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Proposing Solutions to Improve the System of Technical Regulations and Standards and the Process of Assessing Environmental Conformity in Vietnam

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Abstract: In recent years, to accelerate the process of international economic integration, Vietnam actively participates in free trade agreements (FTAs), especially new generation FTAs. Especially, Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) và European-Vietnam Free Trade Agreement (EVFTA) are rated as new generation free trade agreements are being actively implemented. However, due to limited capacity and resources, Vietnam has not yet issued a technical measure on the environment to control imported goods. To contribute to the protection of human health and safety and environmental protection, thereby effectively serving the economic integration of Vietnam, this article will focus on an overview analysis of the results achieved and the challenges that Vietnam is facing, thereby proposing orientations and solutions to improve the system of standards, technical regulations and the process of assessing environmental conformity of Vietnam in the future.

Keywords: Corporate Governance, Security, Relationship, Natural Threats, Man-Made Threats.

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INTRODUCTION

International economic integration has posed a great challenge for Vietnam, which is the increasingly fierce and fierce competition in both domestic and export markets due to trade barriers, especially technical barriers. Environmental techniques are being used more and more by countries instead of tariff measures.

Currently, Vietnam has developed, adjusted and revised many legal documents in accordance with the international legal system and the requirements of trade liberalization, in order to create commercial rules, production environment and business environment. Business for domestic and foreign economic sectors. Improve the competitiveness of enterprises in the market. With the participation in bilateral and multilateral trade agreements, opening the door to goods of partner countries in the Technical Barriers to Trade to Vietnam, on the one hand, it will create a more competitive environment, rich in goods, technology, diversity and more reasonable price. But at the same time, it also creates great pressure on domestic production, as well as protects domestic production.

In order to protect targets related to human, animal and plant health, Vietnam is entitled to issue technical measures to control the import of goods. However, due to limited capacity and resources, up to now, Vietnam has not issued a technical measure on the

environment to control imported goods. Therefore, many goods that pollute the environment, are difficult to handle, and are difficult to decompose are still imported and compete with domestically produced goods, seriously affecting production and consumption, as well as the environment of Vietnam. In the past, current environmental pressures all stemmed from the point of view of controlling the production process. Therefore, environmental or development policies are mostly focused on regulating production behaviors that affect the environment more, and policies to regulate consumer behavior are still not understood focus. However, the disposal of waste is also one of the serious environmental problems, even more serious than the production process and the very expensive cost of municipal and industrial waste treatment (UNEP. 2003). With the development of international trade, some goods and services are produced in one country but consumed in another. Therefore, the current trend focuses not only from a production perspective but also from a consumption perspective. Moreover, from the perspective of consumption, and from the point of view of global responsibility, the environmental protection associated with import activities also affects the production process in the exporting country. Therefore, it is necessary to have measures to manage the waste of imported goods after consumption. In order to be able to apply environmental-related technical measures to imported goods, it is necessary to assess the effects of imported goods, know the treatment measures, including technical

measures such as regulations on packaging, on the content of substances allowed to be imported.

METHODOLOGY

In the implementation process, the article uses the following main research methods:

- Dialectical and historical materialism methods: This method is used to clarify basic theoretical and practical issues on the research topic.
- Analysis and synthesis method: The article is made based on collecting and analyzing available documents related to: Legal regulations of Vietnam and several typical countries, international organizations in Asia, Europe, and America related to the system of standards, technical regulations, and environmental assessment processes; the researchers' point of view on the solution to improve the Vietnamese law related to this issue.
- Qualitative Research method: The goal of applying qualitative research is to detect and identify some issues that have not been mentioned in previous studies. This method is used to learn more about the status of technical regulations restricting commercial activities and limited market access adopted by governments to "protect human health and safety and protect the environment".

ANALYSIS AND DISCUSSION

Perfection orientation

The impact of regulations and technical standards on trade is at the forefront of trade policy debates. This is a huge challenge for developing countries when exporting to developed countries. In addition, traditional protectionist measures such as tariffs, quotas, and voluntary export restriction agreements are increasingly being reduced. Non-tariff measures including technical regulations related to the environment have become one of the more important measures regulating trade. According to the World Trade Organization's assessment, technical regulations applied by the government can restrict trade activities and limit market access through environmental regulations without violating international regulations. According to the bulletin of the Technical Barriers to Trade office, many notices from the World Trade Organization member countries with which Vietnam has commercial activities are aimed at "protecting human health and safety and protecting the environment" (Trang, 2016).

