


# Modifications In Consumer Protection and Environment Protection in Industrial Clusters from Legal Views

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## ABSTRACT

In Article 4, Law on Consumer right protection 2020 pointed Protecting the interests of consumers is a common responsibility of the State and the whole society. Next, The interests of consumers are respected and protected in accordance with the law. **This paper also present some cases of environmental pollutions, via which** It would suggest that Relevant ministries and branches need to review Environmental treatment and protection, ability to provide energy, and Social infrastructure, as well as other relevant issues and criteria in industrial zones/clusters to protect consumers and laborers, etc.

Keywords : Modifications, Problems, Environmental Law, Regulations, Consumer Protection

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## I. INTRODUCTION

First according to Law No: 59/2010/QH12  
Hanoi, November 17, 2010

### THE LAW ON

### PROTECTION OF CONSUMER RIGHTS

#### Article 4. Principles of consumer protection

1. Protecting the interests of consumers is a common  
responsibility of the State and the whole society.

2. The interests of consumers are respected and  
protected in accordance with the law.

3. Protection of the interests of consumers must be  
done in a timely, fair, transparent and lawful manner.

4. Consumer protection activities must not infringe  
upon the interests of the State, the lawful rights and  
interests of organizations and individuals trading in  
goods and services and other organizations and  
individuals.

#### Article 5. State policies on protection of consumers' interests

1. Create favorable conditions for organizations and individuals to actively participate in the protection of consumers' interests.
2. To encourage organizations and individuals to apply and develop advanced technologies to produce goods and provide safe and quality services.
3. Implement regularly and synchronously measures to manage and supervise the observance of law by organizations and individuals trading in goods and services.
4. Mobilize all resources in order to increase investment in facilities and develop human resources for agencies and organizations that protect consumers' interests; regularly strengthen consulting, support, propaganda, dissemination and knowledge guidance for consumers.
5. Promote integration, expand international cooperation, share information and management experience in protecting consumer interests.

#### Article 6. Protection of consumer information

1. Consumers are guaranteed the safety and confidentiality of their information when participating in transactions and using goods and services, unless requested by competent state agencies.
2. In case of collecting, using and transferring information of consumers, organizations or individuals trading goods and/or services are responsible for:
  - a) Clearly and publicly notify before performing with consumers about the purpose of collecting and using information of consumers;
  - b) Use information in accordance with the purpose notified to the consumer and must be agreed by the consumer;
  - c) Ensure safety, accuracy and completeness when collecting, using and transferring information of consumers;

d) By themselves or taking measures for consumers to update and adjust information when detecting that such information is inaccurate;

dd) Only transfer consumer information to a third party with the consent of the consumer, unless otherwise provided for by law.

#### Article 7. Protection of consumers' interests in transactions with individuals engaged in independent and regular commercial activities, without having to register for business

1. Pursuant to the provisions of this Law and other relevant laws, the Government shall detail the protection of consumers' interests in transactions with individuals engaged in independent and regular commercial activities. , not a business registration.

2. Based on the provisions of this Law, the Government's regulations and specific local conditions, the People's Committees of communes, wards and townships, the management boards of markets and commercial zones shall implement measures. specific measures to ensure the quality, quantity and safety of food for consumers when purchasing and using goods and services of individuals engaged in independent and regular commercial activities, without having to register for business.

Vedan Company's wastewater discharge system is installed improperly with the content of the environmental impact assessment report. Authorities have asked Vedan Company to stop discharging untreated wastewater into Thi Vai River, keeping the status quo pending treatment.

Immediately after being caught red-handed, the interdisciplinary inspection team made a record, the representative of Vedan Company's leadership signed the minutes to acknowledge the incident and its mistakes. The authorities have taken samples of waste for inspection, determining the level of violations of the company to handle.

Hence we choose this topic with Research questions:

Question 1: What are MODIFICATIONS IN CONSUMER PROTECTION and Environment Protection IN INDUSTRIAL CLUSTERS FROM LEGAL VIEWS ?

