



Improving Vietnam's laws on environmental trade barriers

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Abstract

The increasing international and regional integration of Vietnam could have negative impacts on the country's natural resources and environment. The participation of Vietnam in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, ASEAN Economic Community, and other global and regional economic institutions has posed great pressures and challenges to the establishment, enforcement, and amendment of laws. This article presents a comprehensive analysis of Vietnamese laws which is expected to serve as a basis for the establishment of Vietnam's trade barriers in general and environmental trade barriers in particular.

Keywords: technical barriers in trade, environment, imports and exports of goods, improving Vietnam's laws

Introduction

Vietnam, like many other countries, has faced challenges in balancing its economic development goals with the need to protect the environment and public health. In recent years, the country has made significant progress in implementing environmental regulations and standards, but more work is needed to address non-tariff barriers (NTBs) to trade ^[7].

One important step that Vietnam can take is to perfect its laws on environmental trade barriers. This involves reviewing and revising existing regulations to ensure that they are consistent with international standards and best practices and that they effectively address the environmental and health risks associated with international trade ^[6].

In addition to updating its laws and regulations, Vietnam can also take steps to promote sustainable trade. This includes implementing eco-labeling schemes, certification programs, and sustainable procurement policies that incentivize producers to adopt environmentally and socially responsible practices.

At the same time, Vietnam should be mindful of the potential negative impacts of non-tariff barriers on economic development. While it is important to protect the environment and public health, excessive or poorly designed non-tariff barriers can hinder trade and impede economic growth. Therefore, it is important to strike a balance between promoting trade and protecting the environment and public health.

Overall, perfecting Vietnam's laws on environmental trade barriers is an important step toward promoting sustainable trade and ensuring that economic growth is balanced with environmental and social considerations

Material and methods

Material

Environmental technical barriers (otherwise known as "green barriers"), according to the Asia-Pacific Economic Cooperation (APEC) Research Center: "Environmental technical barriers are defined as strict environmental standards and regulations affecting trade; discriminatory

trade measures imposed for the purposes of protecting natural resources, protecting the environment; unilateral trade restrictions; market penetration measures with acceptance conditions environmental standards and technical regulations; trade restrictions imposed under the Multilateral environmental agreements (MEAs) rules" ^[3].

Customs Newspaper (2017) ^[1] According to statistics, there are currently between 200 and 250 enterprises importing scrap as production materials, mainly scrap iron, steel, plastic, and paper. However, through this form, many enterprises import waste, creating environmental problems such as huge costs for waste treatment; Dispose of many toxic wastes, which are dangerous to the environment and human health; soil pollution from solid waste.

Customs Newspaper (2017) ^[2] Even though the import of consumer goods is limited, the import of Completely Built-Up (CBU) cars reached \$3.1 billion in 2019- up 71% in volume and 69% in value over the same period in 2018. Cars bring a lot of convenience to modern life, but it is also important to note some environmental problems caused by cars such as smoke, noise pollution, and solid waste.

Circular No. 128/2016/TT –BTC dated August 9, 2016, of the Ministry of Finance provides for exemption and reduction of export tax for environmentally friendly products; products from recycling, and waste treatment activities. Investment Law No. 67/2014/QH13 dated November 26, 2014, by the National Assembly promulgates import tax incentives for products that save energy, recycle and use waste. However, these supports are small compared to those of developed countries. Simultaneously with the issuance of incentives, Vietnam also has regulations prohibiting the import of outdated machinery, equipment, and technological lines, causing environmental pollution, specifically as in Decree No. 23. Decision No. 2612/QĐ-TTg, Vietnam's orientation in 2020 with a vision to 2030 to develop clean technology, high technology, especially about the environment is to focus on energy-saving technology. The trend of the world today is to apply both mandatory and voluntary technical measures, as well as the standard

conformity assessment process in the world, thereby helping to protect domestic production and restrict international trade for production areas or products that the State needs to protect.

Methods

In order to clarify the research contents, the article has used a synthesis of several different research approaches and methods, typically: The research method "Desk Research" aims to collect data related to non-tariff barriers in international trade from documents posted on the official United Nations website and published works of relevant national and international scholars. In addition, the research also uses the meta-analysis method, the method of investigation, and the sociological investigation. The meta-analysis method is used throughout the entire research to clarify the basic topics about the status of completing the law on environmental trade barriers; the potential negative impact of Non-Tariff Barriers on economic development. Sociological survey and investigation methods are used to assess the current status of completing Vietnam's legal regulations on environmental trade barriers from the perspective of national and international experts.