For the problem of the trademark. In 2011, Thailand was the first country to introduce mandatory information on product packaging. Since then, many countries have made the provision of information on product packaging either voluntary or mandatory such as the United Kingdom and South Korea that implemented the program in 2013. Chile also has a mandatory requirement information on products since 2012. Thus, the labeling of goods and the control of labeling will need

to be further deployed and strengthened in countries with international trade activities.

As for the assessment of recognition and mutual recognition, which is the first research and development conducted by Europe, it applies to many different types of goods including machinery, electronic products and construction, toys, as well as medical devices. Many importing countries into Europe see these regulations as creating yet another barrier to exports. Therefore, in the future, countries will also consider this issue to be able to develop regulations on assessment and recognition of conformity assessment with regulations.

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For the mandatory labeling of foods from genetically modified products. After 20 years of negotiation and discussion on an acknowledgment mechanism and whether the guideline applicable to the assessment of food from modern biotechnology was adopted in 2011. To date, many countries have conducted it develop and manage food-related activities from biotechnology, including in Vietnam. Issues related to assessment, licensing or labeling, etc. are applied in some countries around the world and are still being discussed because of the arising problems related to biotechnological products learn (Ministry of Industry and Trade. 2017).

Technical regulations applicable to agricultural commodities are currently being assessed as affecting trade and productivity in entering new export markets. These requirements include product labeling requirements such as organic, recycling or bio labelling.

For voluntary technical standard measures. This is a measure that is seen as a barrier to international trade. Many countries have developed and promulgated voluntary standards on eco-labels, on organic products, etc., however, they are actually barriers to trade. In addition, voluntary standards reflect only the advantages of domestic production rather than global trade and production as a whole, thereby becoming a barrier to international trade. For example, the Korean Solar Panel Standard is a certification that only applies to thin solar panels, which only Korean manufacturers can meet. In addition, this product is only circulated on the market with the certification of the Cooperative Energy Management Authority - that is, the certificate holder

meets the technical standards for the solar panel. Therefore, solar panel manufacturers in other countries see this as a measure to prevent entry into the Korean market.

The conformity assessment process is becoming more and more rigorous, especially when it comes to environmental issues, it is difficult to find evidence or answers. It seems that these tools are bringing great advantages to developed countries. According to a study by Australia's Asia-Pacific Economic Cooperation, most of these barriers belong to European Union countries, the United State and Japan, focusing on the textile, agricultural and forestry sectors, and less on the electronics and consumer goods sectors. Besides, legal costs also become barriers to trade (An. 2014).

Thus, it can be said that the world's trend of applying both mandatory and voluntary technical measures, as well as the international standard conformity assessment process, is to protect domestic production or limit trade international trade in areas of production or products that the state needs to protect.

Vietnam's environmental policy system does not distinguish between enterprises producing for consumption or importing. The State has issued financial and technical support policies for products that have been granted environmental certifications. Specifically, the Law on Environmental Protection 2014 provides incentives for environmentally friendly production and business activities, construction of recycling facilities, treatment of ordinary solid waste, hazardous waste, and burial sites. Circular No. 128/2016/TT - BTC dated August 9, 2016 of the Ministry of Finance providing for exemption and reduction of export tax for environmentally friendly products; products from recycling and waste treatment activities. In Investment Law No. 67/2014/QH13 promulgated on November 26, 2014 by the National Assembly promulgating import tax incentives for energy-saving, recycled, used and waste products. However, these supports are very small compared to those of developed countries. Simultaneously with the issuance of incentives, Vietnam also has regulations to stop the import of outdated machinery, equipment and technological lines, causing environmental pollution, specifically Decree No. 23. Vietnam's orientation to the year 2020 with a vision to 2030 to develop clean and high-tech technologies in which, related to the environment, focus on energy-saving technologies.

Specific solutions

First of all, it is necessary to confirm that, when applying an environmental barrier in trade, it is necessary to consider the following factors: whether the target is really aimed at protecting the environment, is there any other way to achieve that goal? With equivalent effectiveness, the scientific evidence or research on the requirements for the application of the environmental

measure, the specific effects of the product group subject to the environmental measure.

