

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No. 113/2017/ND-CP

*Hanoi, October 09, 2017*

**DECREE**

**SPECIFYING AND PROVIDING GUIDELINES FOR IMPLEMENTATION OF CERTAIN ARTICLES OF THE LAW ON CHEMICALS**

*Pursuant to the Law on Government Organization dated June 19, 2015;*

*Pursuant to the Law on Chemicals dated November 21, 2007;*

*Pursuant to the Law on Drug prevention and fighting dated December 09, 2000; Law on Amendments to certain articles of the Law on Drug prevention and fighting dated June 03, 2008;*

*Pursuant to the Law on Investment January 26, 2014; Law on Amendments to Article 6 and Appendix No. 4 on the list of conditional business lines of the Law on Investment dated November 22, 2016;*

*At the request of the Minister of Industry and Trade;*

*The Government promulgates a Decree specifying and providing guidelines for implementation of certain articles of the Law on Chemicals.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Decree deals with and provides guidelines for implementation of certain articles of the Law on Chemicals with the following contents:

1. General requirements for safety in chemical production and trade.
2. Conditional industrial chemicals; requirements, application and procedures for a certificate of eligibility for production or trade in conditional industrial chemicals (hereinafter referred to as "certificate").
3. Requirements for industrial precursor chemical production and trade; application and procedures for issuance of a license for industrial precursor chemical export/import.
4. Restricted industrial chemicals; requirements, application and procedures for issuance of a license for restricted industrial chemical production/trade.
5. Banned chemicals and toxic chemicals.
6. Plans and measures for prevention of and response to chemical emergencies.
7. Safety distance of hazardous chemical factories/stores.
8. Classification of chemicals and safety data sheets.
9. Declaration on chemicals and information about chemicals.
10. Training courses in chemical safety.

**Article 2. Regulated entities**

This Decree applies to entities having chemical-related activities; and entities involving in chemical-related activities in the territory of the Socialist Republic of Vietnam.

**Article 3. Definitions**

For the purposes of this Decree, the terms below shall be construed as follows:

1. "chemical production" is an act of producing chemicals through chemical reactions, biochemical process or physical and chemical processes such as extraction, concentration, dilution, mixing, etc.
2. "chemical trade" includes sale, export and import of chemicals to provide chemicals on the market for profitable purposes.
3. "chemical extraction and packaging" means the use of equipment and tools to extract pure or bulk chemicals into packages or from one package to another with no change to the chemical composition and characteristic properties, content and nature of the chemicals.
4. "GHS" is an acronym for the Globally Harmonized System of Classification and Labelling of Chemicals.
5. "industrial precursor chemicals" are chemicals used as raw materials, solvents, catalysts in production, scientific research, analyses, testing, and are indispensable chemicals used in the preparation process and production of narcotics and specified in the list issued by the Government. The list of industrial precursor chemicals shall be classified into 2 groups according to their hazards to manage and supervise:
  - a) "Group 1 industrial precursor chemicals" are indispensable chemicals used in the preparation process and production of narcotics;
  - b) "Group 2 industrial precursor chemicals" are indispensable chemicals used as reagents or solvents in the preparation process and production of narcotics.

## **Chapter II**

### **CHEMICAL PRODUCTION AND TRADE**

#### **Section 1. GENERAL REQUIREMENTS FOR SAFETY IN CHEMICAL PRODUCTION AND TRADE**

##### **Article 4. Factories and warehouses**

1. Factories shall satisfy requirements national technical regulations and standards, nature, scale and production and storage technology of chemicals.
2. Factories and warehouses shall have emergency exits. The emergency exit shall be clearly marked, lighted and designed to facilitate the escape and rescue in case of an emergency.
3. Ventilation systems of factories and warehouses shall satisfy ventilation system regulations and standards.
4. Lighting systems shall meet requirements for chemical production and storage. Electrical equipment in factories and warehouses storing flammable and explosive chemicals shall meet fire safety standards.
5. Floors of chemical factories and warehouses shall be resistant to chemicals, load and good drainage.
6. Chemical factories and warehouses shall have regulations on chemical safety and warning signs hanged in visible places corresponding to the hazards of chemicals. Such signs shall display information about chemical identification numbers; warning graphics and words. If a chemical substance poses various types of hazards, its warning symbols shall specify all types of such hazards. Instruction signs specifying safety procedures shall be equipped at areas producing hazardous chemicals.
7. Factories and warehouses shall have lightning arrester systems or and inspections carried out periodically.
8. The bunds should be built around storage tanks to prevent chemicals from exposing to the environment when a chemical emergency occurs and take preventive measures for fire and lightning.
9. Factories and warehouses shall satisfy requirements for fire and environmental safety, occupational safety and hygiene according to regulations of relevant law.

##### **Article 5. Technology, equipment, tools and packages**

1. Chemical production technology shall be selected to minimize the threat of chemical emergencies, environmental pollution and ensure fire safety.
2. Technical equipment shall satisfy general requirements for safety in accordance with national technical regulations and standards, types of chemicals and technological process to meet the production capacity

and business scale. Machines, equipment and materials subject to strict requirements for occupational safety and hygiene and testing measurement equipment shall be inspected, calibrated and maintained in line with regulations on machine and equipment inspection.

### 3. Requirements for packages

- a) Containers and packages must be tight, firm and resistant to chemicals, weather and normal impacts when handling. Used packages shall be stored separately. Before filling chemicals, filling station shall check chemical packages and containers and clean the used packages to eliminate the possibility of reaction or fire when filling chemicals. Containers and packages that have been used but not reused shall be collected and disposed of in accordance with regulations of law on environmental protection;
- b) Chemical containers and packages shall have labels specifying the contents prescribed in regulations of law on chemical labeling. Chemical labels must be stated clearly and resistant to effects of chemicals, weather and normal impacts when handling.

### **Article 6. Storage and transport**

1. Hazardous chemicals shall be classified and stored according to the nature of each chemical substance. It is not allowed to store chemicals that are likely to react together or subject to requirements for chemical and fire safety in the same area.
2. Chemicals in the warehouse shall be stored according to national technical regulations and standards to ensure safety and facilitate response to chemical emergencies.
3. Chemical transport process shall be carried out under regulations on transporting dangerous goods.

### **Article 7. Extraction and packaging**

1. Chemical extraction and packaging shall be carried out in an area where requirements for fire and environmental safety, occupational safety and hygiene are satisfied according to regulations of relevant law.
2. Equipment used for chemical extraction or packaging shall meet general safety requirements under national technical regulations and standards. Machines, equipment and materials subject to strict requirements for safety and testing measurement equipment shall be inspected, calibrated and maintained in line with regulations on machine and equipment inspection.
3. Chemical packages and containers after extracting or packaging chemicals shall meet the requirements mentioned in Clause 3 Article 5 herein.
4. Employees responsible for chemical extraction or packaging shall be provided with training courses in chemical safety.

## **Section 2. PRODUCTION AND TRADE IN CONDITIONAL INDUSTRIAL CHEMICALS**

### **Article 8. Conditional industrial chemicals**

Conditional industrial chemicals include:

1. Chemicals on the list of conditional industrial chemicals stated in Appendix I attached hereto.
2. Mixtures of chemicals specified in Appendix I and Appendix II not subject to restricted industrial chemicals mentioned in Article 14 herein that are classified according to Article 23 herein subject to at least one of the following groups:
  - a) Category 1/Category 2/Category 3 or type A/B/C/D hazardous material;
  - b) Category 2 and Category 3 acute toxicity (through variable exposures);
  - c) Category 1/Category 2/Category 2A serious eye damage/eye irritation;
  - d) Category 1 and Category 2 skin corrosion/irritation;
  - dd) Category 2 carcinogenicity, germ cell mutagenicity or reproductive toxicity;
  - e) Category 1 environmental hazard.

