

THE GOVERNMENT

No. 09/2021/ND-CP

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

Hanoi, February 09, 2021

DECREE
BUILDING MATERIAL MANAGEMENT

Pursuant to the Law on Government organization dated June 19, 2015;

Pursuant to the Law on amendment and supplement of some articles in the Law on Government organization and the Law on Local authority organization dated November 22nd 2019;

Pursuant to the Law on Investment dated June 17, 2020;

Pursuant to the Law on amendment and supplement of some articles in the Law on Construction dated June 17, 2020;

At the request of the Minister of Construction,

The Government promulgates the Decree on building material management.

Chapter I
GENERAL PROVISIONS

Article 1. Governing scope

This Decree regulates the management and development, production of construction materials and the use of construction materials in construction works to ensure safety, efficiency, sustainable development, environmental protection, and saving of resources.

Article 2. Regulated entities

State administration agencies, organizations and individuals operating in the area of building materials in the territory of Vietnam.

Article 3. Interpretation of terms

In this Decree, some terms are construed as follows:

1. *Building materials* refer to products of organic and inorganic origins used to construct buildings except for electrical and technological equipment.
2. *Building materials saving natural resources of minerals and energy, and environmentally friendly* includes building materials unbaked, manufactured from use of waste as raw materials or fuel, and saving energy better than other materials of the same type.
3. *Construction element* is a product of building material that is manufactured to be

assembled into a building structure.

Chapter II BUILDING MATERIAL DEVELOPMENT

Article 4. Strategy for Building Material Development

1. The strategy for building material development is formulated as a basis for the management and administration of building material development to ensure efficiency, sustainability, environmental protection, rational use of resources, meeting material needs for domestic and export construction materials; as a basis for developing contents related to building material development in national sector planning, regional planning, provincial planning; as the basis for making a planning on exploration, exploitation, processing and use of minerals as building materials and proposing a plan to integrate the planning's contents into the national master plan.
2. The content of the strategy for building material development is decided by the Prime Minister.
3. The Ministry of Construction shall coordinate with relevant ministries, branches and localities to develop a strategy for building material development and submit it to the Prime Minister for decision.
4. Funding for formulation, appraisal and approval for the strategy for building material development shall be allocated from the state budget.

Article 5. Policies for building materials saving natural resources of minerals and energy, and environmentally friendly

1. The State encourages and creates conditions for organizations and individuals to research and develop, apply science and technology, invest in the production of building materials saving natural resources of minerals and energy, and environmentally friendly.
2. Organizations and individuals that research and develop, apply science and technology, invest in, produce and use building materials saving natural resources of minerals and energy, and environmentally friendly are entitled to investment incentives and support policies of the State in accordance with the law on investment, law on science and technology and other relevant laws.
3. The Prime Minister shall develop a roadmap to limit and eliminate building material production establishments with outdated technology, consuming a lot of raw materials, a lot of energy and causing environmental pollution.

Article 6. Management of investment projects on construction of building materials production establishments

1. The implementation of investment projects on construction of building materials production establishments shall comply with the provisions of the law on investment, the law on construction and relevant laws.
2. Investment projects on construction of building materials establishments subject to investment policy approval in accordance with the law on investment; in the

process of appraisal for investment policy approval, the Ministry Planning and Investment or the investment registration agency shall consult state management agencies on construction materials before submitting them to competent authorities for approval of investment policies, specifically as follows:

a) To consult the Ministry of Construction on the investment policy approved by the Prime Minister; group A project; investment projects on construction of new building materials establishments or using new technologies; investment projects with special grade or grade I works that greatly affect safety and community interests or are built in administrative areas of two or more provinces;

b) Regarding the remaining investment projects that are not specified at Point a of this Clause, to consult the local Construction Department of the locality where the project is executed for comments.

3. Content for comments included:

a) Evaluate the suitability of production materials of the project against the planning for minerals as building materials;

b) Preliminarily assess the socio-economic efficiency of the project through criteria on consumption of raw materials, energy, and environmental impact; investment scale; project duration and schedule.

Chapter III

USE AND QUALITY MANAGEMENT OF BUILDING MATERIALS

Article 7. Using construction materials and construction elements in construction works

1. Products and goods of constructional materials and construction elements, when used in construction works, must ensure their quality, meet technical standards and regulations, and comply with designs and technical instructions (if any).

2. The Prime Minister shall regulate the roadmap for the use of unburnt construction materials, building materials saving natural resources of minerals and energy, and environmentally friendly, domestically produced building materials for works using public investment capital, foreign public investment capital.

3. Encouraging the use of unburnt construction materials, building materials saving natural resources of minerals and energy, and environmentally friendly, domestically produced building materials for construction works invested by other capital sources.

Article 8. Use of white asbestos from serpentine family in production of building materials

1. Only use white asbestos from serpentine group of clear origins for production of roofing sheet; Encourage the use of substitute fiber over asbestos fiber in the production of roofing sheet.

