

CIRCULAR
ON APPLICATION OF FOREIGN CONSTRUCTION STANDARDS TO CONSTRUCTION ACTIVITIES IN VIETNAM
THE MINISTRY OF CONSTRUCTION

- Pursuant to November 26, 2003 Construction Law No. 16/2003/QH11;
- Pursuant to June 29, 2006 Law No. 68/2006/QH11 on Standards and Technical Regulations;
- Pursuant to the Government's Decree No. 17/2008/ND-CP dated February 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Construction;
- Pursuant to the Government's Decree No. 209/2004/ND-CP dated December 16, 2004, on quality management of construction works;
- Pursuant to the Government's Decree No. 127/2007/ND-CP dated August 1, 2007, detailing number of articles of the Law on Standards and Technical Regulations;
- Pursuant to the Government's Decree No. 12/2009/ND-CP dated February 12, 2009, on management of work construction investment projects,

The Ministry of Construction provides for the application of foreign construction standards to construction activities in Vietnam as follows:

Chapter I
GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides for the application of construction standards of other countries standards of other countries, international organizations and regional standardization organizations (below collectively referred to as foreign standards) to construction activities in Vietnam.

Article 2. Subjects of application

Domestic and foreign organizations and individuals, when applying foreign standards to construction activities in Vietnam, shall comply with this Circular.

Article 3. Principles for application of foreign construction standards

1. Foreign construction standards shall be applied to construction activities on a voluntary basis.
2. To ensure synchronism and feasibility of the system of standards applicable in the entire construction process, from survey, designing, production and manufacture, to construction and take-over test of works.
3. **To meet the requirements of national technical regulations** in the construction and other related fields under law. In case national technical regulations are not available yet, foreign construction standards must satisfy the requirements defined in compulsory national standards established by ministries and branches.

Article 4. State management of the application of foreign construction standards

The Ministry of Construction shall uniformly manage the application of foreign construction standards to construction activities. The ministries managing specialized construction works shall coordinate with the Ministry of Construction in managing the application of foreign standards to specialized construction works.

Chapter II

CONDITIONS AND COMPETENCE FOR APPROVAL OF APPLICATION OF FOREIGN CONSTRUCTION STANDARDS

Article 5. Conditions for application of foreign construction standards

To be selected and applied to construction activities in Vietnam, foreign construction standards must meet the following conditions:

1. To adhere to the principles specified in Article 3;
2. To be construction standards of other countries, international organizations and regional standardization organizations;
3. To be considered, selected and approved by investment deciders prior to the compilation of basic design dossiers of work construction investment projects.

Article 6. Competence to approve application of foreign construction standards

Investment deciders shall consider, decide on and take responsibility for the application of foreign construction standards to construction activities under their management.

Article 7. Consideration and approval of foreign construction standards

1. **Investment deciders shall consider and decide on the application of foreign construction standards** within their competence defined in Clause 6 of this Circular. **If professionally incapable, an investment decider may hire consultants to verify dossiers of foreign construction standards before consideration and approval in writing. Expenses for hiring consultants shall be included in the projects' funds on the basis of cost estimates of jobs to be performed.**
2. A dossier of registration for application of foreign construction standards comprises:
 - a/ A list of codes and names of foreign construction standards;
 - b/ The full text of foreign construction standards. When necessary, investment deciders may organize the translation into Vietnamese of the parts of foreign standards to be applied to the projects.
 - c/ A written explanation: analysis of the standards' satisfaction of the conditions defined in Article 5 of this Circular and the necessity of application of these standards.
3. For foreign organizations' technical guidelines or recommendations not yet promulgated into standards, besides the documents specified in Clause 2 of this Article, there should be a report on technical-technological solutions, which contains such main information as names of technical-technological solutions, results of researches and experiments, construction works to which technical guidelines or recommendations have been applied, and copyrights on technical-technological solutions.
4. Consideration of a foreign standard dossier: the list of documents under Clause 2 of this Article: satisfaction of the requirements defined in Clauses 2 and 3, Article 3 of this Circular; and the project's capability to satisfy economic-technical conditions upon applying foreign standards.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 8. Management of application of foreign standards

Investors shall submit the list of foreign construction standards already approved for application to projects to the Ministry of Construction or ministries managing specialized construction works for unified management.

Article 9. Inspection and examination of application of foreign construction standards

The inspection and examination of the application of foreign construction standards to construction activities shall be conducted in accordance with law, assessing the observation of this Circular and foreign construction standards approved for application.

When detecting violations of this Circular, inspecting and examining agencies shall make records thereof to suspend the application of foreign standards and request investors to take remedies.

Article 10. Transitional handling

Projects to which the application of foreign construction standards has been approved in writing by the Ministry of Construction or ministries managing specified construction works before the effective date of this Circular may be implemented as approved. For new or added projects, the application of foreign construction standards thereto must comply with this Circular.

Article 11. Implementation provisions

1. This Circular takes effect on February 1, 2010.
2. This Circular replaces the Construction Ministry's Decision No. 09/2005/QD-BXD dated April 7, 2005, promulgating the Regulation on application of foreign construction standards to construction activities in Vietnam, and Decision No. 35/2006/QD-BXD dated November 22, 2006, adding number of provisions to the Regulation on application of foreign construction standards to construction activities in Vietnam promulgated together with Decision No. 09/2005/QD-BXD dated April 7, 2005.

FOR THE MINISTER OF CONSTRUCTION
DEPUTY MINISTER
(Signed and sealed)
Cao Lai Quang

(This translation is for reference only)