

## CHAPTER 3 CONSTRUCTION

### OVERVIEW

The EuroCham Construction Sector Committee (Construction SC) is the 19<sup>th</sup> Sector Committee of the organisation, serving as a key representative body for the construction industry in Vietnam. Its role is crucial in connecting the public and private sectors, establishing forging collaborative partnerships that are vital for the industry's sustainable progress. We are committed to fostering engagement with Vietnamese authorities, offering reliable and insightful advice, functioning as an important advisor to the Government in legislative processes and construction related issues. It aims to facilitate a harmonious relationship between the public and private sectors, fostering a stable regulatory environment, advocating for best practices and international standards, and promoting the development of skilled labors. This commitment is pivotal in driving towards a greener and more sustainable future of construction industry.

In Vietnam, as in many countries, the construction industry is a dynamic and evolving field, and fire safety is an essential aspect of construction and building management. We truly appreciate the continuous effort of the Government in implementing Resolution 99<sup>1</sup> by strengthening and perfecting the fire safety regulations with a comprehensive vision of facilitating business operations while making fire safety the top priority. While the new National Technical Regulations on Firefighting (QCVN) are a step forward in ensuring fire safety in buildings and constructions in Vietnam, they have also introduced new bottlenecks that are impacting business operations.

Between 2020 and 2022, three versions of the QCVN were introduced, requiring new fire safety regulations that have caused significant delays in obtaining fire safety approvals for major capital investment projects.

Additionally, the current standards for Vietnamese construction materials, such as fireproof paint, are notably stringent, leading to economic challenges and increased costs for construction projects. This situation has made it difficult for investors, particularly in the case of the “team” project, where the high cost of meeting fire protection standards has been a significant issue<sup>2</sup>. We acknowledge and appreciate the introduction of Official Dispatch 1091<sup>3</sup>, which has streamlined the process of fire safety compliance. This new regulation replaces the need for individual certificates for each project with a Certificate of Inspection of Firefighting Apparatus applicable to batches or shipments from various suppliers or manufacturers. This change transfers the responsibility of inspecting materials and equipment to suppliers and manufacturers, fostering their active involvement in product testing and certification. This shift is crucial for creating a more user-friendly construction market.

To further enhance this system, the Government should focus on expanding the number of laboratories and institutions capable of performing the necessary tests and streamline the certification application process. Additionally, the development of an open-source platform to list certified materials and equipment currently used in Vietnam is vital. By mirroring international practices, such as those of the Fire and Safety Research Institute (FSRI)<sup>4</sup>, Vietnam can position itself as a responsible global participant, aiding in the modernisation of its infrastructure and economic growth.

In the realm of construction, creativity and adaptation are key drivers, aimed at fostering innovative workplaces and experiences. It is our primary duty to ensure that this creativity aligns with safe and responsible practices, helping to prevent incidents like fires and their repercussions. We are grateful for the ongoing support of the Vietnamese Government and the conducive business environment it fosters. Maintaining this partnership necessitates a joint effort, with a firm commitment to fire safety being paramount.

1 Resolution 99/2019/QH14 dated 27 November 2019 of the National Assembly on continuing to complete and improve the effectiveness and efficiency of implementation of policies and laws on fire prevention and firefighting (Resolution 99).

2 “The new fire-fighting regulations that have been in effect for half a year have been proposed to be corrected” dated 16 August 2023, Vietnam.vn. Available at < <https://www.vietnam.vn/en/quy-chuan-phong-chay-chua-chay-moi-co-hieu-luc-duoc-nua-nam-da-de-nghi-sua/>>, last accessed on 24 November 2023.

3 Official Dispatch 1901/C07-P3,P4,P7 dated 11 April 2023 of the Ministry of Public Security, Vietnam Fire and Rescue Police Department (Official Dispatch 1901).

4 Materials and Products Database | UL's FSRI – Fire Safety Research Institute (912) FSRI's Materials and Products Database Promotional Video - YouTube. Available at < <https://www.youtube.com/watch?v=LDdPI9NN758>> last accessed on 7 November 2023.

