

CIRCULAR

**SPECIFYING AND PROVIDING GUIDELINES FOR IMPLEMENTATION OF CERTAIN
ARTICLES OF THE LAW ON CHEMICALS AND THE GOVERNMENT'S DECREE NO.
113/2017/ND-CP DATED OCTOBER 09, 2017 SPECIFYING AND PROVIDING
GUIDELINES FOR IMPLEMENTATION OF CERTAIN ARTICLES OF THE LAW ON
CHEMICALS**

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

*Pursuant to the Government's Decree No. 98/2017/ND-CP dated August 18, 2017 on
functions, tasks, power and organizational structure of the Ministry of Industry and Trade;*

*Pursuant to the Government's Decree No. 113/2017/ND-CP dated October 09, 2017
specifying and providing guidelines for implementation of certain articles of the Law on
Chemicals;*

*Pursuant to the Government's Decree No. 43/2017/ND-CP dated April 14, 2017 on goods
labels;*

At the request of the Director of Vietnam Chemicals Agency;

*The Minister of Industry and Trade promulgates a Circular specifying and providing
guidelines for implementation of certain articles of the Law on Chemicals and the
Government's Decree No. 113/2017/ND-CP dated October 09, 2017 specifying and providing
guidelines for implementation of certain articles of the Law on Chemicals.*

Article 1. Scope and regulated entities

1. This Circular provides guidelines for implementation and specifies:

- a) Responsibility for following administrative procedures for managing industrial chemicals;
- b) Specimens provided for relevant entities to use in the course of making an application for inspection, issuance, reissue or revision of a certificate of eligibility for conditional industrial chemical production/trade; license for industrial precursor export/import; license for restricted industrial chemical production/trade; making an application for inspection or approval for plans for prevention of and response to industrial chemical emergencies; specimen of a toxic chemical sale record; specimens of reports on chemical-related activities;
- c) Development of plans and measures for prevention of and response to industrial chemical emergencies;
- d) Classification and labeling of chemicals;
- dd) Making of safety data sheets;
- e) Declaration of imported chemicals;
- g) Reporting on chemical management in industry and trade.

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

Article 2. Definitions

1. "chemical label" means any writing, printed copy, drawing, photocopy of words, pictures or images that is stuck, printed, attached to, molded or carved directly on chemical commercial packaging or on another material attached to chemical commercial packaging.

2. “chemical labeling” means an act of providing essential information about chemicals on chemical labels in order to enable consumers to identify it as the basis for selection, consumption and use; enable producers and traders to advertise their chemicals and facilitate inspections and supervision carried out by competent authorities.
3. “primary label” is an original label attached to chemical commercial packaging by a chemical producer.
4. “secondary label” is a label providing compulsory information that must be translated from a foreign language into Vietnamese for the primary label and adding compulsory information in Vietnamese to the primary label (if any) in accordance with regulations of Vietnam law.
5. “chemical commercial packaging” is a type of packaging used for containing the chemical and for sale together with the chemical, including:
 - a) Chemical container means the layer of packaging containing or in direct contact with the chemical, forming the shape of the chemical or tightly covering by its shape;
 - b) Chemical package means the layer of packaging used for covering one or some chemical substances in the chemical container.
6. “production date” is the date on which the final stage of the chemical or chemical batch is completed.
7. “expiry date” is a previously determined date after which the chemical or chemical batch fails to maintain all of its characteristics or quality. The expiry date shall be shown as the period of time from the production date to the expiry date or as month, day and year of expiry. If the expiry date is shown as month and year, it shall end on the last date of the expiry month.
8. “circulation of chemicals” includes acts of displaying, promoting, transporting and storing chemicals in the course of selling and purchasing chemicals, except for transporting chemicals of an importer to a warehouse from a checkpoint.

