

SOME NEW REGULATIONS ON FIRE PREVENTION AND FIGHTING OF ENTERPRISES

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On July 10, 2024, the Ministry of Public Security issued Circular 32/2024/TT-BCA amending Circular 149/2020/TT-BCA guiding the Law on Fire Prevention, Fighting; the amended Law on Fire Prevention and Fighting; and Decree 136/2020/ND-CP guiding the Law on Fire Prevention and Fighting and the amended Law on Fire Prevention and Fighting (**Circular 149**); and Circular 08/2018/TT-BCA guiding Decree 83/2017/ND-CP regulating rescue work of the fire prevention and fighting forces (**Circular 32**). The following are some new points of Circular 32 that may affect business operations:

First, amending and supplementing the components of the documents of managing and supervising fire prevention and fighting ("fire prevention and fighting documents") for the facilities mentioned in Annex III (List of facilities managed by the Police agencies (on fire prevention and fighting)), Decree 50/2024/ND-CP providing a number of articles and measures to implement the Law on Fire Prevention and Fighting and the Law amending and supplementing a number of articles of the Law on Fire Prevention and Fighting and Decree 83/2017/ND-CP regulating rescue work of fire prevention and fighting forces (**Decree 50**) such as buildings used as enterprise headquarters and offices with 5 floors at minimum, motor vehicle sales establishments with the minimum business area of 300m². The fire prevention and fighting documents of such facilities shall be prepared by their heads. Compared to clause 1, Article 4, Circular 149, Circular 32 **amends** several documents such as (i) the decision to issue internal regulations (instead of the Internal regulations), (ii) the certificate of professional training in fire prevention and fighting, rescue work issued by the competent Police agency (instead of a copy of the certificate or the decision on issuing the certificate by the competent Police agency); **supplements** the 6-month periodic report on fire prevention and fighting inspection prepared by the heads of the facilities mentioned in Annex III, Decree 50.

Second, supplementing the components of fire prevention and fighting documents for the facilities



mentioned in Annex IV (List of facilities managed by the communal People's Committees (on fire prevention and fighting)) of Decree 50 such as buildings used as headquarters and offices of enterprises, political and social organizations with less than 5 floors and the volume of less than 1,500m³, motor vehicle sales establishments with business area of less than 300m² with the total volume of the buildings of less than 1,500m³. The fire prevention and fighting documents of such facilities shall be prepared by their heads. According to Circular 32, 3 documents have been supplemented to the fire prevention and fighting documents of these facilities, including: (i) The issued certificate or document approving fire prevention and fighting design, and the issued document approving fire prevention and fighting test results; (ii) Copy of the master plan drawing approved by competent authority showing the road system, the water sources for fire fighting, the functional arrangement of work items, and technological systems in the facilities (if any); (iii) The document on the test results of earth ground resistance for lightning protection, results of evaluating pressure system, equipment, and pipes according to legal regulations (if any).

Third, amending the regulations on updating the online database on fire prevention and fighting and connecting the incident report transmission. Accordingly, when the information infrastructure as prescribed in clause 3, Article 11, Circular 149 is available and with the instructions from the Police Department of Fire Prevention and Fighting and Rescue, the facilities addressed in Annex III, Decree 50, which are required to be equipped with automatic fire alarm and fire suppression systems or devices according to the technical standards and regulations, is obliged to perform the following:

(i) Completing the update of the online database on fire prevention and fighting according to Article 12, Circular 149: Assigning persons to fully update the

information on fire prevention and fighting and rescue at the facility as required by the Police agencies; immediately updating any changes and ensure the accuracy and timeliness of the information.

(ii) Completing the connection of incident report transmission as prescribed in Article 12, Circular 149, such as: Setting up at least 2 telephone lines to receive messages and calls about fires, incidents, and accident warning calls from the fire prevention and fighting database management and incident report transmission system; being responsible for managing the incident report transmission devices according to the information provided to the police agency.

COMMENTS AND RECOMMENDATIONS

The issuance of Circular 32 has created changes related to fire prevention and fighting of enterprises - one of the vital activities that enterprises must pay attention to during their operation to ensure safety for goods, human life, and health. Circular 32/2024/TT-BCA takes effect from August 24, 2024. Individuals and enterprises need to update and research the provisions of the Circular to ensure compliance with the laws. It should be noted that failure to comply with fire prevention and fighting regulations may result in administrative penalties; for example, enterprises shall be fined from 6 million Viet Nam dong to 10 million Viet Nam dong for any failure to prepare documents of management and monitoring of fire prevention and fighting and rescue work according to clause 2, Article 4 and clause 2, Article 31, Decree 144/2021/ND-CP providing penalties for administrative violations against regulations on security, social order and safety; prevention and control of social evils; fire prevention and fighting; rescue; prevention and fighting of domestic violence.