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Draft 2

LAW ON CHEMICALS (AMENDED)

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly issues the Law on Chemicals (amended).*

Chapter I GENERAL PROVISIONS

Article 1. Scope of adjustment

This Law regulates the development of the chemical industry, chemical-related activities, chemicals in products, safety in chemical-related activities, rights and obligations of the organizations and individuals engaged in the chemical-related activities and the State management of chemical-related activities.

Article 2. Regulated entities

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

Article 3. Application of laws

1. Investment and construction activities of chemical-related projects, and chemical-related activities in the territory of Vietnam shall comply with the provisions of this Law and other regulations of related laws.

2. In case of any different regulations between the Law on Chemicals and other laws promulgated before the effective date of the Law on Chemicals, the provisions of the Law on Chemicals shall prevail.

3. The activities related to radioactive substances and radioactive wastes shall comply with the laws on radiation safety and atomic energy.

4. In case other laws promulgated after the effective date of the Law on Chemicals require specific regulations on industries or fields of chemical use different from the provisions of the Law on Chemicals, the implementation content shall be specifically determined or not implemented according to provisions of the Law on Chemicals, the implementation content shall comply with the provisions of other laws.

Article 4. Definitions and Interpretation

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

1. *Chemical* means an element, a compound, or a mixture of substances used 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 or a mixture of substances that may be harmful to human health, property, facilities, and the environment and having one or several hazardous properties according to classification principles of the Globally Harmonized System of Classification and Labeling of Chemicals.

5. *Chemical project* means an investment project or construction investment project formed and implemented with the main goal of implementing production, extraction, storage and preservation of chemicals and products of the chemical industry.

6. *Chemical industrial park* means an industrial park specialized in manufacturing and providing services for chemical-related projects and works; at least 60% of the industrial land area of the industrial park is used to attract chemical-related projects or investment projects

7. *Chemical industrial cluster* means an industrial cluster specialized in manufacturing and providing services for chemical-related projects and works; at least 60% of the industrial land area of the industrial cluster is used to attract chemical-related projects or investment projects .

8. *Chemical work* means a work constructed to carry out production, extraction, storage and preservation of chemicals and products of the chemical industry.

9. *Chemical complex* means a collection of many chemical works belonging to one or many different projects in connection to technology, raw materials, and products.

10. *Green chemistry principles* mean a set of principles applied in the design, production processes, use and disposal of chemicals to minimize or eliminate the use and generation of hazardous chemicals.

11. *Basic chemicals* mean chemicals used as raw materials, fuels, additives, and solvents to produce other chemicals or in the production process of economic sectors.

12. *Petrochemical product* means chemical products of oil refining process, processing of natural gas, petroleum gas, and coal; or products created through chemical reactions from raw materials that are products of oil refining process, processing of natural gas, petroleum gas or coal; excluding fuel and energy goals.

13. *Pharmaceutical chemical* means medicinal ingredients, including pharmaceutical ingredients (or also known as active ingredients), medicinal ingredients, excipients created from chemical processes, natural compounds (medicinal herbs, marine organisms) and bio-technology.

14. *Technical rubber* means a general name of products made from rubber with technical requirements according to molds and based on different requirements of features, excluding tire products.

15. *Energy chemical* means chemicals that act as energy sources, energy storage, and energy carriers.

16. *New chemical* means a chemical not yet listed in the National Chemical Inventory or foreign chemical inventories recognized by competent State authorities of Vietnam.

17. *Chemical-related activities* mean activities of research, testing, production, bottling, packaging, trading, import, export, transport, storage, preservation, use and processing of discarded chemicals and treatment of chemical waste.

18. *Chemical facility* means a place where one or more activities of research, testing, production, bottling, packaging, trading, import, export, storage, preservation, use, and treatment of discarded chemicals and chemical waste take place.

19. *Chemical production* means a creation of a chemical through chemical reactions and/or processing processes including preparation, distillation, extraction, and purification of chemicals, excluding unintentional chemical emissions.

20. *Chemical business* means an activity of trading, exchange, leasing, import, and export of chemicals to supply chemicals on the market for profit purposes.