Article 3. Administrative procedures for managing industrial chemicals

1. Issuance, reissue, revision or revocation of certificates of eligibility for conditional industrial chemical production/trade
 - a) Each Department of Industry and Trade of each province/central-affiliated city (hereinafter referred to as “Department of Industry and Trade of province”) shall receive applications from, issue, reissue, revise or revoke certificates of eligibility for conditional industrial chemical production/trade to chemical producers whose factories are located in the province;
 - b) Department of Industry and Trade of province shall receive applications from, issue, reissue, revise or revoke certificates of eligibility for conditional industrial chemical production/trade to chemical traders whose stores are located in the province.

If a chemical trader has a chemical warehouse in another province, the Department of Industry and Trade of province shall send a copy of his/her application for the certificate and an enquiry form to receive comments from the Department of Industry and Trade of the province where his/her warehouse is located. The Department of Industry and Trade of the province where the chemical trader’s warehouse is located shall inspect conditions of the warehouse and complete the enquiry form on satisfaction of requirements for chemical warehouses mentioned in the Decree No. 113/2017/ND-CP and send it to the Department of Industry and Trade of the province where the chemical trader’s store is located. The Department of Industry and Trade of province responsible for granting the certificate shall send the certificate to the Department of Industry and Trade of the province where the chemical warehouse is located;
 - c) An entity both producing and trading in conditional industrial chemicals shall make and submit an application for the certificate of eligibility for conditional industrial chemical production/trade including the documents stated in Clause 1 and Clause 2 Article 10 of the Decree No. 113/2017/ND-CP to the Department of Industry and Trade of the province where the entity’s factory/store is located;

2. The Vietnam Chemicals Agency shall receive applications for and issue, reissue, revise, renew or revoke licenses for industrial precursor export/import.
3. The Vietnam Chemicals Agency shall receive applications for licenses for restricted industrial chemical production/trade; carry out inspections of applications and organize inspection visits to chemical factories/stores. The Minister of Industry and Trade shall authorize the Director of the Vietnam Chemicals Agency to issue, reissue, revise or revoke licenses for restricted industrial chemical production/trade.
4. The Vietnam Chemicals Agency shall receive applications for inspection or approval for plans for prevention of and response to industrial chemical emergencies, request the Minister of Industry and Trade to set up inspection councils and consider approving such plans.
5. The Vietnam Chemicals Agency shall receive declaration on imported chemicals made by chemical importers through the national single-window website, develop and implement plans for periodic or ad hoc inspection if necessary.

Article 4. Promulgation of specimens

1. Specimens of applications for issuance, reissue and revision of the certificate of eligibility for conditional industrial chemical production/trade; license for restricted industrial chemical production/trade are provided in Appendix No. 1 attached hereto, including:

- a) Specimen No. 1a: Application form for the certificate of eligibility for conditional industrial chemical production/trade;
- b) Specimen No. 1b: Application form for reissue of the certificate of eligibility for conditional industrial chemical production/trade;
- c) Specimen No. 1c: Application form for revision of the certificate of eligibility for conditional industrial chemical production/trade;
- d) Specimen No. 1d: Application form for the license for restricted industrial chemical production/trade;
- dd) Specimen No. 1dd: Application form for reissue of the license for restricted industrial chemical production/trade;
- e) Specimen No. 1e: Application form for revision of the license for restricted industrial chemical production/trade;
- g) Specimen No. 1g: List of technical equipment and personal protective equipment of the chemical factory/store.

2. Specimens of applications for issuance, renewal, reissue and revision of the license for industrial precursor export/import are provided in Appendix No. 2 attached hereto, including:

- a) Specimen No. 2a: Application form for the license for industrial precursor export/import;
- b) Specimen No. 2b: Application form for renewal of the license for industrial precursor export/import;
- c) Specimen No. 2c: Application form for reissue of the license for industrial precursor export/import;
- d) Specimen No. 2d: Application form for revision of the license for industrial precursor export/import.

3. Specimens used in the course of making applications for and inspecting or approving plans for prevention of and response to industrial chemical emergencies are provided in Appendix No. 3 attached hereto, including:

- a) Specimen No. 3a: Application form for plans for prevention of and response to industrial chemical emergencies;
- b) Specimen No. 3b: Decision on establishment of the inspection council;
- c) Specimen No. 3c: Inspection council meeting minutes;

d) Specimen No. 3d: Rating report;

dd) Specimen No. 3dd: Report on explanation and comments on inspection results.