## **Article 9. Requirements for issuance of certificates**

### 1. Production requirements

- a) The applicant is an enterprise, cooperative or household business that is established in accordance with regulations of law and licensed to produce chemicals;
- b) The applicant's facilities meet production requirements specified in Article 12 of the Law on Chemicals; Article 4; Clause 1 and Clause 2 Article 5; Clause 1 and Clause 2 Article 6 herein;
- c) Areas of the factory and warehouse meet national technical regulations and standards. The factory has adequate area to install production lines in line with design capacity, ensure production process and technological requirements;
- d) The technical director, deputy technical director or technicians responsible for chemical production have at least a bachelor's degree in chemicals;
- dd) The individuals mentioned in Article 32 herein have been provided with training courses in chemical safety.

### 2. Trading requirements

- a) The applicant is an enterprise, cooperative or household business that is established in accordance with regulations of law and licensed to trade in chemicals;
- b) The applicant's facilities meet trading requirements specified in Article 12 of the Law on Chemicals; Article 4; Clause 2 Article 5; Clause 1 and Clause 2 Article 6 herein;
- c) Area and location of the warehouse meet national technical regulations and standards;
- d) The chemical store or premises satisfies requirements for chemical and fire safety;
- dd) Chemical containers and packages ensure the quality and environmental safety; vehicles transporting chemicals shall comply with regulations of law;
- e) The warehouse or the agreement on lease of warehouse or use of the warehouse of the chemical buyer or seller satisfies requirements for chemical and fire safety;
- g) Any person responsible for chemical safety of the chemical store has at least an intermediate school's degree in chemicals.
- h) The individuals mentioned in Article 32 herein have been provided with training courses in chemical safety.

3. The producer or trader of conditional industrial chemicals after having the certificate granted by a competent authority shall fulfill the requirements stated in Clause 1 or Clause 2 this Article during the production or trading process. The chemical producer and trader no longer fulfilling such requirements shall have their certificates revoked according to the provision of Clause 2 Article 18 of the Law on Chemicals.

## **Article 10. Applications and procedures for issuance of certificates**

### 1. Application for the certificate submitted by the chemical producer

- a) A completed application form for the certificate provided in the specimen mentioned in Clause 7 this Article;
- b) A copy of either of the enterprise/cooperative/household business registration certificate;
- c) A copy of the written approval or confirmation of documents related to environmental safety issued by the competent state authority;
- d) A copy of the written approval of the fire safety design and commissioning of fire safety systems made by the competent authority if the approval of fire safety design is required for each factory;

A record on inspection of fire safety or a document proving thereof issued by the competent authority if the approval of fire safety design is not required for each factory;

dd) A master plan of the factory and warehouse and contents of the plan shall provide information about the location of the factory or warehouse, chemical storage areas, area and path to the factory, chemical production areas and warehouse; A copy of the document proving the use rights to the piece of land used for factory/warehouse construction or the factory/warehouse lease agreement.

e) A declaration of technical equipment and personal protective equipment in the chemical factory;

g) A copy of the bachelor's degree or higher degree in chemicals of the technical director, deputy technical director or technicians of the producer;

h) A copy of the training document on chemical safety stated in Clause 4 Article 34 herein;

i) Safety data sheets of every hazardous chemical in the factory.

2. Application for the certificate submitted by the chemical trader

a) A completed application form for the certificate provided in the specimen mentioned in Clause 7 this Article;

b) A copy of either of the enterprise/cooperative/household business registration certificate;

c) A list of chemical stores;

d) A copy of the written approval or confirmation of documents related to environmental safety issued by the competent state authority;

dd) A copy of the written approval of the fire safety design and commissioning of fire safety made by the competent authority if the approval of fire safety design is required for each chemical warehouse;

A record on inspection of fire safety or a document proving thereof issued by the competent authority if the approval of fire safety design is not required for each chemical warehouse;

e) A master plan of each store and contents of the plan shall provide information about the location of the warehouse, chemical storage areas, area and path to the warehouse; A copy of the document proving the use rights to the piece of land used for warehouse construction or the warehouse lease agreement in case of leasing the warehouse or the chemical purchase agreement in case of using the warehouse of the chemical buyer or seller.

g) A declaration of technical equipment and personal protective equipment in each store;

h) A copy of the intermediate school's degree or higher degree in chemicals of the officer responsible for chemical safety;

i) A copy of the training document on chemical safety stated in Clause 4 Article 34 herein;

k) Safety data sheets of every hazardous chemical in the store.

3. Procedures for inspection and issuance of the certificate

a) The applicant for the certificate shall make 1 set of application and send it, by post, in person or through the online public service system, to the certificate-issuing authority mentioned in Clause 6 this Article;

b) If the application is invalid, the certificate-issuing authority shall inform the applicant of additional documents within 3 days from the day on which the application is received. The time for supplementing documents shall not be included in the time limit for issuance of the certificate specified in Point c this Clause;

c) Within 12 working days from the day on which the application stated in Clause 1 or Clause 2 is received, the certificate-issuing authority shall inspect and consider issuing the certificate to the applicant and send a copy of the certificate to the Department of Industry and Trade of the province where the applicant registered its headquarters. The specimen of the certificate is provided in Appendix VI attached

hereto. If the application is rejected, the certificate-issuing authority shall provide the applicant with a written explanation.

#### 4. Application and procedures for reissue of the certificate

a) The applicant shall make 1 set of application for reissue of the certificate and send it, by post, in person or through the online public service system, to the certificate-issuing authority in case of loss, damage, wrong information or any change to information about establishment registration of the applicant;

b) The application for reissue of the certificate shall include: A completed application form for reissue of the certificate; the certificate if its information is wrong or information about the applicant is changed; the remaining part of the certificate if it is damaged;

c) Within 5 working days from the day on which the valid application is received, the certificate-issuing authority shall inspect and reissue the certificate to the applicant and send a copy of the certificate to the Department of Industry and Trade of the province where the applicant registered its headquarters. If the application is rejected, the certificate-issuing authority shall provide the applicant with a written explanation.

#### 5. Application and procedures for revision to the certificate

a) The applicant shall make 1 set of application for reissue of the certificate and send it, by post, in person or through the online public service system, to the certificate-issuing authority in case of any change to the location of the applicant's factory or store; type, scale or classification of chemicals to be produced or sold.

b) An application for revision to the certificate shall consist of: A completed application form for revision to the certificate; the certificate; documents proving the fulfillment of production or trading requirements for revised contents;

c) Procedures for revision to the certificate shall be carried out similarly to those for issuance of the certificate.

6. The Department of Industry and Trade of the province where the applicant's factory/store is located shall inspect and issue, reissue or revise the certificate to the applicant; carry out inspections and supervision of the compliance with requirements for conditional industrial chemical production or trade of the applicant under its management.

7. The Ministry of Industry and Trade shall specify specimens of the documents specified in this Article; develop inspection plans and carry out periodic or ad hoc inspections of the fulfillment of requirements for conditional industrial chemical production or trade under its management.

#### 8. Responsibility of the applicant for the certificate

a) Fulfill the requirements specified in Article 9 herein when engaging in chemical-related activities;

b) Retain the certificate at the factory/store as the basis for supervising safety at the chemical factory/store and present it to competent authorities if required;

c) Make reports in accordance with the provisions of Clause 1 and Clause 2 Article 36 herein.

### **Section 3. PRODUCTION AND TRADE IN INDUSTRIAL PRECURSOR CHEMICALS**

#### **Article 11. Requirements for production and trade in industrial precursor chemicals**

##### 1. Production requirements

A producer of industrial precursor chemicals shall fulfill the requirements specified in Clause 1 Article 9 herein, production requirements prescribed in Articles 4, 5, 6 and 7 herein and the following requirements:

a) A logbook should be prepared to record the industrial precursor chemical production. Such logbook shall specify the produced precursor chemicals, inventories, sold precursor chemicals, headquarters' address, phone and fax numbers, use purposes of industrial precursor chemicals of the buyer;

b) Industrial precursor chemicals after being produced shall be stored in a separate area in the warehouse or in a separate warehouse.