21. *Chemical use* means the consumption of chemicals or the use of chemicals to produce other goods.

22. *Chemical extraction and packaging* means the use of equipment and tools to grade and extract chemicals from the bulk or bulk form into the package or from one package to another without changing the nature and composition of the chemical.

23. *Chemical life cycle* means the chemical management activity from the process of production, trading, import, export, storage, transportation, and use to treatment and disposal of chemicals to ensure the compliance with all legal regulations of the above activities.

24. *Chemical waste* means a type of waste generated from chemical-related activities containing toxic, flammable, explosive, corrosive, and toxic elements or hazardous properties that easily pollute the environment and other hazardous properties.

25. *New dangerous property* means a dangerous property discovered but not yet recorded in chemical safety data sheets.

26. *CAS Number (Chemical Abstracts Service)* means a unique sequence of numbers assigned to each chemical according to the rules of a Division of the American Chemical Society (ACS).

27. *UN Number (United Nations)* means a four-digit number, prescribed by the United Nations Organization, and used to identify hazardous chemicals.

28. *IUPAC (International Union of Pure and Applied Chemistry)* means an international agency representing relevant chemistry, sciences and technologies.

29. *GHS* means Globally Harmonized System of Classification and Labeling of Chemicals.

30. *Products containing dangerous chemical* means a product that, under reasonable conditions of use and right purposes, still has the potential to cause harm to people, animals, plants, property, and the environment due to its chemical compositions in products.

31. *Safe distance for chemical production and storage* means a minimum air storage distance that must be ensured from a place of chemical storage and production location of a chemical production and storage facility to residential areas, public works, historical-cultural relics, scenic spots, bio-diversity conservation areas, and exploitation areas of domestic water sources to minimize negative impacts on human health, animals and aquatic environment under normal operating conditions.

32. *Chemical security* means the application of regulations and measures to prevent the use of chemicals and chemical equipment for non-peaceful

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purposes to maintain a stable and safe state without any signs of harm or threat to the existence and normal development of individuals, organizations in each field of activity or the entire society.

Article 5. Principles of chemical-related activities

1. Ensure the safety for people, property, ecosystem and environment; safety and order of society.
2. Strictly control chemical-related activities, especially new chemicals, hazardous chemicals, specially-controlled chemicals, and banned chemicals.
3. Provide complete, accurate, and timely information about dangerous properties of chemicals and necessary preventive measures.

Article 6. Prohibited acts in chemical-related activities

1. Implement production, trading, transport, storage, use, sending, giving or donation of any dangerous chemical contrary to the provisions of this Law and other relevant laws.
2. Not disclose necessary information, or provide incomplete information, false information, conceal information about dangerous features of chemicals and products containing hazardous chemicals.
3. Use chemicals that are not on the List of permitted uses, chemicals that do not meet quality standards or exceed allowable concentrations to produce and preserve foods, medicines, animal feeds, veterinary drugs, plant protection products, fertilizers, consumer chemical products.
4. Use toxic chemicals to hunt animals and commit acts harmful to human health, property and the environment.
5. Put a project into operation without approval of the chemical incident prevention and response plans or reports on chemical incident prevention and response measures.
6. Take advantage or make use of hazardous chemicals to violate national security, social order and safety, life, health, property, rights and legitimate interests of organizations and individuals.

Chapter II

CHEMICAL INDUSTRY DEVELOPMENT

Article 7. State policies on chemical industry development

1. Mobilize investment resources, apply comprehensive mechanisms, incentives and preferential measures at the highest level to develop the chemical industry into a modern, fundamental industry for the socio-economic

development, national defense, security, environmental protection and improving the quality of people's lives.

2. Accelerate the application, research, and mastery of technology, human resources development; improve the competition of chemical industry products, form a value chain, and intensively participate in high value added stages.

3. Encourage organizations and individuals to invest in developing the chemical industry; apply modern and environmentally friendly technology, adapt to climate change, and effectively use natural resources, towards green growth and circular economy.

4. Organizations and individuals investing in projects in key fields of chemical industry are entitled to benefit special preferential policies and special investment supports according to the provisions of laws.

