



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

VIETNAM

Name of case: Formosa Ha Tinh Iron and Steel Company

Country and court: Ha Tinh Provincial People's Committee, PRV

Date of holding: December 16, 2017

Summary of facts: The waste sludge was illegally buried in the area of local farm was unloaded and stored with a volume of 390 tons (including mixed soil and rock). Industrial waste with hazardous waste. The generator hired a local firm Ky Anh Urban Management Consulting Construction, who buried the waste on the farm. Local inspectors found over 100 tons of “black smelly wastes” buried at the location. This material – a waste sludge- Waste sludge exceeded cyanide parameters (CN-) under Vietnamese law.

Legal basis for holding waste generator or producer liable: Article 21 of Decree No. [155/2016 / ND-CP dated November 18, 2016](#) [setting out penalties] and Decree No. [38/2015 / ND-CP dated April 24, 2015](#) [requiring hazardous waste generators properly manage their waste through licensed and legally compliant facilities].

Scope of damages or relief ordered: The court ordered that the waste material must be managed according to hazardous waste regulations and must be transferred to functional units, licensed to handle according to the law [apparently a cost to be borne by the generator]. The contractor was fined 450 million VN and prosecuted in a criminal case "Violation of regulations on hazardous waste management" under Article 182A of the Criminal Code.

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