4. The specimen of the toxic chemical sale record is provided in Appendix No. 4 attached hereto.

5. Specimens of reports on chemical-related activities are provided in Appendix No. 5 attached hereto, including:

a) Specimen No. 5a: Report on chemical-related activities (for organizations and individuals);

b) Specimen No. 5b: Report on chemical-related activities and chemical management (for Departments of Industry and Trade of provinces).

Article 5. Plans and measures for prevention of and response to industrial chemical emergencies

1. Layout and contents of plans and measures for prevention of and response to industrial chemical emergencies are provided in Appendix No. 6 attached hereto.

2. Within 10 (ten) working days from the day on which the decision on issuance of measures for prevention of and response to chemical emergencies is given, the investor shall send a copy of the decision and a book of measures to the Department of Industry and Trade of the province where the project is developed.

3. Any change arising in the course of investment and operation related to the contents stated in adopted plans shall be reported to the Vietnam Chemicals Agency.

Article 6. Classification and labeling of chemicals

1. Chemical producers/importers shall classify and label chemicals, take responsibility for results of chemical classification and information shown on chemical labels.

2. Chemicals shall be classified according to rules and technical guidance of Globally Harmonized System of Classification and Labeling of Chemicals (GHS) from Rev. 2 (2007) onwards. General guidance and criteria for chemical classification of GHS are provided in Appendix No. 7 attached hereto.

3. Chemicals shall be labeled according to the guidance provided in Appendix No. 8 attached hereto. Chemical labels shall provide the following information:

a) Names of chemicals;

b) Identification numbers of chemicals (if any);

c) Hazard pictograms, signal words or hazard statements (if any);

d) Preventive measures (if any);

dd) Quantity;

e) Composition or composition and contents;

g) Production date;

h) Expiry date (if any);

i) Names and addresses of entities responsible for chemicals;

k) Origins of chemicals;

l) Instruction on how to use and store chemicals.

4. Chemical labels shall be attached in accordance with Article 4; secondary labels shall be attached in compliance with Clause 3 Article 7 and Clauses 3 and 4 Article 8 of the Government's Decree No. 43/2017/ND-CP on goods labels. In the cases where the size of a label is too small to contain every compulsory information, the information mentioned in Points a, i and k Clause 3 this Article shall be stated on the label and the remaining information shall be specified in the package insert and shall be mentioned on the label.

5. Hazard pictograms in transporting hazardous chemicals are provided in Appendix No. 7 attached hereto.

Article 7. Making of safety data sheets

1. Hazardous chemical producers and importers mentioned in Clause 1 Article 24 of the Decree No. 113/2017/ND-CP shall make safety data sheets including information provided in Appendix No. 9 attached hereto before using or selling chemicals on and take responsibility for contents of safety data sheets.

2. Hazardous chemical producers and importers shall retain safety data sheets of every hazardous chemical in their factories/stores and make sure that all entities relevant to hazardous chemicals are provided with safety data sheets of such hazardous chemicals.

Article 8. Instruction on making declaration of imported chemicals

1. Chemical importers shall declare imported chemicals through national single-window website before customs clearance is granted.

2. After customs clearance is granted, the customs shall send information about declared identification numbers and other information stated in Appendix No. 10 attached hereto to the system of the Ministry of Industry and Trade.

3. Entities purchasing chemicals in the territory of Vietnam shall not make declaration of imported chemicals.

4. In case the main system is not functional, the importer may declare imported chemicals through a backup system. Chemical importers shall take responsibility for information that they have declared through the backup system as if it is declared through the national single-window website mentioned in Clause 6 Article 27 of the Decree No. 113/2017/ND-CP.

