

Environmental Crimes and Administrative Violations in the Import of Discarded Materials in Vietnam

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Abstract: *In the context of globalization, trade liberalization, environmental crimes and administrative violations in the import of discarded materials in Vietnam are evolving with increasingly sophisticated methods and tricks, colluding with individuals and organizations in other countries around the world. At major seaports in Hai Phong, Ba Ria - Vung Tau and Ho Chi Minh City, thousands of containers of discarded materials imported into Vietnam are accumulated, causing environmental pollution and affecting business operations. This situation poses new requirements in the management of environmental crimes and administrative violations in the import of discarded materials, which contributes to environmental security and sustainable development in Vietnam.*

Keywords: environment, import of discarded materials, waste, scraps, crime, administrative violations, Vietnam

1. Introduction

Vietnam is a developing country with a rapid industrialization and global integration process. The development of the recycling industry has led to the need discarded materials from developed countries, which contributes to the demand for raw materials and resources for the recycling industry and production in some craft villages. The policy allowing imported discarded materials as production materials is specified in Article 76, Law on Environmental Protection Vietnam [16]. In order to manage and protect the environment, the Government has issued Decree No. 38/2015/ND-CP on waste management and issued a list of 36 types of discarded materials allowed to be imported into Vietnam as raw materials for production from 2014 [5], [7]. As the leading role in environmental management and protection, the Ministry of Natural Resources and Environment has issued the Circular No. 41/2015/TT-BTNMT regulating environmental protection in the import of discarded materials for production [4]. Importing and using discarded materials in production always implies many risks of environmental pollution if there are no effective measures for management, control and supervision. Despite the varying levels of management regulations, the situation of crimes and administrative violations involved in the import of discarded materials is still sophisticated, resulting in thousands of containers of waste and discarded materials accumulated at seaports. To solve the above situation, it requires synchronous solutions to prevent, detect and thoroughly handle violations.

2. Research Methodology

2.1 The methods of collecting, synthesizing and analyzing documents and data

Studying the provisions on Vietnam's policies and laws on environmental protection in the import of discarded materials,

also on environmental crimes and administrative violations. Analyzing documents and data on the status of environmental crimes and administrative violations in the import of discarded materials at functional agencies such as: the Import-Export Department, Ministry of Industry and Trade; Pollution Control Department, Ministry of Natural Resources and Environment; Department of Information Technology and Statistics, General Department of Vietnam Customs; Department of Environmental Police... Thus, evaluating and clarifying issues related to research.

2.2 The method of case study

Studying typical reports on environmental management and protection in the import of discarded materials; typical reports on environmental crimes and administrative violations in the import of discarded materials. Surveying and studying typical environmental cases occurring in the import of discarded materials at a number of seaports in Hai Phong, Ba Ria - Vung Tau and Ho Chi Minh City to clarify the actual situation.

2.3 The method of expertise

Interviewing and discussing with managers, experts on environmental management in importing discarded materials of the Natural Resources and Environment Department, port authorities and customs. Consulting environmental police officers who directly carry out the combat against environmental crimes and administrative violations at the Environmental Police Department and local police offices such as Quang Ninh, Hai Phong and Ba Ria - Vung Tau... Through discussion, identifying the causes and conditions for crimes and violations, developing measures to prevent and combat synchronously.

3. The Results of Research and Discussion

3.1. The provisions of Vietnamese law on crimes and environmental administrative violations in the import of discarded materials

The provisions on environmental crimes relating to the import of discarded materials were first specified in the Penal Code 1999, Article 185. *Import of technologies, machinery, equipment, discarded materials or materials which fail to satisfy environmental protection criteria*[14]. Till Penal Code 2009 (amended), the above crime was amended into *Taking wastes into Vietnamese territory* [15]. Currently, environmental crimes are defined in the Penal Code 2015 (amended and supplemented in 2017), including 12 offenses from Article 235 to Article 244, in which, environmental crime relating to the import of discarded material is Article 239. Bringing wastes into Vietnam's territory[19], [20].

