

# Vietnam: New Regulations on Extended Producer Responsibility (EPR)

## In brief

On 01 April 2026, the Government passed Decree No. 110/2026/ND-CP to provide detailed guidance on the implementation of the Law on Environmental Protection 2020 (“**LEP 2020**”) regarding the recycling responsibilities for products and packaging, as well as financial contributions for waste treatment (“**Decree 110**”).<sup>1</sup> Decree 110 took effect on 25 May 2026 and replaced the previous regulations contained in Decree No. 08/2022/ND-CP, as amended by Decree No. 05/2025/ND-CP and Decree No. 48/2026/ND-CP for all responsibilities occurring from the year 2026 onwards (“**Previous Decree**”).

## Key takeaways

Decree 110 retains the core legal principles of LEP 2020, maintaining the distinction of the Extended Producer Responsibility (“**EPR**”) into two distinct obligations: (i) recycling responsibilities for specific product groups, and (ii) financial contributions to support the treatment of hazardous or hard-to-recycle waste.<sup>2</sup> However, several critical clarifications and updates have been introduced:

- **New definitions and interpretation:** Decree 110 provides standardized definitions for key concepts, including “producers, importers” (now explicitly including imports from export processing enterprises), “recycling agent” (đơn vị tái chế), “PRO” (“**Producer Responsibility Organization**”), and “put into the market”. It also introduces the “National EPR Information System,” which is the mandatory professional portal for all registrations and declarations.<sup>3</sup>
- **Identification of responsible entities:** To resolve supply chain complexities, Decree 110 introduces specific rules to identify the liable party.<sup>4</sup>
- **Refined recycling provisions:**
  - **Mandatory recycling rates (R):** Specific rates are codified in Appendix I and subject to a 3-year adjustment cycle starting in 2029;<sup>5</sup>
  - **Avoiding double liability:** A new provision allows for the deduction of the weight of components or parts that have already had their recycling responsibilities fulfilled by their respective manufacturers/importers,<sup>6</sup>

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<sup>1</sup> Decree 110, Article 1

<sup>2</sup> Law on Environmental Protection 2020, Articles 54 and 55

<sup>3</sup> Decree 110, Article 3

<sup>4</sup> Decree 110, Article 4

<sup>5</sup> Decree 110, Article 5

<sup>6</sup> Decree 110, Article 4.3(c)

- **Standardized methods:** Entities can choose to self-recycle, contract a licensed recycler, or authorize a PRO (which is now strictly prohibited from sub-authorizing its duties to another PRO).<sup>7</sup>
- **Mandatory digital compliance and auditing:** A significant procedural shift which requires all registrations and reports to be submitted through the National EPR Information System. Furthermore, reports on recycling results must now be verified by an independent auditing unit (non-financial audit) to ensure data reliability.<sup>8</sup>
- **Revenue threshold:** Decree 110 clarifies that producers and importers whose annual revenue derived from the relevant products and packaging placed on the Vietnamese market does not exceed 30 billion VND may be exempt from certain EPR obligations.<sup>9</sup>

## In more detail

### 1. Entities subject to mandatory recycling obligations

Like the Previous Decree, Decree 110 establishes that recycling obligations apply to producers and importers of products and packaging listed in Appendix I that are “put into the market” in Vietnam. To improve transparency, Decree 110 provides the following refined interpretation provisions:

- **“Put into the market”** (in Vietnamese: đưa ra thị trường) defined as the first transfer by the producer or importer of a product (or a fully packaged product ready for use/consumption) to another organization or individual. This includes transfer to distributors, retailers or directly to consumers for the purpose of circulation or trading in the Vietnam market. This definition explicitly clarifies that 2<sup>nd</sup>-tier distributors and retailers are not the primary subjects of EPR obligations, thereby addressing a key point of confusion in the Previous Decree.
- **Multiple producers, same label:** If products or packaging with the same label are produced by different producers, the entity responsible for goods labelling (in accordance with the laws on the quality of products and goods) is the party responsible for the recycling obligations.
- **Contract manufacturing (Outsourcing):** In cases where a party is contracted to process or manufacture products/packaging for another entity, the ordering party (hiring party) is responsible for fulfilling the recycling obligations.
- **Import entrustment arrangement:** The organization/individual responsible for goods labelling (in accordance with the laws on product and goods quality) is generally the party obliged to fulfil the recycling obligations. If the entrusted/import agent is responsible for the labelling, the products are considered “put into the market” when transferred to the entrusting party, and the associated revenue amount is calculated as the total import value plus the entrustment (agency) fee.
- **Exemptions - revenue threshold:** A critical provision clarifies that producers and importers whose annual revenue derived from the relevant products and packaging placed on the Vietnamese market does not exceed 30 billion VND