## RESOLVING DIFFICULTIES RELATING TO FIRE SAFETY AND FIREFIGHTING OPERATIONS

Relevant authorities: Department of Science, Technology and Environment of Ministry of Construction (MOC); Ministry of Public Security (MPS)

### 1. Certification of materials

Article 38.2 of Decree 136<sup>5</sup> mandates that all firefighting and prevention equipment must be tested and certified by the Fire and Rescue Police Department before they are put into use, in accordance with technical regulations, standards, and guidelines set by the Ministry of Public Security (MPS).

Additionally, QCVN 03:2023 BCA<sup>6</sup>, also issued by the MPS specifies in Article 3.1.2 that firefighting and fire prevention equipment, certified by international organisations adhering to ISO/IEC 17025 standards, and valid at the time of application for fire protection certificate, can be recognised by the Fire and Rescue Police Department for certification in Vietnam. This policy represents a significant stride by the Vietnamese government to expedite the fire protection certification process.

Despite this, a two-step verification process remains in place. First, the Fire and Rescue Police Department must prior-approve the firefighting and prevention equipment for project design and construction. Post-completion, the firefighting and fire prevention equipment undergoes a second verification before the issuance of a fire fighting and fire prevention certificate for operation. This dual verification process can potentially extend the duration of firefighting permit approvals and increase the workload for the Fire and Rescue Police Department.

To alleviate this burden while ensuring rigorous quality control, we propose a modification to the initial verification step:

- Firefighting and fire prevention equipment manufactured outside Vietnam should be permitted for construction use if it holds a Certificate of Origin and Certificate of Quality compliant with ISO/IEC 17025 standards, issued by internationally recognised certification organisations accepted by the Vietnamese Government Bureau Veritas, SGS, Intertek, etc;
- For equipment made in Vietnam, a Certificate of Quality meeting the ISO/IEC 17025 standards from a Vietnamese Government-approved certification organisation should suffice. This organisation need not necessarily be the Fire and Rescue Police Department.

This proposed initial verification method has already proven successful for various products and equipment in the Construction SC (except for fire fighting products).

The second verification step, conducted before granting the final certificate for project operation (i.e. the firefighting and fire prevention certificate for operation), would continue to be managed by the Fire and Rescue Police Department. This final assessment ensures the department retains ultimate control over the quality of firefighting and fire prevention equipment.

### 2. Certification of materials for renovation construction

Article 13.3 of Decree 136 mandates approval from the Fire and Rescue Police Department for any renovation construction that affects the firefighting and fire prevention system and equipment, as outlined in Article 13.5. Although Article 13.5 provides a clear definition of these systems and equipment, it does not specify the threshold of modifications considered significant enough to impact the firefighting and prevention system. This ambiguity could imply that any alteration, regardless of scale, to the systems and equipment mentioned in Article 13.5 requires approval from the Fire and Rescue Police Department.

<sup>5</sup> Decree 136/2020/ND-CP dated 24 November 2020 of the Government providing guidelines for a number of articles of Law on Fire Prevention and Fighting and Law on amendments to Law on Fire Prevention and Fighting (Decree 136).

<sup>6</sup> QCVN 03:2023/BCA dated 30 October 2023 of Ministry of Public Security on National Technical Regulation on Fire Protection Equipment (QCVN 03:2023).

Additionally, when submitting documents for firefighting permits, renovation projects might be obliged to conform to the latest firefighting regulations. This requirement can significantly influence both the cost and timeline of the renovation. Hence, it is suggested that a detailed definition of the level of modification for each system and equipment, which impacts the firefighting system, should be clearly outlined.

### Recommendations

We would like to make the following recommendations:

- › Firefighting and fire prevention equipment manufactured outside or within Vietnam should be considered acceptable for use in construction projects if it is accompanied by a Certificate of Origin and Quality in compliance with ISO/IEC 17025 standards. This certification should be issued by internationally recognised Certification Organisations approved by the Vietnamese Government, such as Bureau Veritas, SGS, Intertek, among others;
- › For renovation projects, there should be a detailed specification that clearly defines the extent of modifications to each system and equipment, especially those that significantly impact the efficiency of the firefighting system. This specification is essential to provide clear guidance on which modifications necessitate review and approval in terms of fire safety measures during renovations.

## ACKNOWLEDGMENTS

EuroCham Construction Sector Committee