## II. Methodology

Authors have used qualitative and analytical methods, descriptive method for primary model, synthesis and discussion methods in this paper.

We also used historical materialism method.

### 3. Main findings

#### 3.1 Modifications of Consumer Protection Law

According to the National Assembly Standing Committee, the draft Law on Consumer Protection and Management has provisions on consumer protection when signing model contracts or general transaction conditions. Model contracts of the banking and insurance industry are usually pre-printed contracts, with very complex content and specialized expertise.

Therefore, in order to protect the interests of consumers in this case, the draft Law already stipulates that the service provider must clearly and fully explain to the buyer about the rights, terms of exclusion of liability, provide proof of transactions and regulations to control these types of contracts.

In addition, the draft Law contains relevant provisions such as regulations on protection, collection, use and assurance of consumer information safety; on the responsibilities of business organizations and individuals towards consumers in particular transactions; on dispute settlement between consumers and business organizations and individuals. (source: baochinhphu.vn)

#### 3.2 CRIMINAL CASE STUDIES OF ENVIRONMENT Vedan discharges waste into Thi Vai River

Since mid-2006, the Environmental Protection Department (Ministry of Natural Resources and

Environment) has discovered that Vedan Company discharges wastewater directly into the Thi Vai River at three locations. The Department concluded: "The phenomenon of discharging untreated wastewater into the Thi Vai River is very difficult to control and must be strictly handled in accordance with the law." However, the discharge of wastewater still recurred and this time was caught red-handed.

After understanding the violation of Vedan Company, on the morning of September 8, the environmental police force of the Ministry of Public Security and the interdisciplinary inspection team of the Ministry of Natural Resources and Environment inspected the production plant of the Joint Stock Company. Vedan VN is located in Long Thanh district, Dong Nai province.

At the time of inspection, the inspection team discovered that the company had installed a pumping system and technical pipelines to directly discharge a large amount of untreated wastewater into the Thi Vai River. Waste dumped into the river is mainly liquid waste containing molasses and solids after processing from large storage tanks with a capacity of 6,000-15,000m<sup>3</sup>. The wastewater discharge pipeline system is designed to be submerged, with pump poles plugged deep into the Thi Vai river bed, avoiding detection.

Vedan Company's wastewater discharge system is installed improperly with the content of the environmental impact assessment report. Authorities have asked Vedan Company to stop discharging untreated wastewater into Thi Vai River, keeping the status quo pending treatment.

Immediately after being caught red-handed, the interdisciplinary inspection team made a record, the representative of Vedan Company's leadership signed the minutes to acknowledge the incident and its mistakes. The authorities have taken samples of waste

for inspection, determining the level of violations of the company to handle.

(source: tuoitre.vn)

Fig 1 – VEDAN and Thi Vai river pollution



(source: internet)

### III. DISCUSSION AND CONCLUSION

Relevant ministries and branches need to review and amend a number of below criteria in industrial clusters to protect benefits for laborers and consumers:

#### a) Ability to provide energy

Criteria that reflect the convenience of energy supply for production and business activities of establishments in the industrial park such as water and electricity supply; water supply capacity (m<sup>3</sup>/day-night/ha); power supply capacity (kw/ha); power capacity and output; number of power stations; public lighting system; underground water supply system...

#### b) Environmental treatment and protection

This criterion reflects the level of environmental treatment such as drainage system; the ability to handle solid waste and wastewater; sewerage system; the area of land for green trees... There are also criteria reflecting the environment such as the ability to maintain biodiversity; save resources; anti-pollution...

#### c) Social infrastructure

This criterion reflects the favorable level of social infrastructure such as the number of banks around the CCN; security protection inside and outside the area; number of training institutions, medical facilities, distance from CCN to markets..



Fig 2 – Pollution on Thi Vai river (source: internet)

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Conflicts of interest

There is no conflict of interest

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