Results and discussion

As a developing country, Vietnam need to synchronously implement the following solutions to balance economic development goals with the requirements of environmental protection and public health in the process of international economic integration:

Promote the review of certification documents and cooperate with state apparatus

An understanding of businesses related to environmental measures is important for businesses to use these tools to their advantage in business. Understanding trade measures not only helps businesses limit trade disputes when exporting but also enhances competitive advantages in the domestic market, limiting and preventing the phenomenon of competition. It is not fair when foreign goods are imported massively into the domestic market, causing damage to enterprises' production and business.

To increase awareness of businesses, it is necessary to provide regular and updated information to businesses through associations, email, or websites. In addition, it is necessary to improve the qualifications and professional expertise of officials at associations as well as management agencies in this field.

It is necessary to build a group system of emails of importers and import associations to send notices of changes in matters related to Technical barriers to trade (TBT). The sending of notices via email is now very developed, bringing a lot of convenience to the communication system because of the advantages of time. Categorize businesses by business registration, and put them in a contact group. When you need to send information about soliciting comments or sending notices of changes in commercial policy, simply send an email to that group. Only confidential information needs to be notified separately and sent directly, so the electronic form of sending information reduces a lot of costs when it is necessary to send notices to businesses.

Importers' associations, representatives of businesses, and importers do not collect information on technical requirements related to the environment. Therefore, the

Technical barriers to trade Vietnam office needs to play a key role in collecting information and providing information to businesses.

The translation and provision of information on technical requirements only meets the requirement of putting information on the network of Technical barriers to trade and exchanging between focal points at specialized ministries, without paying attention to providing this information to importers. This will lead to reduced operational efficiency and will make it more difficult to manage import distribution activities as well as build a database on Technical barriers to trade. Therefore, it is necessary to develop a network to provide information on Technical barriers to trade for import associations, enterprises, and import representatives so that a database of up-to-date information related to the requirements can be developed of Technical barriers to trade, in order to better support import activities.

Due to some requirements related to eco-labels or environmental labels, which are not considered as technical requirements of the Technical barriers to trade, the Technical barriers to trade office has not yet updated or notified the World Trade Organization Technical barriers to trade Committee about this problem ^[5]. However, these announcements play an important role in the notification system related to environmental issues to collect comments from national and international experts on environmental issues.

It is necessary to add to the legal document the provision of information to those directly and indirectly affected by the new regulation, especially the provision of information to businesses and representative associations. for businesses and consumers. There is a lack of information provided to businesses, associations, organizations, and individuals involved, thereby, there is a lack of participation in contributing ideas of these organizations and individuals in the construction process. This is the reason why, most of the individual businesses know little about technical standards and regulations. This lack of information will reduce the effectiveness of the enforcement of legal documents, and also reduce the monitoring of enforcement.

Build an open forum for interested partners based on promoting information transmission on standards

Until now, public participation and interest in the standards sector in Vietnam have been very low. Thus, the forum is a tool to promote public engagement with the field. This is a forum for all interested individuals and organizations to reflect on activities related to standardization and promote the quality control and effectiveness of standards. Interested parties here can be industry associations, consumers, universities, and professionals.

Simultaneously with the creation of open conditions for commenting on standards, a standards committee was formed, organized with representatives of industry, consumers, and schools. university. This Council will operate under the guidance and regulations of the General Department of Standards, Metrology, and Quality.

Besides promoting cooperation in the initiatives on standardization and control standards. This forum will open a smaller forum to discuss issues related to the environmental technical standards of other countries. Create an international network, for individuals and organizations interested in a specific area, such as nature conservation,

how fishing affects sea turtles, energy-saving light bulbs, or eco-labels, and exchanges can be in English.