## 2. Trading requirements

The trader of industrial precursor chemicals shall fulfill the requirements specified in Clause 2 Article 9 herein, trading requirements prescribed in Articles 4, 5, 6 and 7 herein and the following requirements:

a) There are sufficient invoices and documents proving origins, producers, importers or suppliers of industrial precursor chemicals;

b) A logbook should be prepared to record information about industrial precursor chemicals. Such logbook shall specify the name and address of the headquarters, phone and fax numbers; names of industrial precursor chemicals, purchased and sold industrial precursor chemicals, inventories; use purposes of industrial precursor chemicals of the buyer;

c) Industrial precursor chemicals shall be stored in a separate area in the warehouse or in a separate warehouse.

3. During the production or trading process, the producer or trader shall manage and control industrial precursor chemicals and take responsibility for loss of industrial precursor chemicals (if any).

## **Article 12. Applications and procedures for issuance of licenses for industrial precursor chemical export/import**

1. Exporters/importers of industrial precursor chemicals shall be licensed by a licensing authority. A license for industrial precursor chemicals export/import is required to obtain customs clearance when exporting or importing industrial precursor chemicals.

### 2. Application for the license for industrial precursor chemical export/import

a) A completed application form provided in the specimen mentioned in Clause 9 this Article;

b) A copy of the first establishment registration certificate of the exporter/importer;

c) A copy of the agreement or any of the following documents: the sale agreement, purchase order, memorandum or invoice specifying the name and quantity of industrial precursor chemicals;

d) A report on export, import, sale, purchase and use of industrial precursor chemicals of the latest license for Group 1 industrial precursor chemicals.

### 3. Licensing procedures

a) An applicant for the license for industrial precursor chemical export/import shall make 1 set of application and send it, by post, in person or through the online public service system, to the licensing authority mentioned in Clause 8 this Article;

b) If the application is invalid, the licensing authority shall inform the applicant of additional documents within 3 days from the day on which the application is received. The time for supplementing documents shall not be included in the licensing time limit specified in Point c this Clause;

c) Within 7 working days from the day on which the valid application is received, the licensing authority shall inspect the application and issue the license for industrial precursor chemical export/import. The specimen of the license for industrial precursor chemical export/import is provided in Appendix VI attached hereto. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.

### 4. Duration of the license for industrial precursor chemical export/import

a) For Group 1 industrial precursor chemicals, the license shall be granted to each consignment and valid within 6 months from the date of issue;

b) For Group 2 industrial precursor chemicals, the license shall be valid within 6 months from the date of issue.

5. Application and procedures for reissue of the license

- a) The applicant shall make 1 set of application for reissue of the license and send it, by post, in person or through the online public service system, to the licensing authority in case of loss, damage, wrong information or any change to information about establishment registration of the applicant;
- b) The application for reissue of the license shall include: A completed application form for reissue of the license; the license if its information is wrong or information about the applicant is changed; the remaining part of the license if it is damaged;
- c) Within 5 working days from the day on which the valid application is received, the licensing authority shall inspect the application and reissue the license to the applicant. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.
- d) The duration of the reissued license shall be equal to the remaining duration of the issued license.

6. Application and procedures for issuance of the revised license

- a) The applicant shall make 1 set of application for revision to the license and send it, by post, in person or through the online public service system, to the licensing authority in case of any change to contents of the agreement, sale agreement, purchase order, memorandum or invoice;
- b) The application for issuance of the revised license for industrial precursor chemical export/import shall include: A completed application form for issuance of the revised license; and documents confirming revised contents;
- c) Procedures for revision to the license and duration of the license shall be carried out similarly to those for issuance of the license.

7. Application and procedures for extension of the license

- a) The license shall be extended if its duration stated in Clause 4 this Article expires but the export or import has not been carried out or finished. The license shall be extended once;
- b) At least 5 working days before the license expires, the applicant shall make 1 set of application for extension of the license and send it, by post, in person or through the online public service system, to the licensing authority;
- c) The application for extension of the license for industrial precursor chemical export/import shall consist of a completed application form for extension of the license and a copy of the license;
- d) Within 5 working days from the day on which the valid application is received, the licensing authority shall inspect the application and grant extension of the license to the applicant. If the application is rejected, the licensing authority shall provide the applicant with a written explanation;
- dd) The extension of the license shall not exceed 6 months from the date of granting extension.

8. The Ministry of Industry and Trade shall assign responsible authorities to receive applications, issue, reissue, revise and extend licenses for industrial precursor chemical export/import. When the national single-window website system is connected, receipt of applications, issuance, reissue, revision and extension of licenses for industrial precursor chemicals export/import shall be carried out through this system.

9. The Ministry of Industry and Trade shall specify the specimens of documents mentioned in this Article.

**Article 13. Exemption and revocation of licenses for industrial precursor chemical export/import**

1. The license for industrial precursor chemical export/import shall be exempted if:

- a) The goods containing Group 1 industrial precursor chemicals with content less than 1% of volume;
- b) The goods containing Group 2 industrial precursor chemicals with content less than 5% of volume.

2. The license for industrial precursor chemical export/import shall be revoked if the exporter or importer:

- a) falsifies contents of the license;



- b) uses fake documents or provide incorrect information in the application for the license;
- c) ceases operation.

3. The licensing authorities stated in Clause 8 Article 12 herein shall act as authorities revoking licenses for industrial precursor chemical export/import. The exporter or importer shall return the revoked license to the licensing authority within 7 working days from the day on which a decision on revocation is given.

#### **Section 4. PRODUCTION AND TRADE IN RESTRICTED INDUSTRIAL CHEMICALS**

##### **Article 14. Restricted industrial chemicals**

Restricted industrial chemicals include:

1. Chemicals on the list of restricted industrial chemicals stated in Appendix II attached hereto.
2. Mixtures of chemicals specified in Appendix II attached hereto classified according to Article 23 herein and subject to at least one of the following groups:
  - a) Category 1 acute toxicity (through variable exposures);
  - b) Category 1A and Category 1B carcinogenicity;
  - c) Category 1A and Category 1B reproductive toxicity;
  - d) Category 1A and Category 1B germ cell mutagenicity.

##### **Article 15. Requirements for issuance of licenses for restricted industrial chemical production or trade**

1. Requirements for issuance of the license for restricted industrial chemical production are provided in Clause 1 Article 9 herein.
2. Requirements for issuance of the license for restricted industrial chemical trade are provided in Clause 2 Article 9 herein.
3. Restricted industrial chemicals shall be stored in a separate area in the warehouse or in a separate warehouse.
4. The producer or trader of restricted industrial chemicals after having the license granted by a licensing authority shall fulfill the requirements stated in Clause 1 or Clause 2 and Clause 3 this Article during the production or trading process. The chemical producer and trader no longer fulfilling such requirements shall have their licenses revoked according to the provision of Clause 2 Article 18 of the Law on Chemicals.

##### **Article 16. Applications and procedures for issuance of licenses for restricted industrial chemical production or trade**

1. An application for the license submitted by the chemical producer
  - a) A completed application form provided in the specimen mentioned in Clause 7 this Article;
  - b) The documents stated from Point b to Point i Clause 1 Article 10 herein;
  - c) Notes of the technological process of production or trade in restricted industrial chemicals.
2. An application for the license submitted by the chemical trader
  - a) A completed application form provided in the specimen mentioned in Clause 7 this Article;
  - b) The documents stated from Point b to Point k Clause 2 Article 10 herein;
  - c) A written explanation on plans for trading in restricted industrial chemicals made by the chemical trader.
3. Procedures for inspection and issuance of the license
  - a) The chemical producer or trader (applicant) shall make 1 set of application and send it, by post, in person or through the online public service system, to the licensing authority;

b) If the application is invalid, the licensing authority shall inform the applicant of additional documents within 3 days from the day on which the application is received. The time for supplementing documents shall not be included in the licensing time limit specified in Point c this Clause;

c) Within 16 working days from the day on which the application mentioned in Clause 1 or Clause 2 this Article is received, the licensing authority shall inspect the application, conduct on-site inspections and consider issuing the license to the applicant. The specimen of the license for restricted industrial chemical production and/or trade is provided in Appendix VI attached hereto. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.

#### 4. Application and procedures for reissue of the license

a) The applicant shall make 1 set of application for reissue of the license and send it, by post, in person or through the online public service system, to the licensing authority in case of loss, damage, wrong information or any change to information about establishment registration of the applicant;

b) The application for reissue of the license shall include: A completed application form provided in the specimen mentioned in Clause 7 this Article; the license if its information is wrong or information about the applicant is changed; the remaining part of the license if it is damaged;

c) Within 5 working days from the day on which the valid application is received, the licensing authority shall inspect the application and reissue the license to the applicant. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.

#### 5. Application and procedures for revision to the license

a) The applicant shall make 1 set of application for revision to the license and send it, by post, in person or through the online public service system, to the licensing authority in case of any change to the location of the applicant's factory or store; type, scale or classification of chemicals to be produced or sold.

b) An application for revision to the license shall consist of: A completed application form provided in the specimen mentioned in Clause 7 this Article; the licensing; documents proving the fulfillment of production or trading requirements for revised contents;

c) Procedures for revision to the license shall be carried out similarly to those for issuance of the license.

#### 6. Responsibilities of the producer and trader of restricted industrial chemicals

a) Fulfill the requirements specified in Article 15 herein during the process of producing or trading in chemicals;

b) Retain the license at the factory/store as the basis for supervising safety at the chemical factory/store and present it to competent authorities if required;

c) Make reports in accordance with the provision of Clause 2 Article 36 herein.

#### 7. Responsibilities of state authorities

a) The Ministry of Industry and Trade shall inspect, issue, reissue and revise licenses for restricted industrial chemical production and/or trade; specify specimens of the documents mentioned in this Article; develop inspection plans and carry out periodic or ad hoc inspections of production or trade in restricted industrial chemicals;

b) Departments of Industry and Trade of provinces/central-affiliated cities (hereinafter referred to as "Departments of Industry and Trade of provinces") shall carry out inspections and supervision of compliance with the process of production or trading in chemicals of producers and traders in their provinces and report inspection results to the Ministry of Industry and Trade. Departments of Industry and Trade of provinces shall request the Ministry of Industry and Trade to consider dealing with chemical producers and traders that no longer fulfill the requirements stated in Article 15 herein.

### **Article 17. Control of restricted industrial chemicals**

1. All VAT invoices and sale invoices related to sale and purchase of restricted industrial chemicals shall have names of chemicals specified fully in accordance with the list stated in Appendix II attached hereto.
2. The producer and trader shall only sell restricted industrial chemicals to the following buyers:
  - a) The buyer purchasing chemicals for trade and fulfilling all requirements for trading in restricted industrial chemicals stated in Article 15 herein;
  - b) The buyer purchasing chemicals for use and fulfilling all the requirements stated in Chapter V of the Law on Chemicals.

## **Section 5. BANNED CHEMICALS AND TOXIC CHEMICALS**

### **Article 18. Banned chemicals**

1. The list of banned chemicals is provided in Appendix III attached hereto.
2. In special cases for the purposes of serving scientific research, national defense and security, epidemic prevention and response, the production, import and use of banned chemicals shall comply with provisions of Article 19 of the Law on Chemicals and the Government's regulations.

### **Article 19. Toxic chemicals**

1. Toxic chemicals are the chemicals specified in Clause 5 Article 4 of the Law on Chemicals.
2. Sale and purchase of toxic chemicals shall be recorded in accordance with Article 23 of the Law on Chemicals.

## **Chapter III**

### **PLANS AND MEASURES FOR PREVENTION OF AND RESPONSE TO CHEMICAL EMERGENCIES AND SAFETY DISTANCE**

#### **Article 20. Plans for prevention of and response to chemical emergencies (hereinafter referred to as "plans")**

1. The list of hazardous chemicals along with plans is provided in Appendix IV attached hereto.
2. Investors of projects that involve production, trade, storage or use of chemicals containing at least 1 chemical mentioned in Appendix IV attached hereto with the maximum storage volume at a period of time over or equal to the volume stated in such Appendix shall make plans for every hazardous chemical of projects and submit them to relevant ministries for inspection and approval before putting projects into operation.
3. The plans include basic contents prescribed in Article 39 of the Law on Chemicals.
4. Application for inspection of the plan
  - a) A completed application form provided in the specimen mentioned in Clause 9 this Article;
  - b) 9 copies of the plan.
5. The time limit for inspection and approval of the plan is 22 working days from the day on which the valid application is received, excluding the time for supplement the documents specified in Point b and Point d Clause 6 this Article.
6. Procedures for inspection and approval of the plan
  - a) The applicant shall make 1 set of application and send it, by post, in person or through the online public service system, to an inspecting authority;
  - b) If the application is invalid, the inspecting authority shall inform the applicant of additional documents within 3 days from the day on which the application is received;
  - c) After receiving the valid application, the inspecting authority shall carry out inspections of the plan. Inspection of the plan shall be carried out through the inspection council mentioned in Clause 7 this Article;

- d) If the plan is rejected, the applicant shall re-make the plan. The application and procedures for inspection shall be carried out similarly to that for the first time;
- dd) In the cases where the plan is approved or approved with requirements for revision, the applicant shall fulfill requirements stated in the inspection record and send a physical explanation, 1 soft copy and 7 hard copies of the plan revised at the request of the inspection council to the inspecting authority;
- e) After receiving the request from the applicant, the inspecting authority shall consider approving the plan or provide the applicant with a written explanation if the plan is rejected. The specimen of the decision on approval of the plan is provided in Appendix VI attached hereto;
- g) On the basis of the approved plan, the inspecting authority shall certify in the title page of the plan and send the decision on approval and the plan to specialized authorities, state authorities responsible for fire and environmental safety of the province; People's Committees of districts; management unit of an industrial park, export-processing zone or economic zone if the project is located therein.

#### 7. Organization and operation of the inspection council

- a) The inspection council is founded by an approving authority of the plan. The inspection council is composed of representatives of the inspecting authority and state authorities of the province where the project is executed, including specialized authorities and state authorities responsible for fire and environmental safety. Such council may include experts in relevant fields;
- b) The organizational structure of the inspection council consists of: Chair, Vice Chair, reviewer, secretary and members. The total minimum number of the council is 7 people and maximum is 9 people;
- c) The inspection council shall conduct inspection visits of the compliance with regulations on chemical safety, assess and inspect the plan and take responsibility for inspection results;
- d) The inspection council shall make decisions through discussions among the council's members and make inspection records in accordance with the prescribed specimen. The plan shall be assessed by votes. The inspection council shall cease operation and dissolve after the plan is approved;
- dd) The inspection council shall only convene a meeting with participation of at least 2/3 of the council's members, including the Chair or Vice Chair and at least a reviewer. Only the council's members attending the meeting shall have the rights to vote for the plan;
- e) If the Chair or the Vice Chair in case of absence of the Chair, the inspection results shall be concluded according to the following principles: The plan is deemed approved without revision if at least 2/3 of the council's members attending the meeting approve and the remaining members all approve with requirements for revision; the plan is considered not approved if over 1/3 of the council's members attending the meeting disapprove the plan; or the plan is approved with requirements for revision in other cases.

#### 8. Responsibilities of entities having approved plans

- a) Fulfill the requirements specified in the plan in the course of carrying out chemical-related activities;
- b) Retain the plan at the factory/store as the basic for supervising safety at the chemical factory/store and present it to competent authorities if required;
- c) Organize rehearsals on the response to chemical emergencies developed in the plan in the presence of representatives of the central or local specialized authorities annually;
- d) Submit a report on any change to the investment process and activities related to contents stated in the plan to the inspection authority (if any). Re-making of the plan, application and procedures of inspection and approval of the plan shall be carried out similarly to those in the first time.

#### 9. Responsibilities of relevant ministries

- a) Take charge and cooperate with state authorities related to inspection and approval of plans;
- b) Provide guidelines for presentation, layout and contents of plans under their management;

c) Develop inspection plans and carry out periodic or ad hoc inspections of the compliance with regulations on plans under their management;

d) Specify specimens of the documents mentioned in this Article.

#### 10. Responsibilities of provincial authorities

Carry out inspections and supervision of the compliance with regulations on plans under their management.

### **Article 21. Measures for prevention of and response to chemical emergencies (hereinafter referred to as “measures”)**

#### 1. Entities proposing measures

a) Investors of projects that involve in production, trade, storage or use of chemicals except for the chemicals mentioned in Clause 2 Article 20 herein shall propose measures before projects come into operation;

b) Investors shall make decisions on issuance of such measures and present to competent authorities if required.

2. The measures include basic contents prescribed in Clause 3 Article 36 of the Law on Chemicals.

#### 3. Responsibilities of entities implementing measures

a) In the course of production, trade, use or storage of chemicals, entities shall comply with contents stated in measures that have been proposed;

b) Measures shall be retained at factories/stores of entities and become the basis for them to carry out supervision of chemical safety;

c) Entities shall revise measures in case of any change to the investment process and activities related to the contents proposed in measures.

#### 4. Responsibilities of provincial authorities

Carry out inspections and supervision of the compliance with regulations on measures by entities under their management.

#### 5. Responsibilities of relevant ministries

a) Provide guidelines for presentation, layout and contents of measures under their management;

b) Develop inspection plans and carry out periodic or ad hoc inspections of the compliance with regulations on measures under their management.

### **Article 22. Determination of safety distance of hazardous chemical factories/stores**

1. The Ministry of Industry and Trade shall take charge and cooperate with relevant ministries and authorities in develop and issue technical regulations on specific safety distance for production, trade, storage or use of hazardous chemicals mentioned in Appendix IV herein.

#### 2. Responsibilities of establishment of the safety distance

a) Projects involving in production, trade, storage or use of hazardous chemicals specified in Appendix IV herein and having the design of factories/stores inspected by inspecting authorities after the effective date of the technical regulations on safety distance shall establish the safety distance for residential areas, public works, historical and cultural sites, places of scenic beauty, natural reserves, national parks, biosphere reserves, habitat conservation zones, marine conservation zones and domestic water sources in the feasibility study reports;

b) Entities shall not construct housing or other works within safety distance, apart from specialized works permitted by a competent state authority;

c) Entities shall maintain the safety distance when making plans for land use and chemical industry and selecting locations for building industrial parks, export-processing zones and relevant projects.

#### Chapter IV

#### CLASSIFICATION OF CHEMICALS AND SAFETY DATA SHEETS

#### Article 23. Classification of chemicals

Chemicals shall be classified according to rules and technical guidance of GHS from Rev. 2 (2007) onwards including:

No.	Classification	Class						
<b>I</b>	<b>Hazardous materials</b>							
1	Explosives	Unstable explosives	Category 1.1	Category 1.2	Category 1.3	Category 1.4	Category 1.5	Category 1.6
2	Flammable gases	Category 1	Category 2	Combustible gas	Category A	Category B		
3	Flammable aerosols	Category 1	Category 2	Category 3				
4	Oxidizing gases	Category 1						
5	Gases under pressure	Compressed gas	Liquefied gas	Refrigerated liquefied gas	Dissolved gas			
6	Flammable liquids	Category 1	Category 2	Category 3	Category 4			
7	Flammable solids	Category 1	Category 2					
8	Self-reactive substances and mixtures	Type A	Type B	Types C&D	Types E&F	Type G		
9	Pyrophoric liquids	Category 1						
10	Pyrophoric solids	Category 1						
11	Self-heating substances and mixtures	Category 1	Category 2					
12	Substances and mixtures which, in contact with water, emit flammable gases	Category 1	Category 2	Category 3				
13	Oxidizing liquids	Category 1	Category 2	Category 3				
14	Oxidizing solids	Category 1	Category 2	Category 3				
15	Organic peroxides	Type A	Type B	Types C&D	Types E&F	Type G		

16	Corrosives to metals	Category 1						
<b>II Health hazard</b>								
17	Acute toxicity	Category 1	Category 2	Category 3	Category 4	Category 5		
18	Skin corrosion/irritation	Category 1A	Category 1B	Category 1C	Category 2	Category 3		
19	Serious eye damage/eye irritation	Category 1	Category 2/2A	Category 2B				
20	Respiratory sensitization	Category 1						
21	Skin sensitization	Category 1						
22	Germ cell mutagenicity	Category 1A	Category 1B	Category 2				
23	Carcinogenicity	Category 1A	Category 1B	Category 2				
24a	Reproductive toxicity	Category 1A	Category 1B	Category 2				
24b	Effects on or via lactation							
25	Specific target organ toxicity single exposure	Category 1	Category 2	Category 3				
26	Specific target organ toxicity repeated exposure	Category 1	Category 2					
27	Aspiration toxicity	Category 1	Category 2					
<b>III Environmental hazard</b>								
28a	Acute aquatic toxicity	Category 1	Category 2	Category 3				
28b	Chronic aquatic toxicity	Category 1	Category 2	Category 3	Category 4			

#### Article 24. Safety data sheets

1. Hazardous chemicals and mixtures containing one or some hazardous substances with content higher or equal to the following level shall be provided with safety data sheets:

No.	Classification of chemicals	Content
1	Acute toxicity	≥ 1.0%
2	Skin corrosion/irritation	≥ 1.0%

3	Serious eye damage/eye irritation	≥ 1.0%
4	Skin/respiratory sensitization	≥ 0.1%
5	Germ cell mutagenicity (Category 1)	≥ 0.1%
6	Germ cell mutagenicity (Category 2)	≥ 1.0%
7	Carcinogenicity	≥ 0.1%
8	Reproductive toxicity	≥ 0.1%
9	Specific target organ toxicity single exposure	≥ 1.0%
10	Specific target organ toxicity repeated exposure	≥ 1.0%
11	Aspiration toxicity (Category 1)	≥ 1.0%
12	Aspiration toxicity (Category 2)	≥ 1.0%
13	Aquatic toxicity	≥ 1.0%

2. Hazardous chemical producers and traders shall provide safety data sheets for entities engaging in chemical-related activities.

3. Safety data sheets shall be made in Vietnamese. The Ministry of Industry and Trade shall take charge and cooperate with relevant ministries and authorities in preparing safety data sheets.

## Chapter V

### DECLARATION OF CHEMICALS

#### Article 25. Declared chemicals

1. The list of declared chemicals is provided in Appendix V attached hereto.
2. Declared chemicals include substances on the list of those to be declared and mixtures containing substances on the list of declared chemicals classified according to Article 23 stated herein as hazardous chemicals unless otherwise exempted under the provision of Article 28 stated herein.

#### Article 26. Declaration of produced chemicals

Chemical producers shall declare chemicals produced every year through the annual reports prescribed in Article 36 herein.

#### Article 27. Declaration of imported chemicals

1. Chemical importers (declarants) shall declare imported chemicals before customs clearance through the national single-window website.
2. Creating of accounts to get access to the national single-window website
  - a) The declarant shall create a log-in account according to the specimen provided on the national single-window website, including information and attached files;
  - b) A declaration-receiving authority may request the declarant to submit the documents and documentation specified in Point a this Clause in hard copy to clarify or confirm information of the declarant if necessary.
3. Information about the declaration of imported chemicals



- a) Information declared according to the specimen provided in Appendix VI herein on the national single-window website including information about the declarant and imported chemicals;
- b) Sale and purchase invoices of chemicals;
- c) Safety data sheets in Vietnamese;
- d) For non-commercial goods without chemical purchase or sale invoices, the declarant may use port return papers instead of commercial invoices.

#### 4. Validity of electronic documentation

- a) The declarant shall declare information through the national single-window website. Information will be automatically transferred to the system of the Ministry of Industry and Trade and then will automatically respond feedback through the national single-window website to the declarant and the customs. The feedback will become the proof of completion of chemical declaration, as a basis for relevant entities carrying out customs clearance procedures;
- b) The information on declaration feedback of imported chemicals through the national single-window website shall be made according to the specimen provided in Appendix VI attached hereto with legal validity for carrying out customs clearance procedures.

#### 5. Arising system errors

If system errors arise and the declarant fails to make declaration through the national single-window website, while pending the settlement of errors, the declarant may declare imported chemicals through the standby system regulated by the declaration-receiving authority.

#### 6. Responsibilities of declarants

The declarant shall take responsibility for accuracy of declared information according to the specimen available on the national single-window website and documents, documentation and electronic data in the set of document on declaration of chemicals through the national single-window website. If the declared information is incorrect, the declarant shall be sanctioned according to applicable regulations. The declarant shall retain the set of documents on declaration of chemicals to present it to competent authorities if required and the duration of retention shall be at least 5 years.

7. The Ministry of Industry and Trade shall take charge and cooperate with the Ministry of Finance in developing the declaration-receiving management system; take charge and cooperate with relevant ministries and authorities in carrying out inspections of entities declaring chemicals.

8. Chemical import data of the declarant shall be shared by the Ministry of Industry and Trade with local authorities through the chemical database.

### **Article 28. Cases where declaration of chemicals is exempted**

1. Chemicals produced or imported for the purposes of national security and response to natural disasters and epidemics.
2. Chemicals that are precursor chemicals of narcotics, precursor chemicals of explosives, industrial explosives and chemicals on the chemical table licensed to produce or import.
3. The amount of chemicals is under 10 kg/shipment. Exemption mentioned in this Point shall not apply to restricted industrial chemicals.
4. Chemicals that are raw materials for medicine production issued with certificates of registration for sale of medicines in Vietnam, raw materials for the medicine production that are pharmaceutical substances for production under medicine registration applications which have been granted certificates of registration for sale of medicines in Vietnam.
5. Chemicals that are raw materials for pesticide production with certificates of pesticide registration in Vietnam.

### **Article 29. Confidential information**

1. Confidential information of declarants and reporters mentioned in Clause 2 Article 50 of the Law on Chemicals shall include:

- a) Names and quantity of produced/imported/traded chemicals;
- b) Information related to technological know-how and trade secrets.

2. Important information for the protection of public health and the environment shall not be considered as confidential information, including:

- a) Trade names of chemicals;
- b) Names of chemical producers or importers; reporters of chemical-related activities according to Article 43 and Article 52 of the Law on Chemicals;
- c) Information stated in safety data sheets, except for confidential information mentioned in Clause 1 this Article;
- d) Information serving the prevention of and response to chemical emergencies; prevent and limit adverse effects of chemical toxicity; warnings on use, exposure to chemicals and precautions in the event of a chemical emergency;
- dd) Analytical methods to determine the probability of exposure to humans and the environment; brief testing results of chemical toxicity;
- e) The purity of mixtures and hazards of additives and impurities.

#### **Article 30. Development of the list of national chemicals and national chemical database**

1. The list of national chemicals and national chemical database are used for the management of chemical safety and provide information for responding systems and hazardous chemicals in case of an emergency.

2. The Ministry of Industry and Trade shall take charge and cooperate with ministries and local authorities in developing and submitting projects on national chemical database and the list of national chemicals to the Prime Minister.

### **Chapter VI**

#### **TRAINING COURSES IN CHEMICAL SAFETY**

#### **Article 31. Provision of training courses in chemical safety**

1. Entities having chemical-related activities shall provide training courses in chemical safety or appoint the individuals specified in Article 32 herein to participate in training courses organized by chemical safety training centers every 2 years.

2. Chemical safety training activities may be organized separately or in combination with other safety training activities regulated by law.

3. Trained persons must be retrained in if there is a change in the categories of chemicals, technologies, facilities and production plans related to their working positions; if they change their working positions; they fail to meet the training requirements after taking the 2<sup>nd</sup> examination; 2 years after the previous training course.

4. Regulations on chemical safety training in this Chapter do not apply to entities engaging in petrol and oil, petroleum or industrial explosives; entities transporting chemicals by road, rail and inland waterways.

#### **Article 32. Individuals provided with training courses in chemical safety**

1. Group 1:

a) Heads of factories/stores, divisions and branches; heads of production/trade/technical departments; managers of factories or equivalents;

b) Vice heads of factories/stores mentioned in Point a Clause 1 this Article responsible for chemical safety.

2. Group 2:

- a) Full-time or part-time officials responsible for chemical safety of factories/stores;
- b) Supervisors directly overseeing chemical safety.

3. Group 3: Employees directly involving in chemicals.

**Article 33. Programs, trainers and period of training courses in chemical safety**

1. Programs of training courses in chemical safety shall be in line with positions of trainees; nature, types and hazards of chemicals in factories/stores.

2. Group 1 training programs:

- a) Regulations of law on chemical-related activities;
- b) Hazardous elements in production, trade, storage and use of chemicals in factories/stores;
- c) Plans for cooperation with competent authorities in mobilizing internal and external resources of chemical factories/stores to take preventive and remedial measures for chemical emergencies.

3. Group 2 training programs:

- a) Regulations of law on chemical-related activities;
- b) Hazards of chemicals, safety data sheets of every hazardous chemical in production, trade, storage and use of chemicals of factories/stores; classification and labeling of chemicals;
- c) Process of chemical safety management, safety techniques when working and contacting with hazardous chemicals;
- d) Hazardous elements in production, trade, storage and use of chemicals in factories/stores;
- dd) Preventive measures and response to chemical emergencies; plans for cooperation with competent authorities in mobilizing internal and external resources of factories/stores to take preventive and remedial measures for such emergencies; preventive measures for limiting pollution causes spreading to the environment; remedial measures for the environment after chemical emergencies.

4. Group 3 training programs:

- a) Chemicals used for production, trade, storage and use of chemicals in factories/stores including names and hazards of chemicals, classification and labelling of chemicals and safety data sheets;
- b) Risks of chemical unsafety in production, trade, storage and use of chemicals;
- c) Processes of production, storage and use of chemicals suitable for working positions; regulations on chemical safety;
- d) Procedures for responding to chemical emergencies: Use of rescue means to handle emergencies related to fire or spread of chemicals; first aid for victims in chemical emergencies; use, preservation and inspection of safety equipment, means and equipment for personal protection in order to cope with chemical emergencies; process and communication diagram of emergency notification; preventing and limiting sources of pollution spreading to the environment; collecting chemical spills and taking remedial measures for the environment after chemical emergencies.

5. Trainers of chemical safety:

Trainers of chemical safety shall obtain a bachelor's degree or higher degree in chemicals and have at least 5 years of working in the field of chemical safety.

6. Period of training in chemical safety:

- a) Group 1: At least 8 hours including time for examinations;
- b) Group 2: At least 12 hours including time for examinations;
- c) Group 3: At least 16 hours including time for examinations.

#### **Article 34. Assessment of results and retention of documents on training in chemical safety**

1. Entities having chemical-related activities or chemical safety training centers shall set examinations on to assess results of training in chemical safety.
2. Regulations on examinations
  - a) Examination contents shall be suitable for training programs;
  - b) The maximum time for an examination is 2 hours;
  - c) Pass examination shall reach at least average scores.
3. Within 15 working days from the day on which the training courses and examinations on chemical safety complete, entities providing training courses and setting examinations shall issue decisions on accreditation of chemical safety examination results.
4. Documents on training in chemical safety include:
  - a) Training programs;
  - b) The list of trainees including full name, date of birth, title, position and signature of each trainee;
  - c) Information about trainers including full name, date of birth, educational level, major, working experience and proving documents of each trainer;
  - d) Contents and results of examinations on chemical safety;
  - dd) Decisions on accreditation of chemical safety examination results;
5. Organizations and individuals shall retain all the documents stated in Clause 4 this Article for 3 years and present them to state authorities if required.

#### **Article 35. Inspection of training courses in chemical safety**

1. Departments of Industry and Trade of provinces shall carry out periodic inspections of the compliance with regulations on training courses in chemical safety provided by relevant entities once a year.
2. The Ministry of Industry and Trade and Departments of Industry and Trade of provinces may prepare inspection plans and carry out ad hoc inspections of the compliance with regulations on training courses in chemical safety provided by relevant entities if necessary.

### **Chapter VII**

#### **IMPLEMENTATION AND FINAL PROVISIONS**

#### **Article 36. Reporting**

1. Reporting made by entities having chemical-related activities
  - a) Before January 15 every year, entities having chemical-related activities shall make general reports on chemical-related activities in the previous year and send them to relevant ministries and authorities of the province where chemical-related activities are carried out;
  - b) Entities having chemical-related activities shall make ad hoc reports on chemical emergencies or termination of chemical-related activities (if any) and when required by a competent authority.
2. A general report on annual chemical-related activities made by an entity shall specify:
  - a) General information about the entity;
  - b) Declaration of produced chemicals including the list of chemicals that must be declared for each factory;
  - c) Production or trade in conditional chemicals; restricted chemicals; compulsorily declared chemicals and other chemicals;
  - d) Provision of training courses in chemical safety;

dd) Plans and measures for prevention of and response to chemical emergencies and chemical safety and results thereof;

e) Relevant ministries shall provide detailed guidance on the specimen of the report specified in this Clause.

### 3. Reporting made by state authorities

a) Before January 20 every year, relevant authorities of provinces shall report the chemical management and collect chemical-related activities carried out by entities in provinces to relevant ministries;

b) Relevant ministries shall report the chemical management and collect chemical-related activities under their management to the Ministry of Industry and Trade if required;

c) The Ministry of Industry and Trade shall act as the focal point to collect and report chemical-related activities to the Government if required.

## **Article 37. State management of chemical-related activities**

1. The Ministry of Industry and Trade shall take responsible to the Government for state management of chemical-related activities

The Ministry of Industry and Trade shall take charge and cooperate with relevant ministries and authorities in the following contents of state management:

a) Developing and submitting the project on national database on chemicals and the list of national chemicals to the Prime Minister;

b) Developing laboratory systems to assess new chemicals in Vietnam;

c) Considering submitting the Government to amend the list of chemicals specified herein upon requests of management in each period of time;

d) Taking charge of developing and managing information technology and online public service systems used for the chemical management under its management;

dd) Carrying out inspections, settling complaints and taking actions against violations of chemical-related activities within its competence;

e) Performing assigned tasks stated in the Law on Chemicals, this Decree and other tasks related to the chemical management assigned by the Government.

2. The Ministry of Finance shall cooperate with the Ministry of Industry and Trade in connecting the national website with information technology and online public service systems used for the chemical management of the Ministry of Industry and Trade.

3. Relevant ministries shall carry out state management of chemicals under their management specified in the Law on Chemicals, this Decree and other tasks related to chemical activities assigned by the Government; conduct inspections, settle complaints and take actions against violations of chemical-related activities under their management.

### 4. Responsibilities of People's Committees

a) Perform assigned tasks stated in the Law on Chemicals and other tasks related to the chemical management;

b) Manage chemical-related activities, conduct inspections, settle complaints and take actions against violations of chemical-related activities in their provinces;

c) Disseminate and provide guidance on the compliance with regulations of law on chemical management.

## **Article 38. Effect**

1. This Decree comes into force from November 25, 2017 and replaces the Decree No. [108/2008/ND-CP](#) dated October 07, 2008 specifying and providing guidelines for implementation of certain articles of

the Law on Chemicals and the Decree No. 26/2011/ND-CP dated April 08, 2011 on amendments to certain articles of the Decree No. 108/2008/ND-CP by the Government.

2. Article 8 of the Government's Decree No. 77/2016/ND-CP dated July 01, 2016 on amendments to certain regulations on investment and trading conditions in international trade in goods, chemicals, industrial explosives, fertilizers, gas and food under the state management of the Ministry of Industry and Trade shall be annulled.

#### **Article 39. Transitional clauses**

1. The producer or trader having the license for restricted industrial chemical production/trade, the certificate of eligibility for conditional industrial chemical production/trade granted by competent authorities before the effective date of this Decree shall continue to operate until such license/certificate expires.

2. The project stated in Clause 2 Article 20 herein that has come into operation before the effective date of this Decree without any plans for prevention of and response to chemical emergencies approved by a competent authority shall develop such plans to the competent authority for inspection and approval for 2 years from the effective date of this Decree.

3. For the project stated in Clause 1 Article 21 herein that has come into operation before the effective date of this Decree without any measures for prevention of and response to chemical emergencies, the producer or trader shall develop and make a decision on such measures for 1 year from the effective date of this Decree.

#### **Article 40. Implementation**

Ministers, heads of ministerial authorities, heads of governmental authorities, Chairpersons of People's Committees of provinces, relevant authorities, organizations and individuals shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

#### **APPENDIX VI**

Form No. 01	Certificate of eligibility to produce and/or sell restricted industrial chemicals
Form No. 02	License to export/import industrial precursors
Form No. 03	License to produce and/or sell restricted industrial chemicals (A3 paper)
Form No. 04	Decision on approval for chemical emergency prevention and response plan
Form No. 05	Declaration of imported chemicals through National Single-window Information Portal
Form No. 06	Automatic response to declaration of imported chemicals submitted through National Single-window Information Portal

Form No. 01

THE PEOPLE'S COMMITTEE OF  
 ...<sup>(1)</sup>  
 DEPARTMENT OF INDUSTRY  
 AND TRADE  
 -----

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**  
 -----

No. /GCN-...<sup>(2)</sup>

.....<sup>(1)</sup>, .....

**CERTIFICATE OF ELIGIBILITY TO PRODUCE AND/OR SELL RESTRICTED INDUSTRIAL  
 CHEMICALS**

**DIRECTOR OF DEPARTMENT OF INDUSTRY AND TRADE OF .....<sup>(1)</sup>**

Pursuant to the Law on Chemicals dated November 21, 2007;

Pursuant Government's Decree No. ... dated ... elaboration of the Law on Chemicals;

Pursuant to .....<sup>(3)</sup>;

In consideration of the application for the certificate of eligibility to produce and/or sell restricted industrial chemicals submitted by .....<sup>(4)</sup>,

At the request of .....<sup>(5)</sup>,

**DECIDES:**

**Article 1.** .....<sup>(4)</sup> is hereby granted the certificate of eligibility to produce and/or sell restricted industrial chemicals.

1. Headquarters address: .....
2. Tel: ..... Fax: .....
3. Factory/outlet address: .....
4. Certificate of enterprise/cooperative/household business registration No. ... issued by ...<sup>(6)</sup>..... on ...

The holder of this Certificate is entitled to produce and/or sell industrial chemicals:

No.	Commercial name	Chemical information			Production/sales (tonnes/year)
		Chemical name	CAS	Chemical formula	

**Article 2.** .....<sup>(4)</sup> shall comply with the Law on Chemicals and the Government's Decree No. ... on elaboration thereof and relevant regulations of law.

**Article 3.** This Certificate takes effect from the day on which it is signed./.

**DIRECTOR**  
*(Signature and seal)*

**Notes:**

- (1) Name of the province/city
- (2) Abbreviated name of the issuing authority.(3) Documents specifying functions, tasks, and entitlements of the issuing authority and relevant documents
- (4) Name of the applicant
- (5) Name of the head of the receiving authority
- (6) Name of the issuing authority of the certificate of business registration/certificate of enterprise registration/certificate of investment registration.
- (7) Name of the Departments of Industry and Trade of the province in which the applicant's headquarters are located.

Form No. 02

MINISTRY OF INDUSTRY AND  
TRADE  
ISSUING AUTHORITY<sup>(1)</sup>  
-----

SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness  
-----

No. /GP-...<sup>(2)</sup>

....., .....

**LICENSE TO EXPORT/IMPORT INDUSTRIAL PRECURSORS**  
**HEAD OF THE ISSUING AUTHORITY**

Pursuant to the Government's Decree No. 58/2003/NĐ-CP dated May 29, 2003 on control of import, export and transit of narcotic substances, precursors, narcotic drugs and psychotropic drugs;

Pursuant Government's Decree No. ... dated ... elaboration of the Law on Chemicals;

Pursuant to .....<sup>(3)</sup>;

In consideration of the application for the License to export/import industrial precursors dated ... submitted by .....<sup>(4)</sup>;

At the request of .....<sup>(5)</sup>,

**DECIDES:**

**Article 1.** ...<sup>(4)</sup>; address: ... ; tel . . . fax . . . ; certificate of enterprise/cooperative/household business registration No. ... issued by ...<sup>(6)</sup> on ... is entitled to:

1. (Export/import) .....<sup>(7)</sup> under the contract/agreement/memorandum/invoice No. ... dated ... with ... at the request of...<sup>(4)</sup> (Make a table if there are more than one chemical).
2. Purpose (export/import): .....
3. Checkpoint of export/import: .....
4. Vehicle and conditions: .....
5. Number of shipments: .....

**Article 2.** ...<sup>(4)</sup> shall comply with the Government's Decree No. .../.../ND-CP dated ...on elaboration of the Law on Chemicals and relevant regulations of law.

**Article 3.** This License is valid until the end of ... .




**HEAD OF LICENSING AUTHORITY**  
(Signature and seal)

**Notes:**

- (1) Name of the licensing authority
- (2) Abbreviated name of the licensing authority
- (3) Documents specifying functions, tasks, and entitlements of the licensing authority and relevant documents
- (4) Name of the applicant
- (5) Name of the head of the receiving authority
- (6) Name of the issuing authority of the certificate of business registration/certificate of enterprise registration/certificate of investment registration
- (7) Name, quantity, composition of the precursor

\*Send 01 copy that bears the text “Bản gửi doanh nghiệp để xuất trình cơ quan hải quan” to the license holder.

Form No. 03

<p style="text-align: center;"><b>TERMS OF USE</b></p> <ol style="list-style-type: none"><li>1. This License shall be retained at the headquarters and produce upon request of a competent authority.</li><li>2. Alteration to this License is not permitted.</li><li>3. Transfer, lease or lending of this License is not permitted.</li><li>4. Inform the Ministry of Industry and Trade of any change to the License holder’s information (business registration, TIN, business location, scale, etc.).</li><li>5. The Ministry of Industry and Trade must be informed of the License holder’s termination of production of restricted industrial chemicals or loss of this License.</li><li>6. Only sell the chemicals to eligible buyers.</li><li>7. This License must be returned to the licensing authority upon its expiration.</li></ol>	<p><b>SOCIALIST REPUBLIC OF VIETNAM</b> <b>Independence - Freedom - Happiness</b> -----</p>  <p><b>MINISTRY OF INDUSTRY AND TRADE</b></p> <p><b>LICENSE TO ..... (1) RESTRICTED INDUSTRIAL CHEMICALS</b></p> <p>No.     /GP-BCT</p> <p>Date:</p>
---	--

MINISTRY OF  
INDUSTRY AND  
TRADE

-----

No. .... /GP-  
BCT

**SOCIALIST  
REPUBLIC OF  
VIETNAM**  
Independence - Freedom  
- Happiness  
-----

Hanoi, ...

**LICENSE TO .....<sup>(1)</sup> RESTRICTED  
INDUSTRIAL CHEMICALS**  
**MINISTER OF INDUSTRY AND TRADE**

Pursuant to the Law on Chemicals dated  
November 21, 2007;

Pursuant Government's Decree No. ... dated  
... elaboration of the Law on Chemicals;

Pursuant to .....<sup>(3)</sup>;

In consideration of the application for the License  
to .....<sup>(1)</sup> restricted industrial chemicals  
submitted by .....<sup>(4)</sup>;

At the request of  
.....<sup>(5)</sup>

**DECIDES:**

**Article**

**1.** .....<sup>(4)</sup>;

1. Headquarters address:  
.....;

2. Tel:..... Fax: .....

3. Factory/warehouse address: .....

4. Certificate of enterprise/cooperative/household  
business registration No. ... issued by  
...<sup>(6)</sup> ..... on ...

5. Enterprise/Taxpayer ID number:  
.....

is permitted to ....<sup>(1)</sup> the following restricted industrial  
chemicals

No.	Commercial name	Type of chemical			Scale
		Chemical name	CAS	Chemical formula	
1		---	---	---	---
2		---	---	---	---
n		---	---	---	---

**Article 2.**<sup>(4)</sup> ..... shall comply with the  
following documents:

- The Law on Chemicals,
- Pursuant Government's Decree No. ... dated  
... elaboration of the Law on Chemicals;
- Relevant regulations of law.

Any change to the license holder's organizational  
structure , production, warehousing and transport  
capacity must be reported to .....<sup>(7)</sup>

**Article 3.** This License takes effect from the day on  
which it is signed./.

**MINISTER**  
(Signature and seal)

**Notes:**

- (1): Specify "manufacture", "sell" or "manufacture and/or sell"
- (2): Name of the province of the licensing authority;
- (3): Documents specifying functions, tasks, and entitlements of the licensing authority and relevant documents;
- (4): Name of the applicant;

- (5): Head of the receiving and processing authority;
- (6): Name of the issuing authority of the certificate of enterprise/investment registration;
- (7): Name of the receiving and processing authority;
- (8): Names of relevant organizations.

Form No. 04

**(APPROVING AUTHORITY)**

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**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

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No. ....

.....<sup>(1)</sup>, .....

**Decision on approval for chemical emergency prevention and response plan of**  
**.....<sup>(2)</sup> under the supervision of .....<sup>(3)</sup>**

**HEAD OF APPROVING AUTHORITY**

Pursuant to the Law on Chemicals dated November 21, 2007;

Pursuant to the Government's Decree No. ... dated ... defining functions, tasks, entitlements and organizational structure of ... ;

Pursuant Government's Decree No. ... dated ... elaboration of the Law on Chemicals;

Pursuant to .....<sup>(4)</sup>;

In consideration of the conclusion given by the council for approval of the chemical emergency prevention and response plan .....<sup>(2)</sup> under supervision of .....<sup>(3)</sup>;

In consideration the chemical emergency prevention and response plan of .....<sup>(2)</sup> under supervision of .....<sup>(3)</sup>, which has been revised according to recommendations of the approving council under document No. ... dated ... prepared by .....<sup>(3)</sup>;

At the request of .....<sup>(5)</sup>;

**DECIDES:**

**Article 1.** The chemical emergency prevention and response plan of .....<sup>(2)</sup> under supervision of .....<sup>(3)</sup> at .....<sup>(6)</sup> is hereby approved;

**Article 2** .....<sup>(3)</sup> shall adhere to the plan and fulfill the following requirements:

1. Comply with the Government's Decree No. .../.../ND-CP dated ... on elaboration of the Law on Chemicals and relevant regulations of law.

2. ....

n. ....

**Article 3.** The chemical emergency prevention and response plan and requirements in Article hereof are the basis for chemical safety inspection by competent authorities at the project location.

**Article 4.** Any change to the business operation that is relevant to the approved plan must be reported by .....<sup>(3)</sup> to .....<sup>(7)</sup>.

**Article 5** .....<sup>(8)</sup> shall inspect the implementation of the approved plan and fulfillment of the requirements in Article 2 hereof.



n											
<b>9. Invoice number:</b>						<b>Invoice date:</b>					
<b>10. Exporter:</b>						<b>Nationality:</b>					
<b>11. Attached file of invoice:</b>											
<b>12. Attached chemical safety file:</b>											
<b>13. Other information</b>											
- Representative's name						Position					
- Declarant's name						Tel:					

Form No. 06

**Automatic response to declaration of imported chemicals submitted through National Single-window Information Portal**

<b>1. Name:</b>				
<b>2. Enterprise/cooperative/household business ID number:</b>				
<b>3. System code:</b>				
<b>4. Address:</b>				
<b>5. Tel</b>		<b>Fax</b>		
<b>6. Checkpoint of import:</b>				
<b>7. Imported chemicals</b>				
No.	Commercial name	HS code	Quantity (kg/tonne/liter)	Origin
1				
2				
n				
<b>8. Invoice number:</b>		<b>Invoice date:</b>		
<b>9. Exporter:</b>		<b>Nationality:</b>		