5. Arrange the State budget and attract socialized resources to carry out tasks, programs and projects to develop the chemical industry.

6. Develop the system of chemical industry production, business and services through promoting the establishment and completion of comprehensive consulting systems, logistics systems, and gradually improving infrastructure for development of the chemical industry in lien with the development of the country's general infrastructures, especially focusing on research, attracting investment and developing a system of specialized chemical industrial parks and specialized chemical industrial clusters, chemical complexes, and also especially building, updating and operating a database on the chemical industry to serve the management, planning, and adjustment of policies and providing information to economic organizations, domestic and foreign investors.

Article 8. Chemical industry development strategy

1. Requirements for chemical industry development strategy

a) The chemical industry development strategy must be consistent with the State's principles and policies on chemical-related activities, the provisions of this Law and other relevant laws;

b) The chemical industry development strategy is built on the basis of the country's socio-economic development strategy and plans, the national master plans, the national plans, and other national strategies and programs on industrial development;

c) The chemical industry development strategy must orient the formation of concentrated chemical industrial parks in consistent with natural conditions, socio-economic conditions and meet all chemical safety requirements;

d) The chemical industry development strategy must specifically identify viewpoints, goals, and development orientations of the chemical industry nationwide in each period, as well as solutions for development and organization

of the use of the country's resources from central to local levels to ensure the implementation of viewpoints, goals, and development orientations of the chemical industry.

2. The chemical industry development strategy is established for each ten-year period, with a vision for at least the next ten years.

3. Responsibilities for building, organizing and implementing the chemical industry development strategy

a) The Ministry of Industry and Trade (MOIT) presides over and coordinates with ministries, branches and localities to organize and prepare a chemical industry development strategy and submit it to the Prime Minister for approval; guide and inspect the implementation of the Strategy;

b) In the process of building and adjusting the local development planning, the People's Committees of provinces and centrally-run cities (hereinafter collectively referred to as Provincial-level People's Committees) shall base on the approved chemical industry development strategy to develop contents on the chemical industry development in the area in accordance with local socio-economic development goals;

c) The State's competent authorities approve investment policies under the Provincial-level People's Committee and collect opinions of the Ministry of Industry and Trade (MOIT) on the suitability of chemical-related projects for the chemical industry development strategy during the process of reviewing and approving investment policies for chemical-related projects that are key national projects, Group A projects, Group B projects; special level, level I, level II construction investment projects.

4. The authority in charge of developing the chemical industry development strategy is responsible for organizing and implementing the strategic environmental assessment according to the provisions of the Law on Environmental Protection.

5. The State allocates funds for the construction and implementation of the chemical industry development strategy according to the provisions of the State Budget Law.

6. The Government shall detail this Article.

Article 9. Regulations for chemical-related projects

1. Chemical project investors are responsible to:

a) Comply with the provisions of this Law, laws on investment, construction, other regulations and standards on chemical safety, fire prevention and fighting, environmental protection, human-health protection and other regulations of relevant laws;

b) Select and use suitable technology to ensure environmental standards, minimize the use of hazardous chemicals and minimize chemical waste;

c) Develop measures to prevent and respond to chemical incidents or chemical incident prevention and response plan according to the provisions of Article 68 and Article 69 of this Law;

d) Research to apply green chemistry principles in the design and selection of technology and equipment.

2. During the stage of making decisions on investment policies, the competent authority in charge of approving investment policies shall assess the suitability of the chemical project's location with the regulations on safe distance specified in Article 67 of this Law.

3. In the stage of making decisions on investment in a chemical project, the investor must explain and clarify the following contents in project documents:

a) The compliance with technical regulations and regulations on chemical safety;

b) Green chemistry principles that have been applied in the design and selection of technology and equipment.

4. Competent authorities and organizations shall appraise feasibility study reports on construction, investment, economic-technical reports on construction and investment in chemical-related projects, and also evaluate and appraise the contents as specified in Clause 3 of this Article during the process of appraising feasibility study reports on construction, investment and economic-technical reports on construction and investment.

5. In case the investor of a chemical project requests to issue a certificate or green certificate for origin, process or product, the Ministry of Industry and Trade must receive this proposal to consider and issue the certificate or green certificate.