In addition, when it intends to apply technical barriers to trade, Vietnam needs to ensure that such barriers do not violate the two basic principles of the World Trade Organization as well as of the Technical Barriers to Trade Agreement, namely: the principle of national treatment and the principle of most favored nation.

Regarding the principle of national treatment, it can be seen that in some disputes brought to the World Trade Organization, the application of technical barriers to trade is actually aimed at protecting the environment and human health, but it violates the law violate the national treatment principle when there is discrimination between products of domestic manufacturers and manufacturers of other countries. Regarding the most-favoured-nation principle, no case in the World Trade Organization regarding the application of technical barriers to trade has been found to violate this principle. However, most of the free trade agreements today respect and apply the most-favored-nation principle. Therefore, if Vietnam places technical barriers related to the environment contrary to these principles, it will face the risk of being complained/initiated by other countries, thereby its international trade relations. Vietnam will be affected.

Maximum compliance with the principle of transparency is one of the necessary things that Vietnam needs to pay attention to when implementing the provisions of the Technical Barriers to Trade Agreement, including the setting of technical barriers to trade.

In the framework of the Technical Barriers to Trade Agreement as well as many other free trade agreements, transparency is always considered as one of the key principles to ensure that the application of a country's technical barriers is effectively implemented for the right purpose but without causing negative effects on other trading partners. The notification mechanism, the regulation on the setting of inquiry points or the formation of the Technical Barriers to Trade Committee all serve this purpose. Therefore, Vietnam needs to strictly comply with the transparency requirements in the Technical Barriers to Trade Agreement and other free trade agreements, and at the same time make the most of opportunities for exchange and discussion to give and receive information comments in a timely manner.

In addition, where possible, Vietnam should apply international standards in setting technical barriers. This is considered a safe approach, as both the Technical Barriers to Trade Agreement and many other free trade agreements encourage countries to adopt international standards (Customs Newspaper. 2017a; 2017b; 2017c).

To improve the system of technical regulations and standards and the process of assessing environmental

conformity in Vietnam, the following solutions can be proposed:

- **Firstly:** strengthening institutional capacity: Vietnam should strengthen the capacity of its institutions responsible for developing technical regulations and standards, and for assessing environmental conformity. This can be achieved through the provision of training and technical assistance, as well as by increasing resources and staffing levels.
- **Secondly:** enhancing stakeholder participation: Vietnam should ensure that stakeholders, including industry, civil society, and consumers, have a greater role in the development of technical regulations and standards, and in the process of assessing environmental conformity. This can be achieved through public consultations and other participatory processes.
- **Thirdly:** harmonizing regulations and standards: Vietnam should work towards harmonizing its technical regulations and standards with those of its trading partners, particularly those in the region. This will help to reduce non-tariff barriers to trade and facilitate the movement of goods across borders.
- **Fourthly:** strengthening the process of assessing environmental conformity: Vietnam should improve the process of assessing environmental conformity by introducing more rigorous and transparent procedures, and by ensuring that the necessary technical expertise is available. This will help to ensure that imported goods meet environmental and health standards.
- **Fifthly:** promoting sustainable trade: Vietnam should promote sustainable trade by implementing eco-labeling schemes, certification programs, and sustainable procurement policies that incentivize producers to adopt environmentally and socially responsible practices.

By implementing these solutions, Vietnam can improve the system of technical regulations and standards and the process of assessing environmental conformity, thereby reducing non-tariff barriers to trade and promoting sustainable economic growth while protecting the environment and human health.

CONCLUSION

In the context of the scientific and technological revolution, which is increasingly developing and playing an important role in socio-economic life. So establishing

a policy of economic, scientific, and technical cooperation with other countries is an urgent need for Vietnam's renovation process. To do that, Vietnam has advocated international integration, including international economic integration. This is an inevitable process, with a long history of development and origins, the social nature of labor, and the civilized development of human-human relations. In addition to the achievements, international economic integration poses great challenges for Vietnam when the competition is increasingly fierce and fierce in both domestic and foreign markets due to trade barriers, especially technical barriers on the environment, countries tend to apply more and more instead of tariff measures. To complete the system of standards, technical regulations, and environmental conformity assessment procedures in Vietnam, the following measures should be applied synchronously: Strengthen institutional capacity; Strengthen stakeholder engagement; Harmonize regulations and standards; Strengthen the environmental conformity assessment process and promote sustainable trade.

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