<sup>7</sup> Decree 110, Article 6

<sup>8</sup> Decree 110, Articles 14 and 15

<sup>9</sup> Decree 110, Article 4



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may be exempt from certain EPR obligations, subject to the specific conditions and scope set out in the Decree. Registration and declaration obligations may still apply, depending on the form of responsibility selected.

Regarding the interpretation of "Packaging", Decree 110 retains the same principle under the Previous Decree that "packaging" refers to "commercial packaging (including both direct and exterior packaging)". Notably, Decree 110 explicitly expands the scope to include commercial packaging for: "Soaps, detergents, polishes, and sanitation/hygiene preparations used in agriculture, healthcare, and household activities."

Regarding roadmap for Road Vehicles, under Decree 110, producers and importers of road vehicles (specifically those listed in Appendix I, such as certain freight and passenger vehicles) must officially begin fulfilling their recycling obligations from **01 January 2027**.

## 2. Mandatory recycling rates

Decree 110 provides a comprehensive table in Appendix I detailing the categories of products and packaging along with their corresponding mandatory recycling rates and required recycling specifications. The categories themselves are mostly unchanged from the Previous Decree (covering packaging, batteries, lubricants, tires, electronic equipment, and road vehicles).

One of the most significant provisions in Article 5 addresses the prevention of "double liability" for complex products. In the case of products such as road motor vehicles, or electrical and electronic equipment that contain components, sub-assemblies, or constituent parts already listed as mandatory recycling items, a deduction is allowed. If the producer or importer who supplies those specific components has already fulfilled the recycling obligations for them in accordance with Decree 110, the weight used to calculate the mandatory recycling rate for the final products or vehicles is reduced by the corresponding weight of those already-processed components.

As established in the LEP 2020, the mandatory recycling rates will be adjusted according to the following rules:

- **Revision cycle:** Rates are revised every 03 years by the Ministry of Agriculture and Environment.
- **First revision:** The first adjustment is scheduled to occur in 2029.
- **Adjustment cap:** Decree 110 introduces a strict safeguard, ensuring that each adjustment increase does not exceed **10%** of the previous rate.<sup>10</sup>

### Key roadmaps for 2026-2027

- While most products like batteries, tires, and packaging are currently subject to these rates, the mandatory recycling responsibility for road vehicles (such as freight and passenger vehicles) is officially set to commence on 1 January 2027.
- Manufacturers and importers who exceed their mandatory recycling rates are permitted to carry forward (reserve) the surplus volume to be credited toward their recycling results in subsequent years.

## 3. Methods to carry out recycling obligations

Decree 110 provides that a producer or importer shall select one method for each group of product or packaging listed in Appendix I to fulfill their recycling responsibility. Whilst the fundamental options remain consistent with LEP 2020, Decree 110 introduces several critical clarifications:

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<sup>10</sup> Decree 110, Article 5.2, see Article 78.2 of the Previous Decree



- **By self-recycling:** In case a producer or importer chooses to perform recycling by itself, it must do so through a recycling facility it has invested in. Crucially, it must obtain a valid Environmental License (or relevant constituent licenses) that is applicable to its recycling activity.<sup>11</sup> Decree 110 explicitly allows the use of discarded products and packaging as raw materials to make new products and/or packaging as part of the recycling effort.
- **Through a recycling agent** (in Vietnamese: đơn vị tái chế): Decree 110 provides a clear definition for this entity, which is any organization that (i) directly performs recycling activities **or** (ii) uses discarded products/packaging as raw materials for production. Any recycling unit hired by a producer, importer, or PRO must have a valid Environmental License or equivalent constituent license
- **Through a PRO** (Producer Responsibility Organization - in Vietnamese: đơn vị tổ chức trách nhiệm tái chế): The definition and operational rules for PROs have been significantly refined:
  - **Definition:** A PRO is an organization established to organize recycling activities (collection, transport, and transfer to recyclers) on behalf of producers and importers, but it does not directly perform the recycling itself.
  - **Abolished restrictions:** The new definition in Decree 110 does not carry over previous restrictive business conditions (such as the requirement to be authorized by at least 03 producers/importers), allowing for a more market-driven approach.
  - **Strict prohibition on sub-authorization:** A significant new rule under Article 6(5) is that a PRO authorized by a producer/importer cannot sub-authorize its responsibilities to another PRO.
- **Through a combination of methods:** Producers and importers selecting the "Organizing Recycling" form have the flexibility to combine self-recycling, contracting with a recycling unit, and authorizing a PRO to meet their mandatory rates.