“Article 239. Bringing wastes into Vietnam's territory

- 1) A person who illegally brings wastes into Vietnam's territory in any of the following circumstances shall be liable to a fine of from VND 200,000,000 to VND 1,000,000,000 or face a penalty of up to 03 years' community sentence or 06 - 36 months' imprisonment:
 - a) Bringing from 1,000 kg to under 3,000 kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or from 3,000 kg to under 10,000 kg of other hazardous wastes into Vietnam's territory;
 - b) Bringing from 70,000 kg to under 170,000 kg of other wastes into Vietnam's territory.
- 2) This offence committed in any of the following circumstances carries a fine of from VND 1,000,000,000 to VND 2,000,000,000 or a penalty of 02 - 07 years' imprisonment:
 - a) The offence is committed by an organized group;
 - b) Bringing from 3,000 kg to under 5,000 kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or from 10,000 kg to under 50,000 kg of other hazardous wastes into Vietnam's territory;
 - c) Bringing from 170,000 kg to under 300,000 kg of other wastes into Vietnam's territory.
- 3) This offence committed in any of the following circumstances carries a fine of from VND 2,000,000,000 to VND 5,000,000,000 or a penalty of 05 - 10 years' imprisonment:
 - a) Bringing $\geq 5,000$ kg of hazardous wastes that contain extremely hazardous constituents beyond the limits prescribed by law or hazardous wastes in Appendix A of Stockholm Convention on persistent organic pollutants or $\geq 50,000$ kg of other hazardous wastes into Vietnam's territory;
 - b) Bringing $\geq 300,000$ kg of other wastes into Vietnam's territory.
- 4) The offender might also be liable to a fine of from VND

- 50,000,000 to VND 200,000,000, prohibited from holding certain positions or doing certain works for 01 - 05 years.
- 5) Punishments incurred by a corporate legal entity that commits any of the offences specified in this Article:
 - a) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 1 of this Article shall be liable to a fine of from VND 1,000,000,000 to VND 3,000,000,000;
 - b) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 2 of this Article shall be liable to a fine of from VND 3,000,000,000 to VND 5,000,000,000 or has its operation suspended for 06 - 12 months;
 - c) A corporate legal entity that commits this offence in any of the circumstances specified in Clause 3 of this Article shall be liable to a fine of from VND 5,000,000,000 to VND 7,000,000,000 or has its operation suspended for 01 - 03 years;
 - d) A corporate legal entity that commits this offence in any of the circumstances specified in Article 79 hereof shall be permanently shut down; dd) The violating corporate legal entity might also be liable to a fine of from VND 100,000,000 to VND 500,000,000, banned from operating in certain fields for 01 - 03 years.” [19], [20].

Environmental administrative violations relating to the import of discarded materials are prescribed in the Government's Decree No. 155/2016/ND-CP dated 18/11/2016, providing penalties for administrative violations against regulations on environmental protection. According to Article 25, some specific behaviors such as: failing to submit the annual report on the import and use of scrap to the competent agency as regulated by laws; violations in entrusted import of scrap for use as raw production materials; violations in import of scrap for use as raw production materials; failing to pay costs for handling imported scrap in case where the deposited amount is not enough to handle imported scrap in violation of regulations on environmental protection; violations against regulations on temporary import or transit of scrap. The penalties applicable to administrative violations in the import of discarded materials include: a / A fine of between VND 20,000,000 and VND 1,000,000,000; Suspend the Certificate of eligibility for environmental protection in import of scrap for use as raw production materials for 03 - 12 months; Enforce the re-export or destruction; Enforce the payment of costs for conducting inspection, assessment, measurement and analysis of environmental samples; Enforce the application of remedial measures for environmental pollution [6].

The concretization of environmental violations in the import of discarded materials to the level considered as criminal or administratively sanctioned, is an important legal basis for the authorities to take measures in preventing, detecting and handling.