6. The Government shall detail this Article.

Article 10. Key chemical industry sectors

1. Key chemical industry sectors include:

a) Production of basic chemicals in the cases specified in Clause 2 of this Article ;

b) Production of petrochemical products, pharmaceutical chemicals, technical rubber ;

c) Production of energy chemicals not cause carbon emissions from renewable energy sources ;

d) Investment in specialized chemical industrial parks and specialized chemical industrial clusters;

dd) Investment in chemical complexes with the main goal of producing chemicals and products of the chemical industry;

e) Investment in chemical-related projects subject to special investment incentives and support according to the provisions of the Investment Law.

2. The Government shall detail the list of basic chemicals in the key chemical industry according to the following criteria:

a) Basic chemicals are used in many different industries and fields but the domestic production fails to meet demand;

b) Basic chemical products are produced from deep processing of mineral resources.

3. Investment projects in the cases specified in Clause 1 of this Article are entitled to benefit from special investment incentives and supports according to the provisions of the Investment Law and relevant laws.

4. Chemical projects invested in specialized chemical industrial parks and specialized chemical industrial clusters are entitled to benefit from investment incentives according to the provisions of the Investment Law and relevant legal provisions, except cases that are entitled to benefit from special investment incentives and support.

Article 11. Chemical consulting activities

1. The following consulting activities need to meet specialized chemical conditions:

a) Construction activities for chemical-related projects include preparation of construction designs, verification of construction designs, construction supervision, supervision of equipment installation for works, project management, and construction pricing;

b) Consulting on technology and equipment selection, equipment installation for chemical-related projects;

c) Chemical safety consulting includes preparation of plans on chemical incident prevention and response, chemical incident prevention and response measures, chemical safety training, and rehearsals in chemical response plans.

2. The organization and implementation of chemical consulting activities specified in Point a, Clause 1 of this Article shall be granted a construction capability certificate by a competent authority according to the provisions of the Construction Law. Conditions for issuing the certificate include:

a) Capability conditions of construction activities are according to the provisions of the Construction Law;

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b) At least one individual participating in construction activities has a university degree or higher in the chemical major with work experience equivalent to the condition for issuing a construction practice certificate of the same class in the same field of operations.

3. Conditions for consulting organizations as specified in Points b and c, Clause 1 of this Article:

a) Act as an organization established and operating in accordance with the applicable law with appropriate business lines;

b) Have a team of consultants who have professional qualifications and experience;

c) Have necessary equipment, tools, technical means, and application software to meet the requirements of consulting activities;

d) Be granted a certificate of chemical consulting activities by a competent authority.

4. Conditions for individuals engaged in consulting activities as specified in Points b and c, Clause 1 of this Article:

a) Have university degrees or higher in the chemical major;

b) Consultants engaged in consulting activities relating to technology and equipment selection and equipment installation for chemical-related projects must have work experience equivalent to the conditions for issuing the construction practice certificate in the same field of operations;

c) Consultants engaged in consulting chemical safety must have five years of work experience or more in the field of chemical safety;

d) Pass all the test requirements and be certified as a chemical consultant by a competent authority.

5. The Government shall detail the conditions, documents, processes and procedures for appraisal and testing to issue certificates on chemical consulting activities and chemical consultant certificates.

6. The Ministry of Industry and Trade shall regulate agencies and organizations in charge of implementing appraisal, testing, issuance, adjustment, and revocation of chemical consulting activity certificates and chemical consultant certificates.

Chapter III CHEMICAL LIFE CYCLE MANAGEMENT

SECTION 1 REGULATIONS ON MANAGEMENT OF BANNED CHEMICALS

Article 12. Banned chemicals

1. Banned chemical means a chemical that is particularly dangerous to human health, the environment, national defense and security and is specified in the List of banned chemicals promulgated under the Investment Law or issued by the National Assembly.

2. Organizations and individuals are not allowed to produce, trade, transport, store or use banned chemicals, except for the cases specified in Clause 3 of this Article.