Promote the dissemination of information about standards: Since the adoption of this standard is voluntary, therefore, unlike mandatory standards, the responsibility for disseminating information about standards and certification will be less strongly motivated. Through the survey of Vietnamese standards, most of the Vietnamese National Standards (TCVNs) use International Organization for Standardization (ISO) as the technical foundation. However, there are many different standards in the world, and Vietnam also applies those standards to goods produced and consumed domestically, but these standards do not fully reflect information about other standards in use around the world. Therefore, many products imported into Vietnam have very different and new standards, making it difficult for Vietnamese consumers to understand, or misunderstand, such information, leading to a decrease in the reliability and reputation of the products. standard. Therefore, it is necessary to update information about international standards for all individuals and organizations to know. In addition, providing more information to consumers and interested organizations, helping to increase consumer awareness of the importance of such standards in the evaluation of goods.

Improve the reliability of the certification system and certificates

Expanded range of certified products. Currently, the number of certified eco-labels, ISO 14000s, or organic certified products is very small and only focuses on certain products, so it is necessary to expand the range of licensed goods. certification.

Constantly raise the standard above the basic standard. The standards related to the environmental sector are more demanding than other technical requirements, so the certification system often needs to be improved to be able to meet the high standards of the industry. imported goods from developed countries.

Finally, support capacity building for certification bodies, so that they can improve their certification capacity. The development of a system of certification standards considers the certification systems of the importing country to harmonize with those standards. Since voluntary standards are competitive, harmonization is, therefore, essential to give confidence to users of the certification body's information in the assessment of goods.

In more detail, it is proposed to propose specific solutions to improve the system of regulations, technical standards, and the process of assessing environmental conformity in Vietnam:

About mandatory technical regulations

It is necessary to increase the validity period of the regulation or standard, and specify the period of validity for the interested parties to know, at least for about 10 years; promulgate regulations related to product traceability to ensure that imported products comply with the implemented environmental regulations; more emphasis on technical regulations for packaging materials (such as the Regulation on the level of recycling of the materials used, the Regulation on the allowed content of some heavy metals in the packaging composition); develop a system of technical regulations on environment and certification process to

carry out the certification of organic products to support the domestic market, export and import of developed organic products; Promulgating standards related to bio-modified products. In addition, the competent authorities should convert activities related to energy saving into voluntary standards, the state only manages administratively to ensure programs, and energy-saving plans that achieve their goals or operate by the law.

About voluntary technical standards

This standard applies to organic products and energy-saving products. The use of trademarks and the issuance of certificates are subject to the provisions of the law on trademarks. To develop this product, it is necessary to promulgate a supporting policy framework from the state, especially technical support, and a basic legal framework to develop standards, trademarks, and enforcement. Formulate obligations and responsibilities; review the harmonization of the testing process, trademark, and international recognition. Promote information exchange, cooperation, and education to raise awareness of devices and media users. Encourage the development of eco-labels for products in construction, electrical appliances, offices, and tourism.

About conformity assessment process, standard conformity

It is necessary to improve the capacity of conformity certification bodies, especially laboratories, to evaluate based on the operating framework for laboratories; upgrade equipment and facilities to meet the requirements of measurement; Professional training of human resources team; Foreign training with highly professional staff; Support to build a laboratory management system according to published standards; Support measurement laboratories to achieve measurement levels according to international standards; Building a database for testing offices and experts certifying their own environmental standards; Establish a coordination mechanism between specialized ministries in the issuance and management of standard certifications to ensure the achievement of environmental targets ^[4]; have strict supervision in the work of appraisal and inspection before such goods are allowed to be imported or circulated on the market; Establish an agency responsible for developing and supervising the implementation of technical regulations, technical standards and evaluation procedures.

Conclusion

Based on practical research problems of the world and Vietnam, the study has proposed several mandatory and voluntary solutions for specific commodities, from low to high priority to promote the process of joining Free Trade Agreements as well as to limit barriers and trade disputes related to the environment. In addition, the author also gives specific solutions to the mandatory as well as voluntary technical regulations and the standard conformity assessment procedures for each imported product.

Thus, the technical regulations and standards related to the environment, and the conformity assessment process have made certain contributions to the development of international trade of Vietnam and at the same time serve as a basis and standard to protect human life and the environment. Stemming from practice, the development of a legal system of standards and technical standards related to

the environment in Vietnam is continuing to be implemented and revised in accordance with the actual situation in the country and the world. But if Vietnam's law enforcement system is more effective, our country's socio-economic activities in the coming time will become more and more effective, contributing to improving people's quality of life; at the same time enhancing the prestige of Vietnamese goods in the international market.

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