3.2. The situation of environmental crimes and administrative violations in the import of discarded materials

The situation of discarded materials imported into Vietnam

From 2016 to the first 6 months of 2018, scrap import into Vietnam tends to increase in volume and change in scrap category. The major types of scrap are imported as raw materials for production are: Iron - steel scrap, plastic and waste paper. In the 2016, 324 enterprises in Vietnam imported 4782.6 thousand tons of scrap, the import value reached 1040.7 million USD (iron - steel scrap accounted for 81.5%), by 2017, although the number of import enterprises

decreased to 266 companies, the scrap volume increased by 36.9% (equivalent to 1768.7 tons) in comparison with 2016, the value of turnover increased 764.4 million USD, of which iron and steel scrap accounted for 72.2%. By the end of the first 6 months of 2018, 240 enterprises in Vietnam has imported 4026.7 tons of scrap, valued at 1231.5 million USD, iron and steel scrap accounted for 66.7% [10], [11], [21]. It can be seen that the number of enterprises involved in scrap import has fallen from 2016, however, the volume and value of imported discarded materials has tended to increase rapidly, proving that demand for materials for production in Vietnam are bigger in reality [Table 1].

Table 1: Scrap import of iron-steel, plastic and paper into Vietnam from 2016 to the end of June 2018

Type	2016			2017			06/2018		
	Enterprises	Volume (Thousand tons)	Value (Million USD)	Enterprises	Volume (Thousand tons)	Value (Million USD)	Enterprises	Volume (Thousand tons)	Value (Million USD)
Iron - Steel	84	3895.5	870.7	84	4727.8	1396.6	72	2686.7	958.4
Plastic	137	245.8	43.5	96	385.0	70.9	90	277.7	63.3
Paper	103	641.3	126.5	86	1438.5	340.6	78	1062.3	209.8
Total	324	4782.6	1040.7	266	6551.3	1808.1	240	4026.7	1231.5

(Source: General Department of Vietnam Customs, Ministry of Finance)

The statistics of the General Department of Vietnam Customs - Ministry of Finance showed that there was a tendency for the scrap to be imported into Vietnam with 3 main types: iron and steel, plastic, paper. In the period of 2016 - 6/2018, the average percentage of iron - steel scrap, wastepaper, plastic is 73.6% - 20.5% - 5.9% respectively [Chart 2]. However, the volume of iron and steel scrap imported tends to decrease sharply from 81.5% (2016) to 66.7% (the first 06 months of 2018), waste paper tends to

increase sharply from 13.4% (year 2016) up to 26.4% (the first 6 months of 2018), scrap plastic tends to increase less [Chart 2.1]. The reason for this shift is the need of waste paper, scrap plastic as a raw material for domestic production increased, besides, some countries in the world, especially in Asia, has limited the import of discarded materials. Therefore, the import has shifted to the markets of Southeast Asia, including Vietnam. [11], [21], [22].

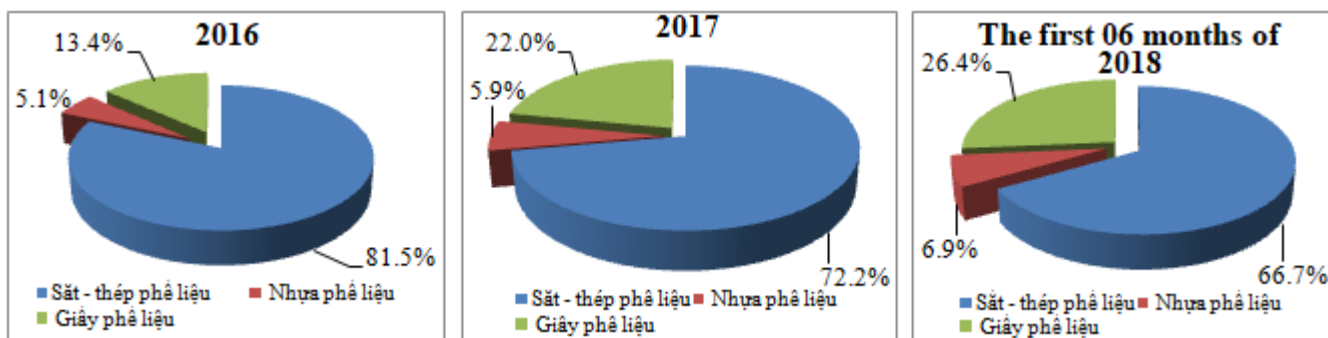


Chart 1: The structure of scrap imported into Vietnam from 2016 to the end of June 2018

