to propose to the Ministry of Planning and Investment, relevant Ministries and branches, and the Government to amend and supplement documents related to eco-industrial parks.

**Article 12. Enforceability**

- 1. This Circular takes effect from the date of .....
- 2. During the implementation, if any problems arise, difficulties or problems, People's Committees of provinces, centrally cities and relevant

agencies promptly report to the Ministry of Planning and Investment for consideration and settlement as their competence./.

***Recipients:***

- Prime Minister (to report);
- Ministries, ministerial-level agencies and agencies attached to the Government;
- People's Councils, People's Committees of provinces, municipalities directly under the Central Government;
- Central Office and Party Departments;
- Office of the President;
- Council of Ethnic Minorities and Committees of the National Assembly
- Office of the National Assembly;
- Government Office;
- Supreme People's Court; - Supreme People's Procuracy;
- State Audit;
- National Financial Supervisory Commission;
- Central Committee of the Vietnam Fatherland Front;
- Central bodies of unions;
- Government website;
- VPCP Gazette;
- Bureau of Document Inspection, Ministry of Justice;
- Ministry of Planning and Investment: Ministers, Deputy Ministers; Departments: PC, S&MT;
- Management Boards of industrial parks and economic zones;
- Archive: VT, QLKKT (03 b). Hv.

**MINISTER**

**Nguyen Chi Dung**