Article 9. Reporting

1. Reporting made by entities having chemical-related activities

a) Before January 15 every year, entities having industrial chemical-related activities shall make reports on their chemical-related activities in the previous year according to the specimen No. 5a provided in Appendix No. 5 attached hereto and send them to the Department of Industry and Trade of the province where such activities are carried out and to the Vietnam Chemicals Agency;

b) The periodic reporting mentioned in Point a this Clause shall be made through the national database on chemicals after it is complete;

c) Entities having industrial chemical-related activities shall make reports on their chemical-related activities on an ad hoc basis and send them to the Department of Industry and Trade of the province where they are carrying out such activities when there is any chemical emergency arising or such activities are ceased or at the request of a competent authority.

2. Before January 20 every year, Departments of Industry and Trade of provinces shall report chemical management and consolidate chemical-related activities carried out by entities in their provinces according to the specimen No. 5b provided in Appendix No. 5 attached hereto to the Vietnam Chemicals Agency.

3. Authorities mentioned in Article 10 herein shall report chemical management to the Vietnam Chemicals Agency within their competence if required.

Article 10. Responsibilities of Departments, Agencies affiliated to the Ministry of Industry and Trade, Departments of Industry and Trade of provinces and market surveillance authorities

1. The Vietnam Chemicals Agency shall act as the focal point to manage chemical-related activities on behalf of the Ministry of Industry and Trade.

The Vietnam Chemicals Agency shall take charge and cooperate with relevant authorities in performing the following tasks under management of the Ministry of Industry and Trade:

- a) Preparing legislative documents and requesting competent authorities to promulgate such documents; strategies, programs, projects, plans, mechanisms or policies on chemical industry development; technical standards and regulations on chemicals;
 - b) Disseminating and providing guidance on regulations of law on chemical management;
 - c) Following administrative procedures mentioned in Clauses 2, 3, 4 and 5 Article 3 herein;
 - d) Developing the national list of chemicals, national database on chemicals and systems of laboratories for assessing new chemicals in Vietnam;
 - dd) Carrying out inspections, settling complaints and taking actions against violations of chemical-related activities within their power.
2. The Industrial Safety Techniques and Environment Agency shall provide guidelines and inspect compliance with safety of hazardous industrial chemical activities.
3. The E-commerce and Digital Economy Agency shall take charge and cooperate with the General Department of Vietnam Customs in maintaining operation of the electronic system of the Ministry of Industry and Trade through the national single-window website.
4. The General Department of Market Surveillance shall provide guidance and direct market surveillance authorities in conducting inspections and taking actions against violations of chemical-related activities.
5. Departments of Industry and Trade of provinces shall:
- a) Manage and supervise chemical-related activities in their provinces;
 - b) Follow administrative procedures mentioned in Clause 1 Article 3 herein;
 - c) Take charge and cooperate with relevant authorities in disseminating and providing guidance on implementation of law on chemical management;
 - d) Carrying out inspections, settling complaints and taking actions against violations of chemical-related activities;
 - dd) Supervise compliance with regulations on chemical production/trade requirements, plans and measures for prevention of and response to chemical emergencies and training courses in chemical safety provided by entities having chemical-related activities;
 - e) Fulfill the tasks stated in the Law on Chemicals, the Decree No. 113/2017/ND-CP and other tasks related to chemical activities that they are assigned.

Article 11. Transitional provisions

1. Plans and measures for prevention of and response to chemical emergencies that have been appraised or verified before the effective date of this Circular shall continue to be implemented.
2. Domestically produced and imported chemicals that have been classified or labeled for internal use or sale before the effective date of this Circular may be used or sold until they are sold out.
3. Regarding certificates of eligibility for conditional chemical production/trade and licenses for restricted chemical production/trade:
 - a) Certificates and licenses granted by competent authorities before the effective date of the Decree No. 113/2017/ND-CP shall remain effective until they expire;
 - b) If a certificate/license that is granted before the effective date of the Decree No. 113/2017/ND-CP needs to be revised before it expires or a certificate/license expires its holder wishes to sustain the business, a new certificate/license will be issued in accordance with provisions of such Decree;
 - c) Producers and sellers of conditional industrial chemicals mentioned in the Decree No. 113/2017/ND-CP that are not on the list of chemicals stated in Appendix No. 1 of the Circular No. 28/2010/TT-BCT dated June 28, 2010 by the Minister of Industry and Trade and

restricted industrial chemicals mentioned in the Decree No. 113/2017/ND-CP that are not on the list of chemicals stated in Appendix No. 2 of the Decree No. 26/2011/ND-CP dated April 08, 2011 by the Government shall fulfill all conditions and apply for a new certificate/license within 6 months from the effective date of this Circular..