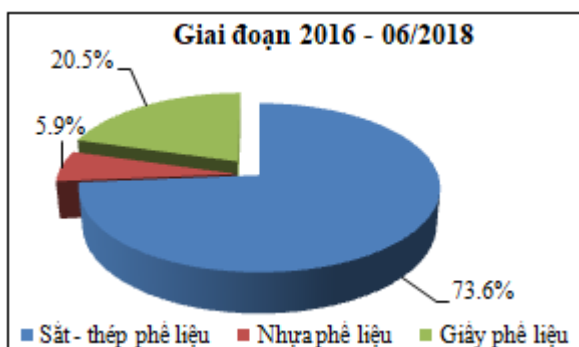


Chart 2: Total scrap import of iron - steel, plastic, paper into Vietnam from 2016 to 06/2018

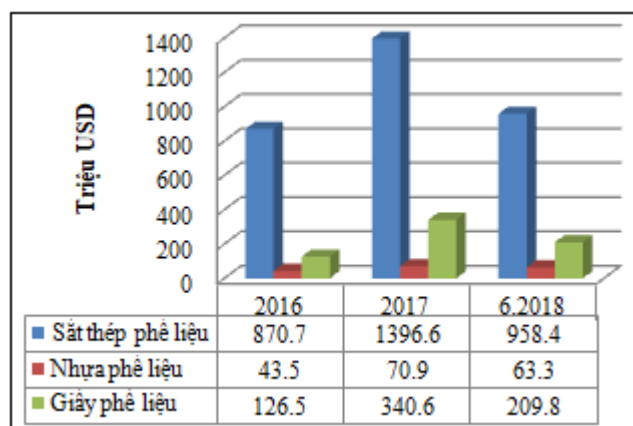


Chart 3: Import turnover of iron - steel scrap, plastic, paper from 2016 to 06/2018

In terms of import value: The percentage of iron and steel is high, ranging from 870.7 million USD in 2016 to 1396.6 million USD in 2017 and 958.4 million USD in the first 06 months of 2018. In addition, the value of paper tends to increase sharply from 126.5 million USD in 2016 to 340.6 million USD in 2017 and 209.8 million USD in the first 06 months of 2018. [Chart 2.3]. For international enterprises, Vietnam is a big market for scraps with a size of nearly 2 billion USD per year. This is also a reason why many overseas companies seek to access and import scrap into Vietnam for profit purposes. [10], [11], [22].

The management and environmental protection in the import of discarded materials

Main subjects in the management and environmental protection in importing discarded materials in Vietnam are the natural resources and environment sector (Ministry of Natural Resources and Environment, Department of Natural Resources and Environment of provinces and cities directly under the Central). Management activities of these forces are mainly: examination of the enterprises' dossiers of registration for scrap import, the granting of environmental eligibility certificates in the import of scraps, supervising the activities of granted units. According to the Ministry of Natural Resources and Environment's statistics, there is a positive correlation between the amount of scrap allowed to import and the number of certificates granted when comparing statistics in 2016 with the first 06 months of 2018. In 2016, certificates of environmental eligibility were granted for 99 scrap importers (60 direct importers accounted for 60.6%, 39 entrusted importers accounted for 39.4%). However, in the first 06 months of 2018, the quantity of granted certificates were up to 242 (increased by 144.4% in comparison with in 2016), of which entrusted import enterprises increased by 131.7%, directly import enterprises increased by 164.1% [Table 2]. In addition, the Resources and Environment sector has carried out a number of regular inspections on the observance of the environmental protection law by the licensed enterprises. However, this activity is not frequent and the management efficiency is not high [10], [11], [22].

