

## **LAW ON CHEMICAL**

Pursuant to the 1992 Constitution of the Socialist Republic of Viet Nam as amended by the Resolution 51/2001/QH10;

The National Assembly hereby promulgates the Law on Chemical.

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1. Scope of Application**

The Law provides regulations on chemical handling, safety in chemical handling, right and obligations of organizations and individuals engaged in chemical handling, and state management of chemical handling.

#### **Article 2. Subjects of application**

The Law applies to all organizations and individuals handling chemicals; organizations and individuals engaged in activities related to chemicals within the territory of the Socialist Republic of Viet Nam.

#### **Article 3. Governing Law**

1. Chemical handlings must be in accordance with the provisions of this Law and other related regulations.

2. Activities related to radioactivity and radioactive wastes must be in accordance with the Law on radiation safety and atomic energy.

3. This Law is applied unless otherwise provided for by international conventions to which Viet Nam accedes.

#### **Article 4. Terminology Interpretation**

In this Law, terms shall be construed as follows:

1. *Chemicals* means substances, compounds or mixtures exploited or created by humans from natural or man-made materials.

2. *Substances* means chemical elements and their compounds, including impurities deriving from the production process and additives necessary to preserve the stability of the product but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

3. *Mixture* means a set or a composition of two or more substances in which they do not react in normal condition.

4. *Hazardous chemicals* are chemicals with one or more of the following hazardous properties according to the Globally Harmonized system of Classification and Labelling of Chemicals (GHS).

- a) Explosive;
- b) Highly oxydized;
- c) Highly corrosive;
- d) Flamable;
- dd) Acutely toxic;
- e) Chronically toxic;
- g) Causing irritation to humans;
- h) Causing cancer or danger of cancer (carcinogenicity);
- i) Causing genetic modification (Germ cell mutagenicity);
- j) Toxic to reproduction;
- k) Biological accumulation;
- l) Causing disintegration resistant organic pollution;
- m) Toxic to environment.

5. *Toxic chemicals* mean hazardous substances having at least one of the properties ranging from dd) to m) mentioned in clause 2 of this Article.

6. *New chemicals* mean substances which are not yet included in the national list and international lists recognized by the Government of Viet Nam.

7. *Chemical handling* means the investment, production, bottling, packaging, trading, export, import, transport, storage, preservation, use, research, experiment, discharge, treatment of chemicals and chemical wastes.

8. *Chemical accident* means situation of fire, explosion, dispersion or leak-out of chemicals, which are harmful to human health, property, and environment.

9. *Chemical serious accident* means accident causing serious harm to humans, property and environment, which may go beyond the control of chemical entities.

10. *New hazardous properties* means the hazardous property which was discovered but has not been written in Chemical label.

#### **Article 5. Principles of chemical handling**

1. Ensure safety for human, property, ecosystem and environment; and security and defence.

2. Strictly control chemical handlings, particularly new chemicals, hazardous chemicals, prohibited and restricted chemicals.

3. Provide information on chemical hazards and needed precautionary measures in a sufficient, precise and timely manner.

#### **Article 6. State policies on chemical handling**

1. Develop an advanced and sustainable chemical industry, efficient use of natural resources; attach special importance to developing basic chemicals, chemicals friendly to environment, chemicals with high economic value for socio-economic development.

2. The State invests in development of the chemical industry master plan, national chemical safety control system and chemical safety database;

3. The State encourages and creates favorable conditions for individuals and organizations to invest in the chemical industry; apply modern and environmentally friendly technologies; gradually reduce the use of hazardous chemicals, replace toxic and hazardous chemicals by less-dangerous

substitutes in production and use; encourage recycling, re-using and minimizing chemical wastes.

4. Individuals and organizations investing into chemical projects in investment incentive areas and sectors are eligible for investment, tax and land preferences as well as other preferences under legal regulations.

#### **Article 7. Prohibited activities**

1. Production, trading, transporting, storage, use, sending and giving hazardous chemicals violating regulations of this Law and other legal regulations.

2. Not providing necessary information, provide insufficient or untrue information, conceal information on chemical hazardous properties or products containing dangerous substances.

3. Use of chemicals that are not included in the List of Permitted Chemicals, chemicals failing to meet quality standards, chemicals with the content exceeding the permitted levels of use for processing and preservation of food, medicine, animal feed, veterinary medicine, fertilizers and consumer chemical products.

4. Use of toxic chemicals to hunt animals, and other activities causing harmful effects on human health and life, assets and environment.

## **CHAPTER II DEVELOPING THE CHEMICAL INDUSTRY**

#### **Article 8. Requirements for making a chemical industry master plan**

1. A chemical industry master plan must be in accordance with the national policies and principles on chemical handling, regulations of this Law and other legal regulations.

2. A chemical industry master plan must be developed on the basis of the national socio-economic development strategies and industrial development strategy. It is formulated for 10-year period with the orientation for the following 10-year period.

3. A chemical industry master plan must provide orientations for establishment of the centralized chemical industrial zones.

4. Locations of chemical industrial zones and chemical producing entities must be in accordance with chemical properties, chemical production and preservation technologies, natural and socio-economic conditions to meet chemical safety requirements.

### **Article 9. Responsibilities for developing a chemical industry master plan**

1. The Ministry of Industry and Trade leads and coordinates with local ministries and agencies to develop the national chemical industry master plan and submit to the Prime Minister for approval; then instruct and supervises the implementation of the master plan.

3. People's Committees of central-level provinces and cities (hereinafter the People's Committees), pursuant to the Prime Minister's approved master plan, formulate and approve the chemical industry development plan in accordance with their local industrial development master plan.

4. The State guarantees the budget for chemical industry planning in accordance with respective decentralized levels and the State Budget Law.

### **Article 10. Requirements for Chemical Production and/or Trading projects**

1. Chemical production and/or trading projects must be accordance with regulations of this Law, Law on Investment, Law on Environmental Protection and other related regulations.

2. Chemical production and/or trading projects must apply technologies meeting environmental standards and minimizing hazardous chemical usage and chemical waste.

3. Project investors must develop the accident prevention and mitigation measures and plan as provided for in Chapter VI of this Law.

4. Project investors have responsibility to coordinate with the local administrators to organize the consultation with local community to implement environmental protection measures according to the Law and regulations on environmental protection.

### CHAPTER III CHEMICAL PRODUCTION AND TRADING

#### **Article 11. Responsibility of ensuring safety in chemical production and trading**

1. Organizations and individuals engaged in chemical production and trading must implement regulations on chemical management and safety in accordance with the provisions of this Law and other relevant regulations to ensure safety for laborers, community health and environment in their activities.

2. Chemical production and trading entities must frequently inspect, maintain and operate the safety and waste treatment systems.

3. The State authorities within their respective scope of duties and powers frequently provide guideline for inspection and supervision of ensuring safety in chemical production and trading.

#### **Article 12. Physical and technical facilities and safety requirements in chemical production and trading**

1. Organizations and individuals engaged in chemical production and trading must ensure maintaining physical facilities and conditions in accordance with their operation scale and chemical properties, including:

- a) Facilities, workshops, warehouses, equipment and technology;
- b) Safety, fire-fighting and lightning equipment; chemical leak-out and dispersion prevention equipment; and other chemical accident prevention equipment;
- c) Labor safety equipment and environment protection equipment;
- d) Transport means;
- e) Chemical safety regulations; hazard warning symbols in accordance with chemical hazardous level respectively in the locations where hazardous chemicals produced and/or traded.

3. The line or sectoral Ministry shall provide technical specifications and regulations on facilities and conditions that meet safety requirements in chemical handling.

**Article 13. Professional requirements for chemical production and trading**

1. Entities producing and trading chemicals must have capable staff responsible for chemical safety who are qualified for the tasks and corresponded with scale and type of chemical production and trading as well as have a thorough grasp of technologies and measures to ensure safety.

2. Workers directly engaging in production and trading of chemicals must be qualified for the given tasks.

3. Director directly managing entities engaged in production and trading hazardous chemicals must be graduated or obtain higher education in chemistry or chemical.

**Article 14. Production and trading of chemicals specified in the list of conditional chemicals.**

1. Chemicals specified in the list of chemicals subject to conditional production and trading (hereinafter 'conditional chemicals') are dangerous chemicals which are under requirements of specially control on safety techniques in production and trading;

2. Requirements for production and trading of conditional chemicals:

a) Observing regulations stipulated in Article 11, 12 and 13 of this Law;

b) Having physical facilities and technical manpower meeting technical specification requirements for entities producing and trading conditional chemicals.

c) Having the certificate of meeting sufficient conditions to produce and trade chemicals in the list of conditional chemicals.

3. The Ministry of Industry and Trade and relevant ministries and agencies coordinate to develop regulations on conditions of production and trading of conditional chemicals, form the list of conditional chemicals and submit to the Government for approval.

4. The line or sectoral Ministry within its line duties and powers are entitled to establish technical specifications; process and procedures for issuing the certificate of meeting sufficient conditions to produce and trade chemicals in the list of conditional chemicals.

**Article 15. Production and trading of chemicals specified in the list of restricted chemicals.**

1. Chemicals specified in the list of chemicals subject to restricted production and trading (hereinafter 'restricted chemicals') are dangerous chemicals which are under specially control on safety techniques; entities' scale; type, size and period of business in order to ensure safety for security and defence, human health, property and environment;

2. Requirements for production and trading of restricted chemicals:

a) Observing regulations stipulated in paragraphs a and b of clause 2 of Article 14 of this Law;

b) Having the licence to produce and trade of restricted chemicals (hereinafter 'licence').

3. The Ministry of Industry and Trade and relevant ministries and agencies coordinate to develop regulations on conditions of production and trading of restricted chemicals, form the list of restricted chemicals and submit to the Government for approval.

4. The line or sectoral Ministry is entitled to process and procedures for issuing the licence to produce and trade chemicals specified in the list of restricted chemicals within their line duties and powers.

**Article 16. Licensing process and procedures for issuing the Certificate and Licence**

1. Organizations and individuals asking for certificate or licence to trade conditional or restricted chemicals must set up a dossier and send to the competent authorities.

2. Dossier for certificate / licence issuance comprises:

a) Application form for certificate / licence issuance;

b) Copy of business registration certificate or permit;

c) Other evidences to meet the requirements as provided for in paragraphs a and b of clause 2 of Article 14 or paragraph a of clause 2 of Article 15 of this Law.

3. Within twenty (20) working days from the date of receiving the legitimate dossier as provided for in clause 2 of this Article, the competent

state authorities shall be responsible for issuing the certificate / licence to the organizations or individuals engaged in trading conditional / restricted chemicals. In case of refusal of certificate / licence issuance, the competent authorities must answer in written text and clearly specify the reasons for refusal.

4. Organizations and individuals asking for certificate / licence to trade conditional / restricted chemicals must pay licence fee as provided for by laws.

#### **Article 17. Contents of a certificate or licence**

1. Certificate / licence to trade conditional / restricted chemicals is composed of the following contents:

- a) Name and address of the organization or individual engaged in trading chemicals;
- b) Location of chemical trading;
- c) Type and scale of business, type of chemicals;
- d) Obligations of the certificated / licensed organization or individual;
- e) Effective term (time-limit) of the licence.

2. Term of the licence to trade restricted chemicals is provided for by the line Ministry in accordance with scale and type of business, and specification of chemicals.

#### **Article 18. Extension, amendment and withdrawal of certificate or license**

1. Licensed organizations or individuals that wish to upgrade and expand its chemical facilities to the extent beyond the certificate / license scope must follow the procedure for amendment of the certificate / license in accordance with the new scope. The procedures for certificate / license amendment are the same as the ones for granting certificate / license for upgrading and extension of scope and extent.

3. Chemical entity shall be withdrawn its certificate / license in the following cases:

- a) Making a fake dossier.

b) No longer fully satisfy conditions for certificate / licence issuance.

c) Violating the regulation prescribed in the license without taking successful remedies within the timeframe required by the competent authority.

d) Leasing and borrowing of license; amending license arbitrarily or on their own initiative;

dd) Seriously violates the regulations provided for by this Law.

e) The chemical entity is dissolved or bankrupted.

4. Organizations and individuals asking for extension or amendment of certificate / license for conditional / restricted chemicals must pay fees as provided for by laws.

#### **Article 19. Production and trading of chemicals specified in the list of prohibited chemicals.**

1. Prohibited chemicals are chemicals specified in the list of prohibited chemicals issued by the Government.

2. Organizations and individuals are prohibited from producing, trading, transporting, storing and using chemicals specified in the list of prohibited chemicals, except the cases stipulated in clause 3 of this Article.

3. Organizations and individuals shall be permitted by the Prime Minister to produce and/or import chemicals specified in the list of prohibited chemicals for the sole purpose of scientific research and protection of social order and security, and epidemic and disease prevention and fighting.

4. Organizations and individuals permitted to produce, import and use prohibited chemicals must strictly manage the quantity to avoid loss and leak-out and periodically make their report as stipulated by Article 52 of this Law.

5. The Ministry of Industry and Trade leads and coordinates with relevant Ministries and agencies to develop a list of prohibited chemicals to submit to the Prime Minister for approval.

#### **Article 20. Transport of hazardous chemicals**

1. Organisations and individuals which transport chemicals must observe regulations on road, rail, domestic waterway, air and sea transport of dangerous goods and current relevant regulations.

2. The owners and transporters of hazardous chemicals in case of accidents occurred during transport must immediately implement needed measures to limit the consequences and respond to serious accident as well as promptly report to the People's Committee and the closest relevant agencies.

**Article 21. Storage and maintenance of hazardous chemical in production and trading**

Organizations and individuals storing and maintaining hazardous chemicals must observe the following provisions:

1. Meeting requirements for safety distance and safety techniques in chemical storage and maintenance;

2. In the locations where hazardous chemicals stored and/or maintained setting up signal systems as provided for in paragraph e clause 1 Article 12 of this Law.

3. Using technical facilities and equipment as well as those for tackling accidents in accordance with chemical properties respectively;

4. Developing and implementing the accident prevention and mitigation plan in accordance with the provisions as provided for in Chapter VI of this Law;

4. Participants in hazardous chemical storage must have full civil capacity and be trained appropriately;

**Article 22. Safety distance for entities producing and trading hazardous chemical**

1. Location of production and storage of hazardous chemicals included in the List stipulated in clause 1 of Article 28 of this Law must ensure a safety distance to residential areas, public places, historical and social monuments, famous landscapes, biological diversified conservation zones and water supplies.

2. Organizations and individuals are not permitted to build houses and offices that violate the safety distance as regulated by the competent state authorities.

3. The Government provides regulations on safety distance.

### **Article 23. Toxic chemical control**

1. Purchase and sale of toxic chemicals must have the control form verified by both buyer and seller as the basis for controlling toxic chemicals delivered on the market.

2. The form includes the following information: name of chemicals; quantity of chemicals; purpose of use; name and signatures of buyer and seller, address; ID number of representatives of the buyer and seller; delivery and selling date.

3. The form must be saved at least 5 years by the seller and submitted to the competent authority upon request.

4. The Ministry of Industry and Trade provides regulations on this toxic chemical control form.

### **Article 24. Export, import, temporary import, re-export and transit transport of chemicals**

Temporary import, re-export and transit must observe regulations of this Law, the current relevant regulations and international conventions of which Viet Nam is a member.

### **Article 25. Treatment and disposal of chemical residua and wastes and chemical containing packagings**

1. Organizations and individuals engaged in producing and trading hazardous and toxic chemicals must conduct the treatment and disposal of chemical residues and wastes and chemical containing packagings in accordance with the law and regulations on environmental protection.

2. The Ministry of Natural Resources and Environment leads and coordinates with other Ministries and agencies to provide regulations on treatment and disposal of chemical residues and wastes and chemical containing packagings in accordance with the law and regulations on environmental protection.

### **Article 26. Chemical Advertisement**

1. Chemical Advertisement must observe the law and regulations on advertisement.

2. Advertisement of products and goods containing hazardous and toxic chemicals and mixtures must be accompanied by warnings against their

hazardous properties and prevention guidelines against their damaging effects.

## CHAPTER IV CLASSIFICATION, LABELING, PACKAGING AND SAFETY DATA SHEETS

### **Article 27. Packaging and labeling of chemicals**

1. Organizations and individuals producing or importing chemicals must classify and label chemical prior to using and delivering them on the market.

2. Classification shall be made according to the regulations and technical guideline of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS).

3. Labeling shall be made according to the law and regulations on labeling of goods.

4. Hazardous chemicals shall be labeled according to the law and regulations on labeling of goods and the GHS guideline on classification and labeling of hazardous chemicals.

5. The Ministry of Industry and Trade provides regulations on and manages the chemical classification and labeling according to the GHS guideline on classification and labeling of hazardous chemicals, and defines a roadmap for application of regulations on classification and labeling of substances and mixtures.

### **Article 28. Packaging of chemicals**

1. Packaging of chemicals delivered on the market must be guaranteed by the following requirements:

a) Meeting the requirements for chemical classification and labeling as stipulated in Article 27 of this Law;

b) Solid to prevent any leak-out or dispersion during transportation, maintenance and storage;

c) Being indestructible by contained chemicals;

d) Observing technical specifications stipulated by the competent authorities or equivalent foreign regulations recognized by the competent authorities.

2. The line or sectoral ministry shall provide regulations on specifications, materials and requirements for packaging test and inspection of each type of chemical.

### **Article 29. Safety Data Sheets**

1. Hazardous chemicals include hazardous substances and mixtures of which hazard contents are higher than the level required. Hazardous chemicals must be attached to the Safety Data Sheets.

2. Organizations and individuals producing or importing hazardous chemicals must set up chemical Safety Data Sheets prior to using and delivering them on the market.

3. Information of chemical Safety Data Sheets:

a) Chemical identification;

b) Identification of hazardous properties;

c) Components and chemical formula;

d) Chemical - physical properties;

dd) Stability and reactivity;

e) Information on toxicity;

g) Information on ecology;

h) First aid measures;

i) Fire-fighting measures;

k) Risks and accident prevention and mitigation measures;

l) Storage measures;

m) Human health effects and requirement for individual protective equipment;

- n) Discharge requirements;
- o) Transport requirements;
- p) Technical specifications and legal regulations;
- q) Other information.

4. The Government provides regulations on hazard content in mixture which subjected to requirement of Safety Data Sheets stated in clause 1 of this Article.

## CHAPTER V CHEMICAL USE

### **Article 30. Rights and obligations of organizations and individuals using chemicals to product other goods**

1. Organizations and individuals using chemicals to produce other goods must be entitled to ask entities supplying chemicals for providing sufficient and precise information on chemical properties, classification and labeling, and Safety Data Sheet for hazardous chemicals.

2. Organizations and individuals using chemicals to produce other goods have the following obligations:

- a) To observe regulations on chemical management and safety.
- b) To delegate staff in charge of chemical safety at the entity; meet physical and technical requirements and professional capacity requirements for chemical safety suitable with chemical volume and properties;
- c) To periodically train laborers on chemical safety;
- d) To provide information and chemical safety guideline for laborers and direct managers in a sufficient, precise, and timely manner;
- dd) To develop the accident prevention and mitigation measures and plan as provided for in Chapter VI of this Law;
- e) To update and store information on chemical used as stipulated in Article 53 of this Law;

g) When finding new chemical hazards, must immediately inform the chemical suppliers and report to the chemical management authority.

h) To meet all the requirements for inspection and supervision undertaken by the competent state authorities regarding the implementation of chemical safety regulations.

**Article 31. Rights and obligations of organizations and individuals using hazardous chemicals to product other goods**

1. In addition to observing regulations stipulated in Article 30 of this Law, organizations and individuals using hazardous chemicals to produce other goods must be entitled to the following regulations:

a) To ensure safety conditions for human and environment during usage and maintenance of hazardous chemicals;

b) To observe technical specifications on contents and quality standards of hazardous chemicals in production of other goods;

c) To not allow using toxic chemical with properties stipulated in paragraph h, i, k or l clause 4 Article 4 of this Law in foodstuff, domestic, food additive and preservation substances.

d) In the locations where hazardous chemicals used and/or stored, to set up signal systems in accordance with hazard levels. In case of chemicals having different hazard properties, the hazard symbols must represent all the properties.

dd) To provide information and chemical safety guideline in a sufficient, precise, and timely manner for laborers who directly use, maintain and transport hazardous chemicals and product managers;

e) To observe regulations on treatment and disposal of hazardous chemicals, including packaging, tanks and barrels of such chemicals.

2. The line or sectoral Ministry shall provide the List of chemicals prohibited from using in production of other goods within their line administration as well as manage activities related to such chemicals as provided for by this Law and other related regulations.

**Article 32. Rights and obligations of organizations and individuals using hazardous chemicals for consumers.**

1. Organizations and individuals using chemicals for consumer have the right to ask for sufficient information on chemical hazards and safety requirements, be compensated by the producers for their losses caused by suppliers' inaccurate or misguided information during chemical use.

2. Organizations and individuals using chemicals for consumers are obliged to observe technical guideline enclosed with the chemicals or written in the chemical labels; ensure safety for themselves and community.

### **Article 33. Use of chemicals in laboratory and scientific research**

1. The leader of laboratory or scientific research entity and researchers who directly use chemicals to carry out experiments and researchs must observe regulations on chemical safety as provided for by this Law and other related regulations.

2. Laboratory must be equipped with technical and protective facilities in accordance with chemical hazard levels.

3. Chemical containers in laboratories and warehouses must be labeled in accordance with chemical labeling requirements under the law.

4. Laboratories must make chemical documentation to periodically update chemical usage and store all the chemical data sheets.

5. The Ministry of Science and Technology provides the regulations on using chemicals in laboratory and scientific research.

### **Article 34. Storage and maintenance of hazardous chemical in using**

1. Organizations and individuals using hazardous chemicals in goods production must observe regulations on storing and maintaining hazardous chemicals as provided for in Article 21 of this Law.

2. Organizations and individuals using hazardous chemicals for consumption purpose must observe producers' guide written in labels, packing or instruction for use enclosed with the chemical product.

### **Article 35. Treatment and disposal of chemical residues in using**

1. Organizations and individuals using chemical in producing goods, laboratory, scientific research and consumers must conduct the treatment and disposal of chemical residues and wastes and chemical containing packagings in accordance with the law and regulations on environmental protection.

2. Chemical residues must be treated by suitable technologies and meet environmental protection standards.

3. Chemical used in household and personal consumption shall be disposal according to producer's recommendation, the law and regulations on environmental protection, ensuring safety for human and environment.

## CHAPTER VI ACCIDENT PREVENTION AND MITIGATION

### **Article 36. Prevention of Chemical Accident**

1. Organizations and individuals handling chemicals must observe technical specifications on safety and regularly train laborers on chemical safety.

2. The project investors handling chemicals not included in the list as stated in clause 1 of Article 38 of this Law must must develop an accident prevention and mitigation plan according to production scale and conditions as well as chemical properties.

3. The accident prevention and mitigation plan comprises the following contents:

a) Define, localize and set forth regular inspection plan of high risk accident areas.

b) On-site measures, equipment and manpower to accident response.

c) Coordination methods with outside manpower to accident response.

4. The project investors handling chemicals included in the list as stated in clause 1 of Article 38 of this Law must must develop an accident prevention and mitigation plan and submit to the competent authorities for approval. Once the plan has been approved, the investor is allowed to carry out its project. When expanding the scale or changing the scope of business, entities handling chemicals must properly adjust and modify the accident prevention and mitigation plan and submit to the competent authorities for approval.

### **Article 37. Equipment and manpower to chemical accident response**

1. Organizations and individuals handling chemicals have responsibility to develop on-site manpower to accident response according to business scale and chemical properties.

2. The on-site manpower must be regularly trained and practice accident responding methods.

3. Firefighting force, other forces and relevant state authorities have responsibility to reinforce capacity with well equipped to accident response.

**Article 38. List of hazardous chemicals subjected to accident prevention and mitigation plan**

1. The Government shall issue the List of hazardous chemical subjected to accident prevention and mitigation plan base on chemical hazards and business scale.

2. The Ministry of Industry and Trade leads and coordinates with relevant ministries and agencies to develop List as stipulated in clause 1 and submit to the Government for approval.

**Article 39. Contents of accident prevention and mitigation plan**

1. Information on properties and quantity of chemical, technologies of production and using, and geographical, population and environmental features.

2. Forecast on the risks of accidents and inspection plan of root causes.

3. Forecast on accident circumstances and prevention methods.

4. Accident response capacity including equipment, manpower, coordination plan with local forces, and evacuation plan of people and assets.

5. A mitigation plan in accordance with environmental law and other relevant regulations.

**Article 40. Dossier and procedures of approval of the accident prevention and mitigation plan.**

1. Organizations and individuals which submit their accident prevention and mitigation plan for approval must set up a dossier and send to the competent authorities for approval.

2. Dossier for approval of the accident prevention and mitigation plan includes:

- a) Application form for approval;
- b) Accident prevention and mitigation plan as stipulated in Article 39 of this Law.

4. Organizations and individuals which submit their accident prevention and mitigation plan for approval must pay the appraisal fee under the current laws.

**Article 41. Competence to approve the accident prevention and mitigation plan.**

The line Ministry shall lead and coordinate with state authorities on firefighting, the Ministry of Industry and Trade and relevant authorities to appraise and approve the accident prevention and mitigation plan.

**Article 42. Responsibility for coordinating accident prevention and mitigation**

1. Organizations and individuals handling chemicals included in the List as stipulated in clause 1 Article 38 of this Law must provide the People's Committee and the local firefighting information as provided for in clause 3, 4 and 5 Article 39 of this Law in order to coordinate in response to chemical accident; in case the chemical entities located in industrial, export processing or economic zones, the above mentioned information must be reported to zones' management.

2. When any accident occurs, organizations and individuals engaged in chemical handling must promptly undertake accident prevention and mitigation measures and the accident prevention and mitigation plan, promptly report to firefighting forces and the competent authorities to coordinate the accident response and mitigation.

3. When any serious accident occurs, responsibilities to coordinate the accident response and mitigation as follows:

- a) Chemical entities must promptly undertake accident prevention and mitigation measures as stipulated in clause 2 of this Article.

- b) The Communal People's Committee where the serious accident occurs have responsibility to mobilize on-site forces and implement needed measures to respond to such serious accident in a timely manner, at the same

time report to the District People's Committee to appoint forces to respond and evacuate people and assets and promptly report to Chairman of the Provincial People's Committee.

c) Chairman of the Provincial People's Committee directs accident response and mitigation.

d) The line ministry and the Ministry of Industry and Trade have responsibility to promptly coordinate with the Provincial People's Committee to respond and mitigate the accident.

dd) Organizations and individuals are responsible for observing the competent authorities' mobilization of people and assets to respond to and mitigate the accident in accordance with legal regulations.

e) Chairman of the Provincial People's Committee where the serious accident occurs must immediately report to the National Rescue Committee and competent authorities for coordination efforts pursuant to legal regulations.

## CHAPTER VII DECLARATION, REGISTRATION AND PROVISION OF CHEMICAL INFORMATION

### **Article 43. Declaration of chemical.**

1. Organizations and/or individuals which import chemicals must declare at the Ministry of Industry and Trade; organizations and/or individuals which produce chemicals must declare at the chemical management agencies under the People's Committees of central level cities and provinces.

2. Declaration information is as follows:

a) Name and address of organizations and/or individuals which produce or import chemicals;

b) Name, quantity and the origin of chemicals.

3. The the chemical management agencies under the People's Committees of central level cities and provinces are responsible for annually reporting their local chemical declaration information to the Ministry of Industry and Trade.

### **Article 44. Registration of new chemical**

1. A new chemical shall only be used and put into operation in market once it has been registered at the competent authorities.

2. Dossier applied for registration of the new chemical, except the chemicals stipulated in clause 3 of this Article, must have the following information:

a) Application form;

b) IUPAC name of chemical and chemical formula;

c) Information about the physical and chemical properties and toxicity of the chemicals which are determined by the chemical assessment organization as stipulated in the Article 45 of this Law.

3. Dossier applied for registration of the new chemicals used for the purpose of scientific research or social order and security must have the followings:

a) All documents listed in paragraphs a and b of clause 2 of this Article;

c) Information about the purpose and time of chemical usage.

4. The Ministry of Industry and Trade shall provide regulations on procedure for and implement the registration of the new chemicals.

#### **Article 45. Chemical assessment organization**

1. Chemical assessment organizations mean organizations which are capable of assessing new chemicals and appointed or designated by competent state authorities or foreign standard testing organizations which are recognized by OECD on assessment of chemicals.

2. The Ministry of Industry and Trade shall provide regulations on appointment of the chemical assessment organization in Viet Nam.

#### **Article 46. Supervision of the new chemical handling**

1. The Ministry of Industry and Trade shall be responsible for supervision and management of the new chemical handling.

2. Within five (5) years since a new chemical has been registered, organizations and individuals engaged in chemical handling must make

annual reports on chemical safety and send to the line ministry and the Ministry of Industry and Trade no later than 31<sup>st</sup> January.

3. The Ministry of Industry and Trade shall provide regulations on the contents and format of the report.

#### **Article 47. Provide information on hazardous and toxic chemical**

1. The line or sectoral ministry has responsibility to provide information on hazardous and toxic chemicals within their line duties and powers upon request to rescue and treat the humans, animals and vegetation affected by the chemical accident.

2. The Ministry of Industry and Trade coordinates with the Ministry of Health, the Ministry of Natural Resource and Environment to set up propagandas and outreach against adverse effects of hazardous and toxic chemicals.

#### **Article 48. Information on new hazardous properties of chemicals**

1. When finding signal of new chemical hazards, organizations and individuals handling chemicals have responsibility to immediately inform the Ministry of Industry and Trade and chemical suppliers.

2. Organizations and individuals engaged in production or import chemicals when finding the signal of new hazards must report to the Ministry of Industry and Trade to consider and collect further scientific evidences of the new hazards.

3. The Ministry of Industry and Trade have responsibility to make documentary of a chemical having a signal of new hazard, collect scientific evidences and conduct additional experiments to determine the new hazard of a chemical.

4. When finding evidences sufficient for determination of the new hazard of a chemical, the Ministry of Industry and Trade decides appropriate administration measures.

5. When the state competent authority makes officially conclusion on the new hazard of a chemical, organizations and individuals engaged in production or import such a chemical are responsible to update the Chemical Data Sheet and chemical label.

#### **Article 49. Obligations of information provision**

Organizations and individuals handling chemicals are obliged to provide full information upon the requests of competent authorities in the following cases:

1. Chemical accidents occurred in the entities' area.
  2. Catering the requirement of preventing natural disasters which are able to cause effects on chemical handling;
  3. Catering the investigation and survey to develop strategies and plans for development of local areas and chemical industry.
  4. Catering the supervision and inspection of chemical handlings.
2. In case of specific needs, the competent authorities that receive such information may directly inspect the location where chemicals handled to ascertain the accuracy of the provided information.

#### **Article 50. Information Confidentiality**

1. The authorities which receive the information on declaration, registration and chemical safety report have responsibility to ensure the confidentiality of the information upon the request by chemical organizations and individuals, except the cases as stipulated in clause 1 Article 51 of this Law.

2. The followings are treated as confidential:

- a) Name and quantity of chemicals produced, imported or traded;
- b) Information related to technological know-how and trading secrets.

#### **Article 51. Use of confidential information.**

1. The officials and authorities which receive the information on declaration, registration and chemical safety report have responsibility to provide confidential information as stipulated in Article 50 of this Law upon the request of state competent authorities.

2. The officials and authorities which receive the information on declaration, registration and chemical safety report have responsibility to ensure the confidentiality of the information according to the law and regulations.

## **Article 52: Report on production, import and use of prohibited chemicals**

1. Organizations and individuals who produce, import and use prohibited chemicals have responsibility to make annual report on production, import and use of prohibited chemicals and send to the line Ministry and the Ministry of Industry and Trade no later than 31st January.

2. Report on production, import and use of prohibited chemicals has the following information:

a) Name, purpose of usage and total quantity of prohibited chemicals produced, imported or used;

b) Quantity of prohibited chemicals imported, exported, or stored and location of storage,

c) The implementation of chemical safety measures.

d) Other information upon request.

## **Article 53. Store information on hazardous chemical**

1. Organizations and individuals engaged in hazardous chemical handling must establish and frequently update information on hazardous chemicals. The entities must store these information at least 3 (three) years after their handling of such reported chemicals stopped or suspended.

2. Information shall include the following information: common name and commercial name of chemical, production quantity, purpose of usage, classification of hazardous group in accordance with the Global Harmonisation System of Classification and Labelling (GHS), information related to chemical accidents.

3. In case a chemical entity has several affiliates or subsidiaries, the information includes all information related to the whole entity and its affiliate.

## **Article 54. Time-limit for report archive.**

Authorities or organizations receiving the reports as provided for in Article 46 and 52 of this Law results must store these report at least 10 (ten) years.

**Article 55. The national chemical list and the national chemical information database.**

1. The Government leads the development and issuance of the national chemical list and the national chemical information database.

2. The national chemical list and the national chemical information database must be developed in modern method and according to international practice, public disclosed and regular updated.

CHAPTER IX  
**ENVIRONMENTAL PROTECTION  
AND SAFETY FOR COMMUNITY**

**Article 56. Responsibility to environment protect and ensure safety for community.**

Organizations and individuals engaged in chemical handling have the responsibility to sufficiently implement regulations on chemical safety in accordance with regulations provided for by this Law and relevant regulations.

**Article 57. Rights and obligations of organizations and individuals in environmental protection and safety for community.**

1. Organizations and individuals at the locality of chemical facilities have the following rights:

- a) Be provided information related to their chemical safety;
- b) Request the chemical entities implement measures to protect environment and health of community;
- c) Be compensated when chemical handling causes damage to their health, life and asset;
- d) Petition to the competent authorities for stopping illegal acts violating the chemical safety regulations; and
- dd) Contribute opinions on environmental protection measures and accident prevent and mitigation plan of the investment projects of hazardous chemical production and storage facilities in their locality.

2. Organizations and individuals at the locality of chemical facilities have the following obligations:

- a) Promptly report any act of violation to the competent authorities;
- b) Create favourable conditions for relevant authorities and agencies to address the chemical accidents;

**Article 58. Public disclosure and declaration of chemical safety information**

Organizations and individuals engaged in chemical handling are entitled to coordinate with the local authorities to disclose and declare the following chemical safety information:

1. Protective measures for the sake of human health and environment as provided for by this Law and Law on environmental protection.
2. The main content of the accident prevention and mitigation plan as provided for in Article 39, except the confidential information as stipulated in Article 50 of this Law.

**Article 59. Obligation to handle toxic chemical residues and confiscated chemicals or products containing toxic substances.**

1. Provincial People's Committees are responsible for making statistics, detecting and informing the Ministry of Natural Resources and Environment about location, quantity of unidentified toxic chemical residues, chemicals and products containing toxic substances that are confiscated at their locality.

2. The Ministry of Natural Resources and Environment coordinates with the Ministry of Industry and Trade, other relevant agencies and provincial People's Committee to set forth a plan and the measures to handle unidentified toxic chemical residues, as well as confiscated chemicals and products containing toxic substances.

3. Provincial People's Committees implement the plan to handle unidentified toxic chemical residues, as well as confiscated chemicals and products containing toxic substances; the Ministry of Natural Resources and Environment check and monitor the handlings according to the provisions of this Law and regulations on environment protection.

4. Organizations, individuals having toxic chemical residues and confiscated products containing toxic substances are responsible for paying all the handling costs.

5. In case the toxic substances unidentified or under no ownership or confiscated but the owner has no financial capacity to handle such substances, the costs shall be covered by the state budget.

**Article 60. Obligation to handle toxic chemical residues of war**

1. The Ministry of Natural Resources and Environment leads and coordinates with the Ministry of Defence, other relevant ministries, branches, and local authorities to identify the source and impact scale of toxic residues of war; work out a handling plan submitting to the Prime Minister for approval.

2. The Prime Minister directs relevant ministries, branches and local authorities to implement the plan handling toxic residues of war.

**Article 61. Ensuring the obligation to compensate for damage caused by chemical handling**

1. The State encourages insurance companies to carry out insurance services related to compensation for damage caused by chemical handling.

2. The State encourages organizations and individuals engaging in chemical production and trading to buy insurance to compensate for damage during their chemical handling.

3. Based on the status of socio-economic development and the requirement for ensuring chemical handling safety under the Law on Insurance, the Government submits to the National Assembly's Standing Committee to consider and provide compulsory regulations on insurance for handling toxic and hazardous substances.

**CHAPTER X  
STATE MANAGEMENT RESPONSIBILITY  
OF CHEMICAL HANDLING**

**Article 62. State management responsibility of chemical handling**

1. The Government exercises uniform state administration of chemical handling throughout the country.

2. The Ministry of Industry and Trade is responsible to the Government for implementing state administration of chemical handling.

3. Ministries, ministerial equivalent agencies shall, within their scope of their respective duties and powers, be responsible for coordination with the

Ministry of Industry and Trade in undertaking state administration of chemical handling and related activities.

4. People's Committees at all levels within their respective duties and authorities perform the state management for chemical handling in their respective localities.

**Article 63. State management responsibility of chemical handling assumed by the Ministry of Industry and Trade.**

1. The Ministry of Industry and Trade, within the scope of its respective powers, implements state administration of chemical handling as per the followings:

a) Within the scope of its respective powers, promulgate or submit to the Government for promulgation of legal documents, strategy, master plan, and plan for chemical industry development; standards and technical specifications for chemical safety.

b) Lead and coordinate with other Ministries and agencies to form the national chemical list, the list of prohibited chemicals, restricted chemicals and conditional chemicals, the list of declaration chemicals, the list of hazardous chemicals subjected to the accident prevention and mitigation plan, then submit to the Government for approval as provided for by this Law.

c) Manage chemicals used in industry, chemicals acting as precursor used in industry, scheduled chemicals of the Chemical Weapon Convention (CWC); manage chemicals used in consumer products; issue List of chemicals prohibited to use in household and consumer products, except the products under the management of the Ministry of Agriculture and Rural Development;

d) Develop the national chemical information database;

dd) Exercise uniform management on hazardous chemical classification and labeling; chemical registration and declaration; chemical safety information;

e) Collect and review the implementation of chemical safety throughout the country;

g) Provide guidelines for development of and appraise the accident prevention and mitigation plan; coordinate with competent authorities in accident prevention, mitigation and response;

- h) Implement international cooperation in chemical handling and safety;
- i) Set forth special regulations on physical and technical facilities and professional specifications of chemical entities within the scope of its authority.
- k) Take part in dissemination, education and propagation of laws and regulations on chemical handling;
- l) Inspect, examine, settle disputes and accusations and adjudicate violation due to chemical handling;
- m) Implement other responsibilities related to chemical handling upon the assignment of the Government.

2. The Government decides the establishment, functions, duties, powers and organization of the state administration authority of chemical handling under the Ministry of Industry and Trade in order to exercise state administration of chemical handling.

**Article 64. State management responsibility of ministries, ministerial equivalent agencies directly related to chemical handling.**

1. The Ministry of Natural Resources and Environment, within the scope of its respective powers, promulgates or submits to the competent authorities for promulgation of regulations on environment protection related to chemical handling, treatment and disposal of toxic chemical residue, toxic chemical residue from wars, unacquainted origination chemicals and confiscated toxic chemicals.

2. The Ministry of Science and Technology, within the scope of its respective powers, promulgates or submits to the competent authorities for promulgation of policies on research, development and application of technology using less-hazardous chemicals.

3. The Ministry of Transport, within the scope of its respective powers, promulgates or submits to the competent authorities for promulgation of regulations on transport of hazardous chemicals by air, sea, road or rail or domestic waterway; develop and supplement the technical specifications for hazardous chemical transport.

4. The Ministry of Health manages chemicals used in preparation of human medicines, production of sterilizations and insecticides used in household and the health care sector; coordinate with other ministries and agencies to provide regulations on industrial hygiene; and coordinate with the

Ministry of Industry and Trade to develop lists of prohibited, restricted and conditional chemicals applicable to health care sector, chemicals used in producing sterilizations, insecticides, medicines and food additives.

5. The Ministry of Agriculture and Rural Development manages chemical products used in cultivation, breeding, aquaculture, veterinary, vegetable preserves, preservation and processing agricultural and forest products and foodstuff; and coordinate with the Ministry of Industry and Trade and relevant ministries and agencies to develop lists of prohibited, restricted and conditional chemicals applicable to agricultural sector; provide guideline on classification, labeling and development of chemical safety sheets for vegetable preserves.

6. The Ministry of Security and the Ministry of National Defense manage chemicals and chemical products used in security and national defense.

7. The Ministry of Labour, Invalids and Social Affairs, within the scope of its respective powers, promulgates or submits to the competent authorities for promulgation of regulations on working safety and industrial hygiene for workers taking part into chemical handling; manages the chemical using in vocational training entities.

8. The Ministry of Education and Training manages the using of chemical in schools and other training entities under the people education system.

#### **Article 65. State management responsibility of People's Committees at all levels**

1. People's Committees at all levels within their respective duties and authorities perform the management, inspection, examine, settle disputes and accusations and adjudicate administrative violation for chemical handling according to the Government's gradation and regulations provided for by this Law and relevant regulations.

2. People's Committees of central cities and provinces delegate specialized agencies act as the focal point supporting the Committees in local chemical management according to the Government's regulations.

#### **Article 66. Chemical Inspectorate**

1. The Ministry of Industry and Trade, relevant ministries, ministerial equivalent agencies and People's Committee at different levels, with their

respective duties and powers, implement the function of inspecting the chemical handlings.

2. Chemical inspectorate operates in accordance with regulations of this Law and the Inspection Law

### **Article 67. Adjudication of Violation**

1. Agencies, organizations or individuals who trigger any act violating this Law and other related regulations must be adjudicated under administrative or penal proceedings, subject to their level of violation. In case of causing damage, compensation is required under the law.

2. Individuals who make corrupt use of his or her position and power, cause troublesome to others, shield the violators or lack of responsibility to cause pollution or accident must be adjudicated under administrative or penal proceedings, subject to his or her level of violation. In case of causing damage, compensation is required under the law.

### **Article 68. Dispute Resolution**

Disputes shall be settled by one of the following ways:

1. Negotiation between the concerned parties;

2. Conciliation between the concerned, which is conducted by an organization or individual acting as the consiliator agreed by the concerned parties.

3. Be resolved at an arbitration or court.

## **CHAPTER X IMPLEMENTATION PROVISIONS**

### **Article 69. Transition Provision**

1. Organisations and individuals handling chemicals must implement regulations on declaration, classification, labeling, formulating chemical safety sheet under this Law with one (01) year from the date this Law comes into effect.

2. Organisations and individuals handling chemicals must develop the accident prevention and mitigation measures and plan according to the

provisions of this Law within six (06) month from the date this Law comes into effect.

**Article 70. Enforcement**

This Law is of full force and effect as from 1<sup>st</sup> of July 2008.

**Article 71. Implementation Guidance**

The Government and agencies assigned or decentralized by the Government shall provide detailed regulations and guideline for the implementation of Articles 12, 14, 15, 19, 22, 23, 25, 27, 28, 29, 31, 33, 38, 43, 44, 46, and 55 of this Law and other necessary provisions based on administration need.

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*This Law was approved and passed by the XII Legislature of the National Assembly of the Socialist Republic of Viet Nam at its 2<sup>nd</sup> Session on 21<sup>st</sup> November 2007.*

CHAIRMAN OF  
THE NATIONAL ASSEMBLY

**Nguyen Phu Trong**