3. In special cases for the purposes of implementing scientific research, ensuring national defense, security, and epidemic prevention and control, the Minister of Industry and Trade, the Minister of Public Security, the Minister of National Defense, the Minister of Science and Technology, the Minister of Health, and the Minister of Agriculture and Rural Development shall report to the Prime Minister to permit the issuance of Licenses for production and import of banned chemicals for organizations and businesses.

4. Organizations and businesses permitted to produce, import, and use banned chemicals must prepare monitoring records to strictly manage the quantity; ensure that any loss or incident shall not occur; provide periodic reports according to the provisions of Article 84 of this Law.

Article 13. Production of banned chemicals

1. The production of banned chemicals is carried out according to the following regulations:

a) Organizations and businesses producing banned chemicals for the purposes of implementing scientific research, ensuring national defense, security, disease prevention and control must be licensed by a competent authority;

b) Banned chemicals are produced with the right type and scale for the purposes of scientific research, ensuring national defense, security, disease prevention and control;

c) Comply with required conditions to ensure the safety in chemical production activities as specified in Clause 1, Article 64, Clause 1, Article 65, and Article 67 of this Law;

d) Organize chemical safety training courses as prescribed in Article 71 of this Law;

dd) Organizations and businesses permitted to produce banned chemicals must strictly manage the quantity and ensure any loss or incident shall not occur; provide periodic reports according to the provisions of Article 84 of this Law;

e) Carry out the classification and labeling of goods according to the provisions of Article 50 of this Law;

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g) Implement regulations on the use of banned chemicals as specified in Article 17 of this Law.

2. The Ministry of Industry and Trade, the Ministry of Public Security, the Ministry of National Defense, the Ministry of Science and Technology, the Ministry of Health, the Ministry of Agriculture and Rural Development are the competent agencies in charge of receiving documents, appraising and evaluating practical conditions to report to the Prime Minister to permit the issuance of License for production and import of banned chemicals in industries and fields under their management.

3. The Government shall detail the documents, sequences and procedures for granting the License, and the contents of the License on production of banned chemicals.

Article 14. Import of banned chemicals

1. The import of banned chemicals is carried out according to the following regulations:

a) Organizations and businesses importing banned chemicals for the purposes of implementing scientific research, ensuring national defense, security, disease prevention and control must be licensed by a competent authority;

b) Banned chemicals must be imported with the right type and scale for the purposes of implementing scientific research, ensuring national defense, security, disease prevention and control;

c) Organizations permitted to import banned chemicals must strictly manage the quantity and ensure that any loss or incident shall not occur; provide periodic reports according to the provisions of Article 84 of this Law;

d) Carry out the classification and labeling of goods according to the provisions of Article 50 of this Law;

dd) Implement regulations on the use of banned chemicals as specified in Article 17 of this Law.

2. The Ministry of Industry and Trade, the Ministry of Public Security, the Ministry of National Defense, the Ministry of Science and Technology, the Ministry of Health, the Ministry of Agriculture and Rural Development are the competent agencies in charge of receiving documents, appraising and evaluating practical conditions and report to the Prime Minister to authorize the issuance of Import license of banned chemicals in industries and fields under their management.

3. Import licenses of banned chemicals are issued for each imported batch and is valid for 6 months from the date of issue.

4. The Government shall detail documents, sequences and procedures for granting the License, and the contents of the Import License of banned chemicals.

Article 15. Transportation of banned chemicals

1. Organizations and businesses transporting banned chemicals must be enterprises registered in the profession of transporting dangerous goods.

2. The transportation of banned chemicals must comply with the conditions to ensure the safety in chemical transportation activities as specified in Clause 4, Article 64, Clause 4, Article 65 of this Law.

3. Individuals in charge of transporting banned chemicals must comply with the following regulations:

a) Comply with the contents as stated in the Chemical Transportation License;

b) Check the condition of goods before departure or after each time of stopping or parking and immediately fix any problems incurred;

c) Have a plan to ensure the safe transportation, fire prevention and fighting; take measures to respond to any emergency incidents;

d) Fully implement procedures for delivery and receipt of goods and documents related to chemicals;

dd) Do not stop or park chemical transportation vehicles in crowded places, residential areas, near gas stations, or places where there are important defense, security, economic, cultural and diplomatic works; Do not transport chemicals during bad weather conditions. In case of staying overnight or due to any incident, it is required to immediately notify the nearest military agency or police agency for coordination and protection.

