

NEW REGULATIONS ON FIRE PREVENTION AND FIGHTING

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On May 10, 2024, the Government issued Decree 50/2024/ND-CP amending Decree 136/2020/ND-CP guiding the Law on Fire prevention and fighting and the amended Law on Fire prevention and fighting (**Decree 136**) and Decree 83/2017/ND-CP regulating the rescue work of fire prevention and fighting forces (**Decree 50**). Decree 50 takes effect from May 15, 2024 with some outstanding contents as follows:

Firstly, supplementing regulations for establishments subject to fire prevention and fighting management. Accordingly, inheriting the provisions of Article 4 Decree 136, Clause 1 Article 1 Decree 50 supplements the regulations for establishments subject to fire prevention and fighting management as follows:

(i) Specifying the criteria applied to establishments subject to fire prevention and fighting management (the establishments that are places for production or business, public works, working offices, apartment buildings, and other independent works according to the list prescribed by the Government) namely “operating, is being temporarily suspended, suspended from operations”. Previously, Decree 136 did not stipulate this content.

(ii) Amending and supplementing the list of establishments subject to fire prevention and fighting management (Appendix I, Decree 136), for example (i) detailing the area of establishments for services and catering business, specifically: having a total business area from 100m² or a total volume of 500m³ and more; establishments doing business of flammable and explosive goods with a total business area of at least 50m² or a total volume of building blocks serving business of 200m³ or more; (ii) amending the object of “working offices of enterprises, political and social organizations” to “buildings used as office headquarters of enterprises, political and social organizations”, etc.

Secondly, amending regulations on subjects subjected to fire prevention and fighting design approval. Under Decree 50, these subjects are stipulated as follows:

(i) A number of subjects for which fire prevention and



fighting design must be approved approval are omitted, including Construction planning plans or adjustments to construction planning of urban areas, economic zones, industrial parks, industrial clusters, export processing zones, high-tech parks, and other functional areas according to the Law on Planning.

(ii) For projects or works, Decree 50 supplements regulations by listing cases of new construction, cases of renovating or changing the nature of use subject to design approval for fire prevention and fighting, including:

- Increasing the scope in the number of floors or fire compartment area;
- Changing the type and position of escape stairs; reducing the number of emergency exits of floors, fire compartments, and structures;
- Installing a new fire alarm system or making a replacement;
- Installing a new fire extinguishing system or making a replacement;
- Changing the functions, which upgrades fire safety requirements for floors, fire compartments and buildings.

Thirdly, amending and supplementing regulations on inspection contents of fire prevention and fighting. Point a clause 8 Article 1 of Decree 50 amends regulations on inspection contents for (i) construction works under construction process; (ii) establishments providing fire prevention and fighting services, and (iii) urban areas, economic zones, industrial parks, industrial clusters, export processing zones and hi-tech parks. Specially:

(i) For construction works under construction process, Decree 50 has omitted the inspection of the Certificate of Design Appraisal or the document of design approval for fire prevention and fighting for works included in the list specified in Appendix V (List of projects, works, and motor vehicles subject to design approval for fire prevention and fighting);

(ii) For establishments providing fire prevention and fighting services, Decree 50 has added inspection over their implementation of fire prevention and fighting service provision activities according to industries granted by a competent Police authority.

(iii) Decree 50 supplements regulations on inspection contents for technical infrastructure related to fire prevention and fighting of urban areas, economic zones, industrial parks, industrial clusters, export processing zones, and hi-tech parks, accordingly recognizing provisions, and requirements in Article 10 (requirements on fire prevention and fighting when formulating or adjusting construction plannings of urban areas, economic zones, industrial parks, industrial clusters, export processing zones, hi-tech parks, and other functional zones according to the Law on Planning) and Article 31 (establishment, management and assurance of operating conditions of grassroots and professional fire prevention and fighting forces) of Decree 136. This content is supplemented to unify legal regulations and ensure compliance in fire prevention and fighting activities for investors developing urban areas, economic zones, industrial parks, industrial clusters, export processing zones, and hi-tech parks.

COMMENTS AND RECOMMENDATIONS

It is found that Decree 50 has amended and supplemented a number of provisions in Decree 136, thereby clarifying and guiding authorities and enterprises to resolve difficulties and problems related to fire prevention and fighting in recent years. In addition to the outstanding contents mentioned above, Decree 50 also supplements and amends regulations on procedures, contents, results, competence in design and design approval of fire prevention and fighting; procedures for acceptance and inspection of acceptance results on fire prevention and fighting, thereby ensuring consistency and improving efficiency in implementation of Administrative Reform process. Therefore, enterprises need to update and study the contents of Decree 50 to ensure compliance with new regulations related to fire prevention and fighting, including annexes of Decree 136 that have been amended and supplemented in Decree 50.