Table 2: Statistics on the granting of certificates of eligibility for scrap import by the Ministry of Natural Resources and Environment in 2016 and the first 6 months of 2018. (Unit: Enterprise)

Year	File submitted	Certificate granted	Business type	
			Directly	Entrusted
2016	112	99	60	39
First 6 months of 2018	-	242	139	103
Total	-	341	169	124

(Source: Ministry of Natural Resources and Environment)

The management in the import of discarded materials in Vietnam is also directly related to the Customs under the Ministry of Finance and the Import-Export Department of the Ministry of Industry and Trade. Accordingly, the customs shall take the main responsibility for control in opening declarations, examining dossiers and discarded goods on the basis of the Customs Law, the Commercial Law and the Environmental Protection Law. However, the practice shows that the management of scrap important seaports and border gates still has limitations stemming from the laws and the

authority of the Customs. This is also the cause of the environmental crimes and administrative violations in the scrap import, which occur commonly in recent years in Vietnam.

The situation of environmental crimes and law violations in the import of discarded materials

Over the past years, the situation of waste containers' backlog, waste or other commodities considered waste, at seaports in Vietnam is complicated, not resolved thoroughly. The main reason is that scrap importers often take advantage of the Article 39 of the Commercial Law 2005 to refuse to receive goods, in case the authorities detect that discarded materials are not qualified for certificates and cleaning level...By the end of June 2018, 5655 containers of waste and residue are in the major seaports in Vietnam, of which 3631 are in Ho Chi Minh City (64.3%), Hai Phong has 1244 containers (22.0%) and Ba Ria - Vung Tau accounts for 13.7%. The number of waste containers left for more than 90 days (past customs clearance time) accounts for 49.6% [Table 3]. Scrap and residue left in some other seaports such as Cai Lan (Quang Ninh), Tien Sa (Da Nang)... The amount of waste left in the ports are at the risk of causing environmental pollution, affecting the service business at seaports, obstructing the exchange of goods and commercial activities [10].

Table 3: Statistics on the import volume of scrap that is in stock at Vietnam's seaports till 6/2018(Unit: Container)

Locality	Port	Backlog time		Total
		Over 90 days	Under 90 days	
HoChiMinh City	Cát Lái	2068	1563	3631
	Hiệp Phước	-	08	08
Hai Phong	Hải Phòng	737	507	1244
Bà Rịa - Vũng Tàu	Cái Mép	-	772	772
Total		2805	2850	5655

(Nguồn: The Customs, Ministry of Finance)

Facing the complex situation of environmental crimes and administrative violations in import and export in general, in the scrap import in particular, functional forces in Vietnam have implemented many activities to prevent, detect and handle. In the period of 2013 - 6/2018, 86083 cases of environmental crimes and administrative violations were detected and handled. There were 267 (accounting for 0.31%) relating to the import of discarded materials, of which 256 offenses were administratively handled (95.9%), 11 cases were prosecuted (4.1%) [Table 3, Chart 4]. Consequently, fines for administrative violations were 20.7 billion VND in total; penalty amount tends to increase steadily through the years from 2013 [Chart 5], [9], [10].

Table 3: The situation of environmental crimes and law violations in the import of discarded materials in the period 2013 -06/2018

Year	Cases	The import of discarded materials		
		Cases	Administratively handled	Prosecuted
2013	13386	42	40	02
2014	12192	39	37	02
2015	13784	53	52	01
2016	14855	50	48	02
2017	19397	56	55	01
6/2018	12469	27	24	03
Total	86083	267	256	11

(Source: Environmental Police Bureau)

Based on surveys and typical cases in Hai Phong, Ho Chi Minh City, Ba Ria - Vung Tau... the authors found that although the number of environmental law violations in scrap import accounted for a small proportion of the total violations, the seriousness - severity to the economy and the environment is great. The main violations are: the wrong in the level scraps' cleanliness compared to the permits and the contracts; declaring and importing wrong types of discarded materials which have been licensed; causing pollution in the process of import; violating the regulations on ensuring environmental standards for imported discarded materials. To commits the violations, the domestic subjects have hooked up with foreign objects, in some cases, even involving officials of the state management agencies in the environment.