2. Ensure levels of white asbestos fiber from serpentine group in the production area does not exceed 0.1 fiber/ml of air averaged over an eight-hour period and not exceed 0.5 fibers/ml of air averaged over a one-hour period.

3. Propose plans for treatment of scrap, materials, dust, water discharged from production for reuse or handling in accordance with regulations on safety.

4. Comply with other requirements on occupational safety and health and environment protection as regulated.

5. The Prime Minister regulates a roadmap to limit the investment and expanding of asbestos-cement roofing manufacturing facilities.

Article 9. Management on the treatment and use of wastes in construction material production

1. Owners of facilities that use ash, slag, gypsum from thermo-power plants, chemical fertilizer plants, metallurgical plants and other plants:

a) Comply with regulations on environment and other regulations issued by competent state agencies;

b) Have the responsibility of classifying and treating ash, slag and gypsum to ensure standards and technical regulations as raw materials for production of building materials and used in construction works;

c) In the case of not capable of classifying and treating ash, slag and gypsum, have to hire a capable agency to classify and treat ash, slag and gypsum to ensure standards and technical regulations as raw materials for production of building materials

2. For building material production facilities that process and use wastes as raw materials and fuel for production:

a) Production activities must comply with the law on construction and the law on environmental protection;

b) Ensuring that the production of building material products is in accordance with technical regulations and standards, and at the same time ensures health protection and environmental protection standards.

Article 10. Requirements for the quality of products, goods, building materials and construction elements

1. The quality of building material products, goods and construction elements must comply with and be appropriate with the provisions of the law on product and goods quality; legislation on technical regulations and standards.

2. Domestically produced products, goods of construction materials and construction elements to be put on the market must meet announced standards. For building material products and goods that do not yet have national standards, manufacturers are responsible for formulating and announcing basic standards in accordance with the law on technical standards and regulations.

3. Imported products, goods of constructional materials and construction elements must be announced with applicable standards. For imported products, goods of constructional materials and construction elements that are managed by national technical regulations, they must comply with the respective national technical regulations.

Chapter IV IMPLEMENTATION

Article 11. Responsibility of State management with building materials

1. The Government unifies state management of activities in the building materials sector nationwide.
2. The Ministry of Construction is accountable to the Government for the unified state management of activities in the building materials sector.
3. Other ministries and departments, according to their assigned functions and tasks, coordinate with the Ministry of Construction in performing the state management of activities in the building materials sector.
4. People's Committees of provinces and municipalities are responsible for state management of activities in the sector of building materials in the area.

Article 12. Responsibility of the Ministry of Construction

1. Elaborate and submit to competent authorities for promulgation of legal documents and policies on building materials and promulgation of legal documents according to their competence specified in the Law and Decree; implement the elaboration, evaluation and submission for approval of construction material development strategies, programs and projects on development of building materials saving natural resources of minerals and energy, and environmentally friendly; guide and organize the implementation of legal documents, strategies, programs and schemes already approved by competent authorities.
2. Propose and report to the Prime Minister to encourage or restrict the development, production, use, export and import of construction materials; promulgate regulations on technical specifications and guidance on export of minerals as building materials in accordance with the law.
3. Give opinions on the investment projects on construction of building materials production establishments according to the provisions of the Article 6 in this Decree.
4. Other duties in the building materials sector as prescribed in this Decree and relevant legal documents.

Article 13. Responsibility of ministries and ministerial-level agencies

1. Formulate and promulgate specific policies on development of building materials within competence or make the submission to competent authorities for promulgation.
2. Cooperate with the Ministry of Construction in performing state administration tasks in the building materials sector.

Article 14. Responsibility of People's Committees of municipalities and provinces

1. Organize implementation of legislative documents and state administration on building materials in the administrative divisions within competen.
2. Manage quality of building material goods and products in localities according to

laws.

3. Monitor and make statistical reports on local activities in the area of building materials; periodically or irregularly report to the Ministry of Construction according to regulations.
4. Carry out propaganda, dissemination, and instruction on laws, provide information on local activities in the building materials sector.
5. Organize inspection, investigation and violation administration in the building materials sector in the area.
6. Other duties concerning building materials quality management according to laws.

Article 15. Transitional provisions

Investment projects on construction of building materials production establishments with investment policy approved before the effective date of this Decree are not required to seek opinions of state management agencies on building materials according to the provisions of Article 6 in this Decree; projects for which investment policy has not been approved shall comply with this Decree.

Article 16. Effect

1. This Decree takes effect from the date of its signing for promulgation and supersedes the Government's Decree No. 24a/2016/ND-CP dated April 5th, 2016 on building material management and Decree No. 95/2019/ND-CP dated December 16th, 2019 of the Government amending and supplementing several articles of the Government's Decree No. 24a/2016/ND-CP dated April 5th, 2016 on building material management.
2. Ministers, heads of ministerial-level agencies, heads of governmental agencies, presidents of People's committees of municipalities and provinces and relevant organizations and individuals shall be responsible for executing this Decree./.

**ON BEHALF OF
THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc