

THE STATE PRESIDENT**ORDER No. 15/2007/L-CTN OF
DECEMBER 5, 2007, ON THE
PROMULGATION OF LAW****THE PRESIDENT OF THE SOCIALIST
REPUBLIC OF VIETNAM**

Pursuant to Article 103 and Article 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 50 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law on Chemicals,
which was passed on November 21, 2007, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 2nd session.

*President of
the Socialist Republic of Vietnam*
NGUYEN MINH TRIET

LAW ON CHEMICALS

(No. 06/2007/QH12)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was

amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly passes the Law on Chemicals.

Chapter I**GENERAL PROVISIONS****Article 1.-** Scope of regulation

This Law provides for chemical-related activities, safety in chemical-related activities, rights and obligations of organizations and individuals engaged in chemical-related activities, and state management of chemical-related activities.

Article 2.- Subjects of application

This Law applies to organizations and individuals engaged in chemical-related activities and organizations and individuals related to chemical-related activities in the territory of the Socialist Republic of Vietnam.

Article 3.- Application of laws

1. Chemical-related activities must comply with the provisions of this Law and other relevant laws.
2. Activities related to radioactive substances and radioactive wastes comply with the laws on radiation safety and atomic energy.

3. In case the provisions of this Law are different from those of a treaty on chemicals and chemical-related activities to which the Socialist Republic of Vietnam is a contracting party, the provisions of that treaty prevail.

Article 4.- Interpretation of terms

In this Law, the terms below are construed as follows:

1. Chemical means an element, a compound or a mixture which is exploited or created by humans from natural or artificial raw materials.
2. Substance means an element or a compound,

including any impurities deriving from the processing process and any additives necessary to preserve the stability of physical and chemical properties, excluding any solvents which may be separated without changing the characters of the substance.

3. Mixture means a combination of two or more substances which do not react under normal conditions.

4. Hazardous chemical means a chemical having one or several of the following hazardous properties according to classification principles of the Globally Harmonized System of Classification and Labeling of Chemicals:

- a/ Explosive;
- b/ Strongly oxidative;
- c/ Strongly corrosive;
- d/ Flammable;
- e/ Acutely toxic;
- f/ Chronically toxic;
- g/ Causing irritation to humans;
- h/ Causing cancer or posing threats of causing cancer;
- i/ Causing genetic mutation;
- j/ Reproductively toxic;
- k/ Bio-accumulative;
- l/ Organically polluting and hard to decay;
- m/ Environmentally toxic.

5. Toxic chemical means a hazardous chemical having at least one of the hazardous properties defined from Points e thru m, Clause 4, of this Article.

6. New chemical means a chemical not yet listed in the national chemical inventory or foreign chemical inventories recognized by Vietnamese competent state agencies.

7. Chemical-related activities means investing

in, producing, bottling, packaging, selling and purchasing, importing, exporting, transporting, storing, preserving, using, researching into and testing chemicals, disposing of discarded chemicals and disposing of chemical waste.

8. Chemical incident means the state of chemical fire, explosion, leakage or dispersion which causes or threatens to cause harm to humans, properties and the environment.

9. Serious chemical incident means a chemical incident which causes or threatens to cause great harm to humans, properties and the environment and falls beyond the controlling capacity of chemical facilities.

10. New hazard properties means hazardous properties which have been found but not yet recorded in safety data sheets.

Article 5.- Principles of chemical-related activities

1. Assuring safety for humans, properties, ecosystems and the environment; and social order and safety.

2. Strictly controlling chemical-related activities, especially those related to new chemicals, hazardous chemicals, chemicals restricted from trading and banned chemicals.

3. Supplying sufficient, accurate and timely information on hazardous properties of chemicals and necessary preventive measures.

Article 6.- State policies on chemical-related activities

1. To build a modern and sustainable chemical industry efficiently using natural resources; to attach importance to the development of base chemicals, environmentally friendly chemicals and chemicals of high economic value for socio-economic development.

2. The State invests in the formulation of a planning on development of the chemical industry

and build a national system for chemical safety control and a chemical safety database.

3. The State encourages organizations and individuals to invest in the development of the chemical industry, apply new technologies and environmentally friendly technologies, gradually reduce the use of hazardous chemicals and replace toxic chemicals with less toxic and non-toxic chemicals and encourage the recycling, re-use and minimization of chemical wastes.

4. Organizations and individuals investing in chemical production projects in the domains or geographical areas in which investment is encouraged by the State are entitled to incentive policies in accordance with the laws on investment, land, tax and other relevant laws.

Article 7.- Prohibited acts in chemical-related activities

1. Producing, trading in, transporting, storing, using, sending or donating hazardous chemicals in contravention of this Law and other relevant legal provisions.

2. Failing to disclose necessary information, supplying inadequate or false information or concealing information on hazardous properties of chemicals or hazardous chemical-containing products.

3. Using chemicals outside the list of those permitted for use, chemicals not up to quality standards of chemicals in excessive concentrations to produce or preserve food, curative medicines, animal feed, veterinary drugs, plant protection drugs, fertilizers or consumer chemical products.

4. Using toxic chemicals to catch or hunt animals or committing acts of infringing upon human health, properties or the environment.

Chapter II

DEVELOPMENT OF THE CHEMICAL INDUSTRY

Article 8.- Requirements on chemical industry plannings

1. Chemical industry plannings must be in line with the State's principles and policies on chemical-related activities, this Law and other relevant legal provisions.

2. Chemical industry plannings must be formulated on the basis of national socio-economic development strategies and industrial development strategies for every 10-year period, with orientations for subsequent 10 years taken into consideration.

3. Chemical industry plannings must set forth orientations for the formation of chemical industrial parks.

4. Locations of chemical industrial parks and chemical facilities must be suitable to properties and characteristics of chemicals, chemical-producing and -preserving technologies and natural and socio-economic conditions aiming to meet chemical safety requirements.

Article 9.- Responsibilities for elaborating chemical industry plannings

1. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with ministries, branches and localities in, elaborating the a national chemical industry planning for submission to the Prime Minister for approval; guide and inspect the implementation of the planning.

2. Based on the national chemical industry planning approved by the Prime Minister and local socio-economic development objectives, provincial/municipal People's Committees (bellow referred to as provincial-level People's Committees) shall elaborate and approve chemical industry development plans in conformity with the local industrial development planning.

3. The State shall ensure funds for the chemical industry planning in accordance with the Law on

State Budget.

Article 10.- Requirements on chemical production and trading projects

1. Chemical production or trading projects must comply with this Law, the law on investment and environmental protection and other relevant laws.

2. Chemical production or trading projects must use technologies up to environmental standards, reduce the use of hazardous chemicals and minimize chemical wastes.

3. Investors in chemical production or trading projects shall work out chemical-incident prevention and response measures or plans as prescribed in Chapter VI of this Law.

4. Investors in chemical production and trading projects shall coordinate with local administrations in collecting opinions of the communities in the localities where the projects are to be executed on environmental protection measures in accordance with the law on environmental protection.

Chapter III

CHEMICAL PRODUCTION AND TRADING

Article 11.- Responsibilities for assuring safety in chemical production and trading

1. Organizations and individuals engaged in chemical production and trading shall abide by the chemical management and safety provisions of this Law and other relevant laws so as to ensure safety for laborers, community health and the environment.

2. Organizations and individuals engaged in chemical production and trading shall regularly inspect, maintain and operate waste treatment systems safely.

3. State management agencies shall, within the

scope of their tasks and powers, regularly guide, inspect and examine the assurance of safety in chemical production and trading.

Article 12.- Requirements on material-technical foundations in chemical production and trading

1. Organizations and individuals engaged in chemical production or trading must have the following material-technical foundations suitable to their operation scope and properties of chemicals:

a/ Workshops, storehouses and technological equipment;

b/ Safety equipment and devices, equipment and devices for prevention and fighting of fire, explosion, lightning, chemical leakage or dispersal and other chemical incidents;

c/ Labor protection equipment and devices;

d/ Environmental protection equipment and devices, waste treatment systems;

e/ Vehicles of transportation;

f/ Rules on chemical safety; signaling system suitable to the hazard degree of chemicals in the places of hazardous chemical production and trading. In case chemicals have different hazardous properties, warning signs must fully show these hazardous properties.

2. Line ministries shall specify conditions on material-technical foundations to ensure safety in chemical production and trading activities under their management.

Article 13.- Professional requirements on chemical production and trading

1. Organizations and individuals engaged in chemical production and trading shall arrange person in charge of chemical safety who possess professional qualifications relevant to the scope and type of chemical production and trading and thorough knowledge about technologies and

chemical safety plans and measures.

2. Laborers directly engaged in chemical production and trading must possess professional qualifications relevant to their assigned tasks.

3. Persons directly administering production activities of hazardous chemical-producing facilities must have a university or higher degree in chemistry.

Article 14.- Production of and trading in chemicals on the list of those subject to conditional production and trading

1. Chemicals on the list of those subject to conditional production or trading are hazardous chemicals with strict requirements on technical safety in production and trading.

2. Requirements on production of and trading in chemicals on the list of those subject to conditional production or trading are stipulated as follows:

a/ Complying with the provisions of Articles 11, 12 and 13 of this Law;

b/ Having material-technical foundations and professional capacity satisfying the technical regulations applicable to the production of and trading in chemicals on the list of those subject to conditional production and trading;

c/ Having a certificate of qualification for production of and trading in chemicals on the list of those subject to conditional production and trading (referred to as certificate), if such a certificate is required by law.

3. The Ministry of Industry and Trade and concerned ministries and branches shall coordinate with one another in providing for production and trading conditions and formulating a list of chemicals subject to conditional production and trading before submitting it to the Government for promulgation.

4. Line ministries shall, within the scope of their tasks and powers, issue technical regulations

and grant certificates of qualification for chemical production and trading specified in this Article.

Article 15.- Production of and trading in chemicals on the list of those restricted from production and trading

1. Chemicals on the list of those restricted from production and trading are hazardous chemicals which are subject to special control of safety techniques as well as production and trading scope, type, scale and duration in order to ensure that no harms are caused to national defense, security, human health, property and the environment.

2. Requirements on production of and trading in chemicals on the list of those restricted from production and trading are stipulated as follows:

a/ Complying with the provisions at Points a and b, Clause 2, Article 14, of this Law;

b/ Having a permit for production of and trading in chemicals on the list of those restricted from production and trading (referred to as permit).

3. The Ministry of Industry and Trade and concerned ministries and branches shall coordinate with one another in providing for production and trading conditions and elaborating a list of chemicals restricted from production and trading before submitting it to the Government for promulgation.

4. Line ministries are competent to grant permits and shall organize the grant of permits for production of and trading in chemicals on the list of those restricted from production and trading falling under their management scope.

Article 16.- Order of and procedures for grant of certificates and permits

1. Organizations and individuals applying for certificates or permits shall compile and send dossiers to state agencies competent to grant certificates or permits.

2. A dossier of application for a certificate or permit comprises:

- a/ An application for a certificate or permit, made according to a set form;
- b/ A copy of the business registration certificate;
- c/ Papers evidencing the satisfaction of requirements specified at Points a and b, Clause 2, Article 14, or Point a, Clause 2, Article 15, of this Law.

3. Within 20 days after receiving a valid and complete dossier as prescribed in Clause 2 of this Article, the competent state agency shall grant a certificate or permit to the applicant. In case of refusal, it shall issue a written reply stating the reason.

4. Organizations and individuals applying for certificates or permits shall pay charges as prescribed by law.

Article 17.- Contents of certificates or permits

1. A certificate or permit has the following principal contents:

- a/ Name and address of the chemical facility;
- b/ Place of chemical production or trading;
- c/ Form and scope of chemical production or trading and categories of chemicals to be produced or traded in;
- d/ Obligations of the facility which is granted a certificate or permit;
- e/ Validity duration, for permits.

2. The validity of permits shall be prescribed by line ministries suitable to the category and characteristics of chemicals on the list of those restricted from production and business.

Article 18.- Supplementation or withdrawal of certificates and permits

1. In case of expanding the scope of chemical production or trading beyond the conditions

prescribed in the granted certificate or the provisions of the granted permit, before conducting the expansion, the concerned organization or individual shall carry out procedures for supplementation of the certificate or permit so as to suit the new scope of production or trading. The procedures for the supplementation of certificates and permits are similar to those for the grant of new certificates or permits.

2. An organization or individual may have its/his/her certificate or permit withdrawn in the following cases:

- a/ Having forged the dossier of application for a permit;
- b/ No longer satisfying the conditions for grant of a permit;
- c/ Violating the provisions of the certificate or permit but failing to remedy consequences within the time limit prescribed by a competent agency;
- d/ Leasing or borrowing the permit or modifying the contents of the certificate or permit;
- e/ Seriously violating the provisions of this Law;
- f/ Terminating activities of chemical production or trading.

3. Organizations and individuals applying for supplementation of certificates or permits shall pay a fee as prescribed by law.

Article 19.- Chemicals on the list of banned chemicals

1. Banned chemicals are extremely hazardous chemicals on the list of banned chemicals promulgated by the Government.

2. Organizations and individuals may not produce, trade in, transport, store and use chemicals on the list of banned chemicals, except for cases prescribed in Clause 3 of this Article.

3. In special cases for the purposes of scientific research, defense and security assurance or epidemic prevention and control, the production,

import and use of chemicals on the list of banned chemicals must be permitted by the Prime Minister.

4. Organizations and individuals permitted to produce, import or use chemicals on the list of banned chemicals shall strictly manage these chemicals in terms of quantity, not let any loss or incident occur and make periodical reports as prescribed in Article 52 of this Law.

5. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with other ministries and branches in, elaborating a list of banned chemicals for submission to the Government for promulgation.

Article 20.- Transportation of hazardous chemicals

1. Organizations and individuals that transport hazardous chemicals shall abide by the provisions on the transportation of dangerous cargoes in the laws on road, inland waterway, railway, air and sea transport and other relevant laws.

2. If an incident occurs en route, vehicle operators, goods owners and vehicle owners shall take necessary measures to minimize and remedy consequences and, at the same time, notify the incident to the nearest People's Committee and concerned agencies.

Article 21.- Storage and preservation of hazardous chemicals in chemical production or trading

Production or business organizations and individuals that store or preserve hazardous chemicals must satisfy the following requirements:

1. Satisfying the conditions on safety distance and safety techniques in chemical storage and preservation;

2. Displaying necessary warnings at places of storage and preservation of hazardous chemicals as prescribed at Point f, Clause 1, Article 12, of this Law;

3. Having equipment and vehicles in response to incidents, which are suitable to hazardous properties of chemicals;

4. Adopting chemical incident prevention and response measures or plans as prescribed in Chapter VI of this Law.

Article 22.- Safety distances of hazardous chemical production and trading facilities

1. Production places and warehouses of facilities producing or trading in chemicals on the list prescribed in Clause 1, Article 38, of this Law must ensure safety distances from residential quarters, public works, historical and cultural relics, beauty spots, bio-diversity conservation zones and daily-life water sources.

2. Organizations and individuals may not build dwelling houses and other works in the safety distances, except special-use works permitted by competent state agencies.

3. The Government shall specify safety distances prescribed in this Article.

Article 23.- Control of the sale and purchase of toxic chemicals

1. The sale and purchase of toxic chemicals require control cards certified by the seller and the purchaser as a basis for the control of toxic chemicals circulated in the market.

2. A toxic chemical sale and purchase control card contains information on the name, quantity and use purpose of the chemical; names and signatures of the seller and the purchaser; addresses and identity card serial numbers of representatives of the seller and the purchaser; and the date of delivery.

3. Toxic chemical sale and purchase control cards must be preserved by the seller and the purchaser for at least five years and produced at the request of competent state agencies.

4. The Ministry of Industry and Trade shall

set the form of toxic chemical sale and purchase control card.

Article 24.- Import, export, temporary import for re-export and transit of chemicals

The import, export, temporary import for re-export and transit of chemicals must comply with the provisions of this Law, other relevant laws and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 25.- Disposal and discard of residual chemicals and chemical wastes and containers

1. Organizations and individuals producing or trading in chemicals shall dispose of and discard residual chemicals and chemical wastes and containers in accordance with the law on environmental protection.

2. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with ministries and branches in, providing for the disposal and discard of residual chemicals and chemical wastes and containers in accordance with the law on environmental protection.

Article 26.- Advertisements on chemicals

1. Advertisements on chemicals must comply with the law on advertisement.

2. Advertisements on products and goods containing toxic or hazardous chemicals must be accompanied with warnings on hazardous or toxic properties of chemicals and instructions on prevention of harms caused by these products and goods.

Chapter IV

CHEMICAL CLASSIFICATION, LABELING AND PACKAGING AND CHEMICAL SAFETY DATA SHEETS

Article 27.- Classification and labeling of

chemicals

1. Organizations and individuals producing or importing chemicals are obliged to classify and label chemicals before using or marketing these chemicals are used or marketed.

2. Chemicals are classified in accordance with technical principles and guidance of the Globally Harmonized System of Classification and Labeling of Chemicals.

3. Chemicals are labeled in accordance with the law on goods labeling.

4. Hazardous chemicals are labeled in accordance with the law on goods labeling and guidance of the Globally Harmonized System of Classification and Labeling of Chemicals.

5. The Ministry of Industry and Trade shall guide the classification and labeling of chemicals according to the Globally Harmonized System of Classification and Labeling of Chemicals and determine a roadmap for application of regulations on classification and labeling of substances and mixtures of substances.

Article 28.- Packaging of chemicals

1. Packages of marketed chemicals must meet the following requirements:

a/ Satisfying requirements on classification and labeling of chemicals specified in Article 27 of this Law;

b/ Preventing leakage and dispersal of chemicals in the process of transportation, preservation or storage;

c/ Not being corroded or destroyed by contained chemicals;

d/ Complying with technical regulations on packaging promulgated by competent agencies or with international standards announced by competent state agencies for application.

2. Line ministries shall provide for specifications, materials and requirements on the

examination and evaluation of packages of each kind of chemical.

Article 29.- Chemical safety data sheets

1. Hazardous chemicals include hazardous substances or mixtures with the content of hazardous substances exceeding the prescribed limit. For hazardous chemicals, chemical safety data sheets must be made.

2. Organizations and individuals producing or importing hazardous chemicals, before using or marketing these chemicals, shall make chemical safety data sheets.

3. A chemical safety data sheet contains the following contents:

- a/ Identification of the chemical;
- b/ Identification of hazardous properties of the chemical;
- c/ Information on the composition of substances;
- d/ Physical and chemical properties of the chemical;
- e/ Stability and activity of the chemical;
- f/ Information on toxicity;
- g/ Ecological information;
- h/ First-aid measures;
- i/ Fire-fighting measures;
- j/ Incident prevention and response measures;
- k/ Storage requirements;
- l/ Effects on humans and requirements for personal protection devices;
- m/ Requirements on disposal of the chemical;
- n/ Requirements on transportation;
- o/ Applicable technical regulations and laws;
- p/ Other necessary information.

4. The Government shall specify the contents of hazardous substances in mixtures for which chemical safety data sheets prescribed in Clause 1 of this Article are required.

Chapter V

USE OF CHEMICALS

Article 30.- Rights and obligations of organizations and individuals using chemicals for production of other products and goods

1. Organizations and individuals using chemicals for production of other products and goods may request suppliers of hazardous chemicals to provide adequate and accurate information on their properties and characteristics, information on their classification and labeling and their chemical safety data sheets.

2. Organizations and individuals using chemicals for production of other products and goods have the following obligations:

a/ To abide by regulations on chemical safety management;

b/ To have persons in charge of chemical safety; to satisfy requirements on material-technical foundations and professional capacity regarding chemical safety suitable to the quantity and properties of chemicals;

c/ To provide periodical training and re-training in chemical safety to their laborers;

d/ To provide sufficient, accurate and timely information and guidance on chemical safety to laborers and managers;

e/ To work out chemical incident prevention and response measures or plans as prescribed in Chapter VI of this Law;

f/ To update and store information on used chemicals as prescribed in Article 53 of this Law;

g/ To promptly notify chemical suppliers and chemical management agencies upon detection of signs of new hazardous properties of used chemicals;

h/ To abide by inspection requests of competent state management agencies in the implementation of regulations on chemical safety.

Article 31.- Rights and obligations of organizations and individuals using hazardous chemicals for production of other products and goods

1. Organizations and individuals using hazardous chemicals for production of other products and goods, apart from having the rights and obligations defined in Article 30 of this Law, shall perform the following obligations:

a/ To ensure safety conditions for humans and the environment in the process of using and preserving hazardous chemicals;

b/ To abide by technical regulations on the contents and quality standards of hazardous chemicals in the production of other products and goods;

c/ Not to use toxic chemicals having properties specified at Points h, i, j or k, Clause 4, Article 4, of this Law in food, cosmetics, food additives or food preservatives;

d/ To install a signaling system in the places where hazardous chemicals are used or stored which is suitable to the hazard of chemicals; if the chemicals have different hazardous properties, the warning signs must fully display these properties;

e/ To supply sufficient, accurate and timely information and guidance on chemical safety to persons who directly use, preserve or transport chemicals and persons who manage chemical production;

f/ To observe legal provisions on disposal and discard of hazardous chemicals and their containers.

2. Line agencies shall promulgate a list of, and manage activities related to, chemicals which are prohibited from use in the production of other products and goods falling under their management scope in accordance with this Law and other relevant laws.

Article 32.- Rights and obligations of

organizations and individuals using chemicals for consumption purposes

1. Organizations and individuals using chemicals for consumption purposes may request suppliers to provide sufficient information on hazardous properties of chemicals and safety requirements and pay compensation for damage caused in the process of using chemicals due to incorrect information provided by suppliers.

2. Organizations and individuals using chemicals for consumption purposes are obliged to strictly comply with technical instructions accompanied with chemicals or displayed in chemical labels and ensure safety for themselves and the community.

Article 33.- Use of chemicals for scientific experimentation and research

1. Heads of testing laboratories and scientific research establishments and persons directly using chemicals for scientific experimentation or research shall fully abide by the provisions on chemical safety in this Law and other relevant laws.

2. Testing laboratories must have safety equipment and devices and labor protection equipment and devices suitable to hazardous properties of chemicals.

3. Chemical containers in testing laboratories and warehouses must be labeled in accordance with requirements on chemical labeling as prescribed by law.

4. Testing laboratories shall make dossiers for supervision of chemicals in order to periodically update the situation of the use of chemicals; and preserve chemical safety data sheets.

5. The Ministry of Science and Technology shall provide for the use of chemicals for scientific experimentation and research.

Article 34.- Storage and preservation of hazardous chemicals in use

1. Organizations and individuals using hazardous chemicals for production of products and goods shall abide by the provisions of Article 21 of this Law on storage and preservation of hazardous chemicals.

2. Organizations and individuals using hazardous chemicals for consumption purposes shall abide by manufacturer instructions which are displayed on labels or packages of, or in the use instruction sheets accompanied with, chemical products.

Article 35.- Disposal of discarded chemicals

1. Organizations and individuals using chemicals for production of products and goods or using chemicals for scientific experimentation or research or consumption shall dispose of and discard individual chemicals and chemical wastes and containers according to the law on environmental protection.

2. Discarded chemicals must be disposed of by appropriate technologies up to environmental protection standards.

3. Chemicals consumed by households and individuals must be discarded according to manufacturer recommendations and legal provisions on environmental protection so as to ensure safety for humans and the environment.

Chapter VI

PREVENTION OF AND RESPONSE TO CHEMICAL INCIDENTS

Article 36.- Prevention of chemical incidents

1. Organizations and individuals engaged in chemical-related activities shall abide by technical regulations on safety; and provide periodical training in chemical safety to laborers.

2. Investors of projects related to chemicals outside the list specified in Clause 1, Article 38, of this Law shall work out chemical incident

prevention and response measures suitable to the production scope and conditions and properties of chemicals.

3. Chemical incident prevention and response measures contain the following principal contents:

a/ Determining, zoning off and elaborating plans on regular inspection of, spots highly prone to chemical incidents;

b/ Measures, equipment, devices and forces for on-site response;

c/ Plans on coordination with outside forces in responding to chemical incidents.

4. Investors of projects related to chemicals on the list specified in Clause 1, Article 38, of this Law shall elaborate chemical incident prevention and response plans and submit them to competent state management agencies for approval and may only commence their projects after these plans are approved. In case of expanding or changing the scope of operation, they shall amend and supplement their chemical incident prevention, and response plans, and submit them to competent agencies for approval.

Article 37.- Chemical incident-response equipment, devices and forces

1. Organizations and individuals engaged in chemical-related activities shall build their capacity for on-site response to chemical incidents and have equipment and devices suitable to the scope of chemical-related activities and properties of chemicals.

2. On-site response forces must be trained regularly and drilled in chemical incident response plans

3. Fire brigades, other forces and related state management agencies shall enhance their capacity and have equipment and devices to respond to chemical incidents.

Article 38.- List of hazardous chemicals

requiring elaboration of chemical incident prevention and response plans

1. Based on hazardous properties of chemicals and the scope of chemical production, trading or use, the Government shall promulgate a list of hazardous chemicals requiring chemical incident prevention and response plans.

2. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with concerned ministries and branches in, elaborating and submitting the list specified in Clause 1 of this Article to the Government for promulgation.

Article 39.- Contents of chemical incident prevention and response plans

1. Information on properties, quantities, production technologies and use of chemicals, geographical, population and environmental conditions in the places where chemical-related activities are carried out.

2. Forecasts about incident-causing dangers and plans on inspection and supervision of sources of chemical incidents.

3. Forecasts about circumstances leading to chemical incidents and preventive measures.

4. Capacity of responding to chemical incidents, including equipment, devices, manpower and plans on coordination with local forces and plans on evacuation of people and properties.

5. Plans on remedying of consequences of chemical incidents in accordance with the law on environmental protection and other relevant laws.

Article 40.- Dossiers, order and procedures for approval of chemical incident prevention and response plans

1. Organizations and individuals applying for approval of chemical incident prevention and response plans shall submit their dossiers to competent agencies.

2. A dossier of application for approval of a chemical incident prevention and response plan comprises:

a/ An application for approval, made according to a set form;

b/ The chemical incident prevention and response plan prescribed in Article 39 of this Law.

3. Agencies competent to approve chemical incident prevention and response plans shall appraise and approve the plan within 30 days after receiving a valid and complete dossier.

4. Organizations and individuals applying for approval of chemical incident prevention and response plans shall pay charges as prescribed by law.

Article 41.- Competence to approve chemical incident prevention and response plans

Line ministries shall assume the prime responsibility for, and coordinate with state management agencies in charge of fire prevention and fighting, the Ministry of Industry and Trade and concerned state management agencies in, appraising and approving chemical incident prevention and response plans.

Article 42.- Responsibilities for coordination in chemical incident prevention and response

1. Organizations and individuals engaged in chemical-related activities concerning chemicals on the list specified in Clause 1, Article 8, of this Law shall supply People's Committees at various levels and local fire brigades with information specified in Clauses 3, 4 and 5, Article 39, of this Law for coordination in responding to chemical incidents; for chemical facilities located in industrial parks, export-processing zones or economic zones, they must also supply such information to the management boards of the industrial parks, export-processing zones or economic zones.

2. Upon occurrence of chemical incidents,

organizations and individuals engaged in chemical-related activities shall promptly apply chemical incident prevention and response measures or plans and promptly notify the incidents to the nearest fire brigades, concerned agencies and units and local administrations for coordination in responding to and remedying chemical incidents.

3. Upon occurrence of serious chemical incidents, the responsibilities for coordination in incident response are prescribed as follows:

a/ Chemical facilities shall promptly take response measures specified in Clause 2 of this Article;

b/ People's Committees of communes, wards or townships where the incidents occur shall mobilize local forces, take other necessary measures and, at the same time, notify the incidents to the People's Committees of districts, provincial capitals or cities for arranging forces to implement response measures, rescue or evacuate people and properties and immediately report the cases to the presidents of the provincial-level People's Committees;

c/ Presidents of provincial-level People's Committees shall direct the response to and remedying of chemical incidents;

d/ Ministries and the Ministry of Industry and Trade shall promptly coordinate with the provincial-level People's Committees of the localities where the incidents occur in responding to and remedying chemical incidents;

e/ Organizations and individuals shall abide by competent state management agencies' orders on the mobilization of people and properties to respond to and remedy chemical incidents in accordance with law;

f/ Presidents of provincial-level People's Committees of localities where chemical incidents occur shall immediately notify the National Search and Rescue Committee and concerned agencies

for coordination in handling these incidents in accordance with law.

Chapter VII

DECLARATION, REGISTRATION AND SUPPLY OF INFORMATION ON CHEMICALS

Article 43.- Declaration of chemicals

1. Chemical-importing organizations and individuals shall declare chemicals to the Ministry of Industry and Trade; chemical-producing organizations and individuals shall declare chemicals to professional agencies managing chemical-related activities under provincial-level People's Committees.

2. A chemical declaration contains:

a/ Name and address of the chemical-producing or -importing organization or individual;

b/ Name, quantity and origin of the chemical.

3. Annually, professional agencies managing chemical-related activities under provincial-level People's Committees shall report to the Ministry of Industry and Trade declared information on chemicals in their localities.

4. The Government shall promulgate a list of chemicals subject to declaration. The Ministry of Industry and Trade shall specify the form of chemical declaration prescribed in this Article.

Article 44.- Registration of new chemicals

1. New chemicals may be used or marketed only after they are registered with competent state agencies.

2. A dossier of registration of a new chemical, except cases specified in Clause 3 of this Article, comprises:

a/ An application for registration of a new chemical;

b/ The name of the new chemical under the guidance of the International Union of Pure and Applied Chemistry and the chemical formula of the chemical;

c/ Information on physical and chemical properties and hazardous properties of the chemical, certified by a new chemical-assessing organization prescribed in Article 45 of this Law.

3. A dossier of registration of a new chemical used for scientific research or protection of security and social order and safety comprises:

a/ Documents specified at Points a and b, Clause 2 of this Article;

b/ Information on the use purpose and duration of the chemical.

4. The Ministry of Industry and Trade shall specify the order of, and procedures for, and organize the registration of new chemicals.

Article 45.- New chemical-assessing organizations

1. New chemical-assessing organizations are organizations capable of assessing new chemicals and designated by competent state agencies or foreign standard conformity testing organizations accredited by the Organization for Economic Cooperation and Development (OECD) regarding chemical assessment.

2. The Minister of Industry and Trade shall specify conditions on and designate new chemical-assessing organizations in Vietnam.

Article 46.- Management of activities related to new chemicals

1. The Ministry of Industry and Trade shall oversee and manage activities related to new chemicals.

2. During five years from the date new chemicals are registered, annually, before January 31 of the subsequent year, organizations and individuals engaged in activities related to new

chemicals shall send reports to line ministries and the Ministry of Industry and Trade.

3. The Ministry of Industry and Trade shall specify the contents and forms of reports.

Article 47.- Supply of information on toxic chemicals and hazardous chemicals

1. When requested, line ministries shall supply information on toxic chemicals and hazardous chemicals under their management for curing and treatment of humans, animals and plants affected by chemical incidents.

2. The Ministry of Industry and Trade shall coordinate with the Ministry of Health and the Ministry of Natural Resources and Environment in organizing communication on prevention and treatment of effects caused by toxic chemicals and hazardous chemicals.

Article 48.- Information on new hazardous properties of chemicals

1. Upon detection of signs of new hazardous properties of chemicals, organizations and individuals engaged in chemical-related activities shall promptly report these properties to the Ministry of Industry and Trade and notify these properties to organizations or individuals that have produced or imported these chemicals.

2. Organizations and individuals producing or importing chemicals which show signs of new hazardous properties shall report to the Ministry of Industry and Trade for consideration and collection of additional scientific grounds on these new hazardous properties.

3. The Ministry of Industry and Trade shall compile dossiers of chemicals which show signs of new hazardous properties in order to take measures to collect more scientific grounds and conduct additional testing to affirm new hazardous properties of chemicals.

4. After obtaining adequate proofs for determination of new hazardous properties of

chemicals, the Ministry of Industry and Trade shall decide to apply appropriate measures to manage these chemicals.

5. After obtaining official conclusions of competent state agencies on new hazardous properties of chemicals, organizations and individuals that have produced or imported these chemicals shall modify and supplement chemical labels and chemical safety data sheets to suit new hazardous properties.

Article 49.- Obligations to supply information

Organizations and individuals engaged in chemical-related activities are obliged to supply sufficient accurate and timely information at the request of competent agencies:

1. Upon occurrence of chemical incidents in chemical facilities;
2. For the prevention of natural disasters which may cause chemical incidents in chemical facilities;
3. For the investigation and survey in service of the elaboration of strategies, plannings and plans of regional or chemical industry development;
4. For the examination and inspection of chemical-related activities.

Article 50.- Confidentiality of information

1. Agencies and persons that receive declaration and registration papers and reports on chemicals shall keep information confidential at the request of the declarants, registrants and reporters, except for cases prescribed in Clause 1, Article 51, of this Law.

2. Confidential information of declarants, registrants and reporters includes:

- a/ Names and quantities of chemicals to be produced, imported or traded;
- b/ Information relating to technological know-how and trade secrets.

Article 51.- Use of confidential information

1. Agencies and persons receiving declaration and registration papers and reports on chemicals shall supply confidential information specified in Article 50 of this Law at the request of competent state agencies.

2. Agencies and persons receiving declaration and registration papers and reports on chemicals shall preserve confidential information in accordance with law.

Article 52.- Reports on production, import or use of chemicals on the list of banned chemicals

1. Annually, before January 31, organizations and individuals producing, importing or using chemicals on the list of banned chemicals shall send reports on the production, import or use of these chemicals to line ministries and the Ministry of Industry and Trade.

2. A report on production, import or use of chemicals on the list of banned chemicals must have the following principal contents:

- a/ Names, use purposes and quantities of produced, imported or used chemicals;
- b/ Quantities of warehoused, ex-warehoused and in-stock chemicals and the storage locations;
- c/ Chemical safety measures already taken;
- d/ Other information, if requested.

Article 53.- Preservation of information on hazardous chemicals

1. Organizations and individuals engaged in chemical-related activities shall formulate, regularly update and preserve information on hazardous chemicals in their chemical-related activities for at least three years from the date of ending activities involving these chemicals.

2. Information to be preserved covers scientific names and trade names of chemicals; quantities of chemicals produced, imported, used or discarded; use purposes and classification of

hazard categories according to the Globally Harmonized System of Classification and Labeling of Chemicals; and information relating to chemical incidents and chemical safety in the facilities.

3. If a chemical facility has several branches, hazardous chemical data must cover all information relating to the facility and its branches.

Article 54.- Time limit of preservation of reports

Agencies or organizations receiving reports on chemicals specified in Articles 46 and 52 of this Law shall preserve them for at least 10 years.

Article 55.- National chemical inventory and national chemical database

1. The Government shall formulate and promulgate a national chemical inventory and a national chemical database.

2. The national chemical inventory and the national chemical database must be formulated and modernized in conformity with international practice and be publicized and regularly updated.

Chapter VIII

ENVIRONMENTAL PROTECTION AND SAFETY FOR THE COMMUNITY

Article 56.- Responsibilities for protection of the environment and safety for the community

Organizations and individuals engaged or involved in chemical-related activities shall strictly abide by the chemical safety provisions in this Law, the laws on environmental protection, protection of people's health and labor safety and other relevant laws.

Article 57.- Rights and obligations of organizations and individuals in the protection of the environment and safety for the community

1. Organizations and individuals in localities where exist chemical facilities have the following

rights:

a/ To be supplied with information related to the facilities' chemical safety;

b/ To request the application of measures to protect the environment and community health;

c/ To be compensated for damage to their health, life or properties caused by chemical-related activities as prescribed by law;

d/ To propose competent state agencies to terminate the operation of organizations and individuals that violate legal provisions on chemical safety;

e/ To give opinions on environmental protection measures and chemical incident prevention and response plans of investment projects on building of hazardous chemical production or storage establishments in their localities.

2. Organizations and individuals in localities where exist chemical facilities have the following obligations:

a/ To promptly report to competent state agencies violations of the law on chemical safety when detecting them;

b/ To create favorable conditions for concerned agencies and organizations to remedy chemical incidents.

Article 58.- Publicization of information on chemical safety

Organizations and individuals engaged in chemical-related activities shall coordinate with local administrations in publicizing the following information on chemical safety among the population in localities where exist chemical facilities:

1. Measures for ensuring safety and protecting human health and the environment in accordance with this Law and the law on environmental protection;

2. Principal contents of chemical incident

prevention and response plans specified in Article 39, except for confidential information specified in Article 50 of this Law.

Article 59.- Responsibilities for disposal of residual toxic chemicals and confiscated toxic chemicals and toxic chemical-containing products

1. Provincial-level People's Committees shall inventory, detect and notify the Ministry of Natural Resources and Environment of locations and quantities of residual toxic chemicals of unclear origin and confiscated toxic chemicals and toxic chemical-containing products in their localities.

2. The Ministry of Natural Resources and Environment shall coordinate with the Ministry of Industry and Trade and concerned agencies and provincial-level People's Committees in formulating plans on disposal of residual toxic chemicals of unclear origin and confiscated toxic chemicals and toxic chemical-containing products.

3. Provincial-level People's Committees shall organize the implementation of plans on disposal of residual toxic chemicals of unclear origin and confiscated toxic chemicals and toxic chemical-containing products; the Ministry of Natural Resources and Environment shall inspect and supervise the disposal as prescribed in this Law and the law on environmental protection.

4. Organizations and individuals having residual toxic chemicals and toxic chemical-containing products confiscated shall bear all expenses for the disposal.

5. In case residual toxic chemicals are of unclear origin, it is impossible to identify owners of toxic chemicals or owners of confiscated toxic chemicals are financially incapable, expenses for the disposal shall be paid from the state budget.

Article 60.- Responsibilities to dispose of residual toxic chemicals of wars

1. The Ministry of Natural Resources and Environment shall assume the prime responsibility

for, and coordinate with the Ministry of Defense and concerned ministries, branches and localities in, identifying sources and scope of influence of residual toxic chemicals of wars and elaborating plans on disposal of these chemicals for submission to the Prime Minister for approval.

2. The Prime Minister shall direct concerned ministries, branches and localities to implement plans on disposal of residual toxic chemicals of wars.

Article 61.- Insurance for the liability to pay compensation for damage in chemical-related activities

1. The State encourages insurance business enterprises to provide insurance for the liability to pay compensation for damage caused by chemical-related activities.

2. The State encourages organizations and individuals engaged in chemical production and trading to purchase insurance for the liability to pay compensation for damage in chemical-related activities.

3. Based on the socio-economic development situation and requirements for assurance of safety in chemical-related activities in accordance with the Law on Insurance Business, the Government shall propose the National Assembly Standing Committee to consider and provide for compulsory insurance applicable to activities related to hazardous and toxic chemicals.

Chapter IX

STATE MANAGEMENT RESPONSIBILITIES FOR CHEMICAL- RELATED ACTIVITIES

Article 62.- State management responsibilities for chemical-related activities

1. The Government shall perform uniform state management of chemical-related activities

nationwide.

2. The Ministry of Industry and Trade shall take responsibility before the Government for the performance of state management of chemical-related activities.

3. Ministries and ministerial-level agencies shall, within the scope of their task and powers, coordinate with the Ministry of Industry and Trade in performing the state management of chemical-related activities under the Government's assignment.

4. People's Committees at various levels shall perform the state management of chemical-related activities in their localities under the Government's decentralization.

Article 63.- State management responsibilities of the Ministry of Industry and Trade for chemical-related activities

1. The Ministry of Industry and Trade shall, within the scope of its tasks and powers, perform the following contents of state management of chemical-related activities:

a/ To promulgate according to its competence or submit to the Government for promulgation legal documents, strategies, plannings and plans on development of the chemical industry and technical regulations on chemical safety;

b/ To assume the prime responsibility for, and coordinate with ministries and branches in, formulating and submitting to the Government for promulgation a national chemical database, a list of chemicals subject to conditional production and trading, a list of chemicals restricted from production and trading, a list of banned chemicals; a list of chemicals subject to declaration and the list of chemicals requiring chemical incident prevention and response plans;

c/ To manage chemicals for industrial use, chemicals which are pre-substances for industrial use and chemicals under the Convention on the

Prohibition of the Development, Production, Stockpiling, Use of Chemical Weapons and on their Destruction; to manage chemicals used in consumer industrial products; to promulgate a list of chemicals banned from use in domestic products and consumer products, except those managed by the Ministry of Health and the Ministry of Agriculture and Rural Development;

d/ To develop a national chemical database;

e/ To perform the uniform management of the classification and labeling of hazardous chemicals; chemical registration and declaration and chemical safety information;

f/ To synthesize and produce statistics on the chemical safety situation nationwide;

g/ To guide the elaboration and organize the appraisal of chemical incident prevention and response plans; to coordinate with concerned agencies in preventing, responding to and remedying chemical incidents;

h/ To enter into international cooperation in chemical-related activities and chemical safety;

i/ To specify technical-material foundations and professional conditions on chemical facilities under its management;

j/ To participate in the dissemination of and education about the law on chemicals;

k/ To inspect chemical-related activities; to settle complaints and denunciations concerning chemical-related activities;

l/ To perform other tasks concerning chemical-related activities as assigned by the Government.

2. The Government shall decide to set up, and define the functions, tasks and organizational structure of, an agency under the Ministry of Industry and Trade which shall perform the state management of chemical-related activities to assist the Minister in performing the state management of chemical-related activities.

Article 64.- Management responsibilities of

ministries and ministerial-level agencies directly concerning chemical-related activities

1. The Ministry of Natural Resources and Environment shall promulgate according to its competence or submit to competent agencies for promulgation regulations on environmental protection concerning chemical-related activities, the disposal and discard of residual toxic chemicals, residual toxic chemicals of the past wars, toxic chemicals of unclear origin and confiscated toxic chemicals.

2. The Ministry of Science and Technology shall promulgate and announce according to its competence standards and technical regulations on chemical safety; to submit to competent agencies for promulgation policies on research into, development and application of technologies suitable to the use of less hazardous chemicals.

3. The Ministry of Transport shall promulgate according to its competence to submit competent agencies for promulgation regulations on the transportation of hazardous chemicals by road, inland waterway, railway, airway or sea; and formulate additional technical regulations on transportation of hazardous chemicals.

4. The Ministry of Health shall manage chemicals used for preparation of pharmaceuticals for humans, germicidal and insecticidal substances for domestic and medical use; coordinate with ministries and branches in providing for labor safety and sanitation in chemical-related activities; coordinate with the Ministry of Industry and Trade in formulating a list of banned chemicals and a list of chemicals restricted from production or trading in the health domain for submission to the Government for promulgation; promulgate a list of chemicals banned from use, restricted from use or permitted for use in the health domain, and a list of germicidal and insecticidal substances for household and medical use, pharmaceuticals and

food additives.

5. The Ministry of Agriculture and Rural Development shall manage chemicals used in cultivation, husbandry, aquaculture, animal health, plant protection and preservation and processing of agricultural, forest and aquatic products and food; coordinate with the Ministry of Industry and Trade and concerned ministries and branches in formulating a list of banned chemicals and a list of chemicals restricted from production and trading; promulgate a list of chemicals banned from use, restricted from use or permitted for use in the agricultural domain; guide the classification, labeling and making of chemical safety data sheets for plant protection drugs.

6. The Ministry of Public Security and the Ministry of Defense shall manage chemicals and chemical products in the defense and security domains.

7. The Ministry of Labor, War Invalids and Social Affairs shall promulgate according to its competence or submit to competent agencies for promulgation regulations on labor safety and sanitation for laborers engaged in chemical-related activities; manage the use of chemicals in job-training establishments.

8. The Ministry of Education and Training shall manage the use of chemicals in schools and other educational establishments within the national educational system.

Article 65.- State management responsibilities for chemical-related activities of People's Committees at various levels

1. People's Committees at various levels shall, within the scope of their tasks and powers, manage, inspect and settle complaints and denunciations, and sanction administrative violations in chemical-related activities in their localities under the Government's decentralization, this Law and other relevant laws.

2. Provincial-level People's Committees have professional agencies assisting them the Committees in managing chemical-related activities in localities as prescribed by the Government.

Article 66.- Inspection of chemical-related activities

1. The Ministry of Industry and Trade, concerned ministries and branches and People's Committees at all levels shall inspect chemical-related activities within the management scope assigned or decentralized to them.

2. The organization, tasks and powers of chemical inspectorates comply with law on inspection.

Article 67.- Handling of violations

1. Agencies, organizations and individuals that violate the provisions of this Law and other legal provisions on chemical-related activities shall, depending on subject, nature and severity of their violations, be administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensations in accordance with law.

2. Individuals who abuse their tasks and powers to harass or cause troubles to organizations or individuals engaged in chemical-related activities; cover violators of the law on chemical-related activities or let chemical pollution or incidents occur due to their irresponsibility shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; if causing damage, they shall pay compensations in accordance with law.

Article 68.- Settlement of disputes in chemical-related activities

Disputes in chemical-related activities shall be

settled in one of the following forms:

1. Negotiation between the involved parties;
2. Conciliation between the involved parties by an intermediary conciliation organization or individual agreed upon by the involved parties.
3. Settlement at a commercial arbitration or a court.

Chapter X

IMPLEMENTATION PROVISIONS

Article 69.- Transition provisions

1. Organizations and individuals that are conducting chemical-related activities shall comply with this Law's provisions on declaration, classification, labeling of chemicals and making of chemical safety data sheets Law within one year from the effective date of this Law.

2. Organizations and individuals that are conducting chemical-related activities shall formulate chemical incident prevention and response measures or plans as prescribed by this Law within six months from the effective date of this Law.

Article 70.- Implementation effect

This Law takes effect on July 1, 2008.

Article 71.- Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was passed on November 21, 2007, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 2nd session.

Chairman of the National Assembly
NGUYEN PHU TRONG