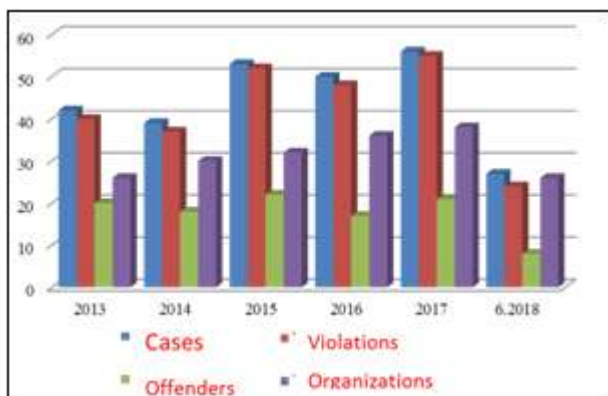


Chart 4: The situation of environmental crimes and administrative violations in scrap import from 2013 to 6/2018

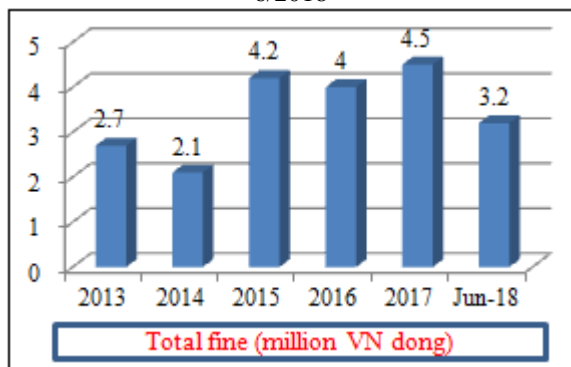


Chart 5: The fines for administrative violations in import of scrap from 2013 to 6/2018

Studying crime situation and administrative violations in importing scrap into Vietnam, reports from Ministry of Natural Resources and Environment, Ministry of Finance, Environmental Police, the authors believe that environmental crimes and administrative violations in scrap import also have their own characteristics regarding the origin, types, methods and tricks. In terms of origin, scraps are usually associated with typical sources such as: Iron - steel scrap mainly originates from the United States, Japan, Korea, Macau, Hong Kong, Singapore; Waste paper is mainly from United States, Sweden, Norway, Greece, Holland, Germany, Morocco, Japan, Thailand, Australia, Italy; Plastic scraps are mainly from Canada, South Korea, Japan, Taiwan, Hong Kong; aluminum - copper scraps are from Thailand, Malaysia [10], [22].

The need of using scrap: iron - steel scrap primarily used in Ba Ria - Vung Tau, Da Nang and Hai Phong (in these localities there are a number of steel recycling establishments); waste paper is concentrated in Bac Ninh, Binh Duong, Ho Chi Minh City (there are many craft villages and paper production establishments); Plastic scraps are mainly located in Hung Yen, Hai Phong, Da Nang (in Hung Yen, there is Minh Khai handicraft village with the demand of raw materials of over 1000 tons day). Aluminum - copper scraps are mainly in Hung Yen, Binh Duong, Hanoi ... [10].

In terms of modus operandi: Forging papers certifying satisfaction of import conditions or using certificates of other enterprises for import of discarded materials; using fake address to make it difficult to verify; refusing to receive goods when the scraps are found to be in violation or the procedures can not be completed for customs clearance; Wrongly declaring goods' names and codes, abusing the regulations on the distribution of customs procedures for putting discarded materials into the type exempt from inspection; Changing the information on the goods' name and destination port for transformation of import areas in order to shirk the inspection and control of functional forces; Taking advantage of random inspections with 5% -10% of lots to deceive functional agencies; There are a number of foreign enterprises importing scraps in Vietnam, then they preliminarily process or legalize the origin for re-exporting to the third countries (scrap type that the third country has issued the list of prohibited import) [9], [10].