**Note on record keeping:** For any volume to count toward official recycling results, all documents and records related to the collection, transfer, and receipt of materials must be managed and tracked separately from other non-EPR recycling activities.

**Note on reporting:** All selected methods must be registered and results reported annually through the National EPR Information System before April 1<sup>st</sup>.

#### 4. Monetary contribution for waste treatment

Similar to the recycling obligations, Decree 110 provides specific interpretation rules to determine which entities are responsible for the mandatory financial contribution to support waste treatment:<sup>12</sup>

- **Branded products with multiple producers:** In case products or packaging with the same label are manufactured by different producers, the organization or individual responsible for goods labelling (in accordance with the laws on the quality of products and goods) is the liable party.
- **Contract manufacturing (Outsourcing):** For products and packaging manufactured under contract for an ordering party, the ordering party is responsible for fulfilling the financial contribution obligations.

<sup>11</sup> Decree 110, Article 6.3, see Previous Decree, Article 79.3

<sup>12</sup> Decree 110, Article 9.1



- **Import entrustment:** The organization or individual responsible for goods labelling in accordance with the laws on product and goods quality is generally liable. If the entrusted/import agent is responsible for goods labelling, the products/packaging put into the market are those transferred to the entrusting party, and the taxable amount is the total import value plus the entrustment (agency) fee.
- **Parent companies and branches:** A parent company or a company with independent accounting branches may be authorized to perform payment obligations for their subsidiaries or branches.

## 5. Determination and adjustment of contributions

Decree 110 maintains the formula to calculate the total monetary contribution (F):  $F = R \times V \times Fs$ .<sup>13</sup> For recycling contributions, (i) "V" is defined "mass of products and packaging produced or imported and placed on the market in the year of recycling responsibility (unit: Kg), and (ii) "Fs" is "a financial contribution level per unit mass" (VND per kg) for each product or packaging type. These contribution levels are promulgated by the Minister of Agriculture and Environment and are adjusted every 03 years, with the first revision occurring in 2029. This replaces the approach in the Previous Decree, which defined "Fs" based on the "deemed reasonable costs of recycling" and specific types of costs covered.

For waste treatment contributions, the applicable contribution levels will be adjusted by the Ministry of Agriculture and Environment every 05 years (with the first revision occurring in 2031). Decree 110 introduces a **15%** cap for any increase in the contribution value compared to the immediately preceding cycle.<sup>14</sup>

## 6. Registration of recycling plans, result reporting, and contribution declarations: New deadlines and platform

Under Decree 110, the National EPR Information System is the mandatory platform for all EPR-related filings. Before April 1<sup>st</sup> of every year, applicable producers and importers must fulfill the following requirements based on their chosen form of responsibility:

- **For those performing recycling (i.e., self-recycling, or authorizing a PRO):** They must register a recycling plan and submit a report on the recycling results for the products and packaging placed on the market during the preceding year;
- **For those opting to provide financial contributions:** They are exempt from submitting a recycling plan or results report. Instead, they must submit a declaration of the financial contribution amount for products and packaging placed on the market in the preceding year;
- **For waste treatment obligations:** All applicable entities must submit a declaration of the mandatory monetary contribution for waste treatment regarding products and packaging placed on the market in the preceding year.

### Key implementation details:

- **New statutory forms:** All submissions must use the new standardized forms prescribed by the Minister of Agriculture and Environment.
- **Payment deadline:** Following the 1 April declaration, the full payment of the declared financial contributions (for both recycling and waste treatment) must be made to the Vietnam Environmental Protection Fund before 20 April of the same year.

<sup>13</sup> Decree 110, Article 8

<sup>14</sup> Decree 110, Article 9.5, see Article 83.4 of the Previous Decree



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