Article 12. Effect

1. This Circular comes into force from the signing date.
2. If any legislative document or reference in this Circular is amended or replaced, its latest version shall prevail.
3. This Circular shall supersede:
 - a) The Circular No. 01/2006/TT-BCN dated April 11, 2006 by the Minister of Industry on guidelines for management of toxic chemical export/import and products containing toxic chemicals, drug precursors and chemicals in accordance with technical standards under management of the Ministry of Industry;
 - b) The Decision No. 40/2006/QD-BCN dated December 01, 2006 by the Minister of Industry on supplement of the list of chemicals banned to be exported/imported promulgated together with the Decision No. 05/2006/QD-BCN dated April 07, 2006 by the Ministry of Industry on publishing the list thereof;
 - c) The Circular No. 28/2010/TT-BCT dated June 28, 2010 by the Minister of Industry and Trade specifying certain articles of the Law on Chemicals and the Government's Decree No. 108/2008/ND-CP dated October 07, 2008 specifying and providing guidelines for implementation of certain articles of the Law on Chemicals;
The Circular No. 18/2011/TT-BCT dated April 21, 2011 by the Minister of Industry and Trade on supplementing and annulling administrative procedures stated in the Circular No. 28/2010/TT-BCT specifying certain articles of the Law on Chemicals and the Decree No. 108/2008/ND-CP specifying and providing guidelines for implementation of certain articles of the Law on Chemicals;
 - dd) The Circular No. 40/2011/TT-BCT dated November 14, 2011 by the Minister of Industry and Trade on declaration of chemicals;
 - e) The Circular No. 04/2012/TT-BCT dated February 13, 2012 by the Minister of Industry and Trade on classification and labeling of chemicals;
 - g) The Circular No. 07/2013/TT-BCT dated April 22, 2013 by the Minister of Industry and Trade on registration of using hazardous chemicals for production of industrial goods;
 - h) The Circular No. 20/2013/TT-BCT dated August 05, 2013 by the Minister of Industry and Trade on plans and measures for prevention of industrial chemical emergencies;
 - i) Article 6, Article 7, Clauses 1 and 2 Article 9, Article 10, Article 11, Article 12, Article 14 and Article 18 of the Circular No. 42/2013/TT-BCT dated December 31, 2013 by the Minister of Industry and Trade on management and control of industrial precursors;
 - k) The Circular No. 36/2014/TT-BCT dated October 22, 2014 by the Minister of Industry and Trade on training in chemical safety and issuance of certificate of training in chemical safety;
 - l) Article 1, Article 2, Article 3 and Article 4 of the Circular No. 06/2015/TT-BCT dated April 23, 2015 by the Minister of Industry and Trade on amendments to certain circulars promulgated by the Ministry of Industry and Trade on administrative procedures in the fields of chemicals, electricity and trade in commodities via commodity exchanges;
 - m) Article 2 and Article 3 of the Circular No. 04/2016/TT-BCT dated June 06, 2016 by the Minister of Industry and Trade on amendments to certain circulars promulgated by the Minister of Industry and Trade on administrative procedures in the fields of e-commerce, chemicals, alcohol production and trade, franchise, trade in commodities via commodity exchanges, energy, food safety and electricity;

n) Clause 1 Article 4 and Article 5 of the Circular No. 27/2016/TT-BCT dated December 05, 2016 by the Minister of Industry and Trade on amendments to and annulment of certain legislative documents on requirements for investment in certain fields under state management of the Ministry of Industry and Trade.

4. Any issues arising in the course of implementation shall be reported to the Ministry of Industry and Trade.

**PP. MINISTER
DEPUTY MINISTER**

Do Thang Hai