The causes of environmental crimes and administrative violations in the import of discarded materials into Vietnam

In the context of integration, developing countries, including Vietnam, have a high demand for scrap for recycling and production, so the import of scraps from developed countries is indispensable. Besides discarded materials that meet environmental standards, there is a large amount of waste, obsolete equipment which are imported into Vietnam in the form of discarded materials. On the other hand, importing, trading scraps such as iron - steel, plastic, paper... are often highly profitable, which is the motivating factor for objects to commit offenses.

China is among the world's largest importers of scrap metal, but it has restricted or prohibited the import of 24 types of scrap (08 of recycled plastics, 11 of textile scrap, 04 of ore waste and 01 of paper waste). This is an important factor to the trend of moving large quantities of scraps into developing countries' market in the region, including Vietnam. Therefore, environmental crimes and administrative violations in the import of discarded materials in Vietnam have many favorable conditions to develop.

The environmental management in importing discarded materials is not effective. Particularly, the coordination mechanism between the Natural Resources and Environment sector, the customs and import-export management agencies of the industry and trade sector has not yet brought into full play, leading to the fact that scraps management through stages does not come up to expectations. This is the reason for difficulties in identifying goods owners, difficulties in

dealing with violations, causing large containers of waste to be kept at seaports. Vietnam is in danger of being turned into “a container of scraps”. Information exchanges between functional agencies in management have not been carried out regularly, the forms of exchanges are not diversified and information is not relating to the import of discarded materials. There are many shortcomings in the inspection of scrap import. They are lack of equipment, lack of human resources for inspection and testing. The risk management of imported goods does not ensure the control, detection and remediation of shipments of environmental violations.

The regulations on the import of discarded materials are prescribed in the Law on Environmental Protection, the Customs Law, the Commercial Law and the Vietnam's Maritime Code, however, they are not synchronized. This leads to shortcomings in guiding documents, which will be exploited by objects to commit violations. Điển hình như: Article 39, Law on Commercial Activities provides that *the purchaser may reject the goods if such goods are not appropriate to the contract according to the provisions of Clause 1*, the above provision makes it difficult to charge the objects who refuse to receive goods. There is lack of regulations to determine liability and punishment for ship owners, transit carriers in the transportation of imported scraps and waste; There is no binding contract between importers, transporters and scrap exporters, so it is difficult to determine the responsibilities of the involved parties when detecting discarded materials. The list of discarded materials allowed to be imported for use as raw materials for production under the Government's regulations has some types difficult to assess in the process of management. The level of sanctioning administrative violations in the import of discarded materials is lower than profits earned from violations.

The investigation of crimes relating to the import of discarded materials into the Vietnamese territory is still limited and the number of crimes detected and handled remains low. In the process of preventing and investigating, functional forces such as Customs, Environmental Police have not effectively coordinated with Interpol Vietnam in exchanging information, sharing experiences, applying measures to handle crimes and administrative violations. International cooperation in the management of discarded materials import by the Customs, Pollution Control Agency of Vietnam and those of other countries, still has many limitations in coordination mechanism, in dealing with related cases

3.3. Solutions to environmental crimes and administrative violations in the import of discarded materials in Vietnam

Ensuring environmental security, sustainable development of the country is a strategic goal of Vietnam in the process of industrialization and international integration. Therefore, the functional forces in Vietnam should implement the following solutions to prevent, limit environmental crimes and administrative violations in the import of discarded materials:

Promulgating documents specifying clearly the list of discarded materials permitted to be imported for use as raw materials for production, considering the elimination of

high-risk materials causing environmental pollution. Promulgating new national technical standard attached to the list, thus creating favorable conditions for the expertise and inspection of scrap quality. Reviewing the provisions of the Stockholm Convention, the Basel Convention and international legal documents on environmental protection relating to the import of discarded materials in order to draft a law on management of discarded materials import. Adjusting regulations on levels of administrative sanctioning in the direction of increasing the fine levels, suspending permanently license or prohibiting the participation in import of discarded materials. Carrying out the inspection for environmental protection law in the import of discarded materials in the areas where these activities often take place, such as Hai Phong, Ba Ria - Vung Tau and Ho Chi Minh City. Supervising the establishments and enterprises which have been granted the certificates of satisfaction of environmental conditions in the import of discarded materials; Supervising processing establishments in craft villages and industrial zones which regularly use discarded materials as raw materials for production or recycling. Under the provisions of the Law on Environmental Protection, conducting the treatment and destruction to containers of waste which are in stock at seaports, preventing from smuggling into inland.

Developing the mechanism of information exchange and synchronization of the database on scrap import activities (National Portal) among the forces such as Pollution Control Agency (Ministry of Natural Resources and Environment), The Customs (Ministry of Finance), Import and Export Administration (Ministry of Industry and Trade), The Environmental Police Force (Ministry of Public Security).

Implementing measures to improve the efficiency of risk management in the import of discarded materials, ensuring the prevention of scrap containers with signs of violation. Coordinating with the World Customs Organization (WCO) in exchanging information of imported discarded materials to prevent violations. Applying trade remedies in accordance with the provisions of the World Trade Organization (WTO) on scraps imported into Vietnam.

Investing in equipments and means in service of inspecting discarded materials at customs clearance, at seaports or border gates. Coordinating with international organizations in sharing experience, practicing skills for customs forces, Environmental Police, Coast Guard, in preventing, detecting and handling environmental crimes and administrative violations in the import of discarded materials.

The Government of Vietnam, the Ministry of Natural Resources and Environment, the Ministry of Industry and Trade, and the Customs, should cooperate with other countries in Southeast Asia (Thailand, Cambodia, Singapore, Malaysia...), other countries that mainly import scraps into Vietnam (USA, Japan, Korea, Taiwan, Canada...), to set up mechanism for information exchange, mechanism for managing waste import and export. Therefore, this issue is addressed systematically, suitable to the trend of integration.

Studying and implementing measures on preventing remotely targeted shipments of wasted materials into

Vietnam, which are likely to cause environmental pollution. Collecting information about scrap containers, transport enterprises, means and routes to Vietnam's ports so that functional forces can take initiative in stopping them. Applying preventive measures when the goods on board have not been loaded to the port such as: Notify transport enterprises that they are not allowed to unload (for goods which are scraps with information on the manifest, for companies which are not included in the list of eligible imports), at the same time, request for transportation out of the Vietnamese territory. Carrying out compulsory inspection to scrap containers according to the customs declaration.

Compiling lists and managing individuals, establishments and enterprises engaged in import of discarded materials directly or entrusted; compiling lists of individuals and enterprises that consume and use discarded materials as production materials in order to actively prevent the violations. Coordinating with Interpol, Aseanpol, police, customs and environmental protection agencies of the concerned countries in exchanging information, detecting and handling offenses. Especially, for transnational trade and transportation of waste materials (transnational environmental crime in the import of discarded materials). For cases showing signs of environmental crimes in the import of discarded materials, the prosecution, investigation and trial shall be conducted according to the provisions of the Penal Code.

4. Conclusion

With the increasing demand for scrap materials in Vietnam, along with policies on import and export, the criminal and administrative offenses in the import of scraps will be complex with many methods, sophisticated tricks, harder to detect and handle. In order to effectively prevent and handle violations, the Government and ministries, related forces and localities should develop and implement policies on management, apply appropriate provisions, uniformly apply measures to prevent and fight against violations. Particularly, it is necessary to attach importance to cooperation with international organizations in order to manage and control sources of high-risk waste, as well as coordinating in detecting and handling violations in the import of discarded materials.

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