4. The transportation of banned chemicals shall comply with Government regulations on transportation of dangerous goods.

Article 16. Storage and preservation of banned chemicals

1. Banned chemicals must be managed and preserved according to the correct regimes and procedures to ensure the safety and not being lost or damaged.

2. The storage of banned chemicals must comply with the required conditions to ensure the safety in chemical storage activities as specified in Clause 3, Article 64, Clause 3, Article 65, and Article 67 of this Law.

3. Banned chemicals stored in warehouses must have full labels, tags, and logos according to the Law on goods labeling.

4. Banned chemicals must be stored in separate areas.

Article 17. Use of banned chemicals

1. Organizations and businesses using banned chemicals are required to meet the following conditions:

a) Act as an organization or business established according to the provisions of the applicable law;

b) There are special activities to use chemicals for the purposes of analysis, testing, scientific research, health, pharmaceutical production, criminal investigation, national defense, security protection or performance of tasks assigned by the Government and Prime Minister to use banned chemicals.

2. The use of banned chemicals must ensure the conditions of security, order, fire prevention and fighting, environmental sanitation and also comply with conditions to ensure the safety in chemical use activities as specified in Clause 1 of this Article. Article 64, Article 65, Article 67 of this Law.

Article 18. Handling and disposal of banned chemicals

1. Organizations and individuals that produce, import and use banned chemicals must handle and dispose of chemical residues, chemical waste and chemical containers according to the provisions of the Law on environmental protection.

2. The Government shall detail this Article.

SECTION 2 MANAGEMENT REGULATIONS ON SPECIALLY-CONTROLLED CHEMICALS

Article 19. Specially-controlled chemicals

1. The Government issues the List of specially-controlled chemicals, including:

a) Dangerous chemicals require the special control to implement the Rotterdam Convention, Minamata Convention on Mercury, Stockholm Convention and other international treaties related to chemicals and chemical-related activities of which the Socialist Republic of Vietnam is a member;

b) Hazardous chemicals require the special control to ensure that impacts on the national defense, security, social order and safety, human health, property, and the environment shall not occur.

2. Specially-controlled chemicals are controlled in terms of safety techniques, scope, type, scale, production period, business and use purposes.

3. Organizations and businesses engaged in activities of specially-controlled chemicals must prepare monitoring records and strictly manage the

quantity to ensure that any loss or incident shall not occur; provide periodic reports according to the provisions of Article 85 of this Law.

Article 20. Production of specially-controlled chemicals

1. The production of specially-controlled chemicals is carried out by organizations and businesses according to the License issued by a competent authority.

2. The production of specially-controlled chemicals must meet the legal conditions, physical and technical facilities, professional capacity and other chemical control requirements according to the Government's regulations.

3. The Ministry of Industry and Trade is responsible for issuing, re-issuing, adjusting, extending and revoking the License on production of specially-controlled chemicals.

4. The License on production of specially-controlled chemicals is valid for 5 years from the date of issue.

5. The Government shall detail conditions, documents, sequences and procedures for granting the License, and the contents of the License on production of specially-controlled chemicals.

Article 21. Trading in specially-controlled chemicals

1. The trading in specially-controlled chemicals is carried out by organizations and businesses according to the License issued by a competent authority.

2. The trading in specially-controlled chemicals must meet the legal conditions, physical and technical facilities, professional capacity and chemical control requirements according to the Government's regulations.

3. The Ministry of Industry and Trade is responsible for issuing, re-issuing, adjusting, extending and revoking the Business License of Specially-controlled chemicals.

4. The Business License of specially-Controlled chemicals is valid for 3 years from the date of issue.

5. The Government shall regulate the conditions, documents, sequences and procedures for granting the License, and the contents of Business Licenses of Specially-controlled chemicals.

Article 22. Export, import, temporary import, re-export, temporary export, re-import, and transit of specially-controlled chemicals

1. Cases of export, import, temporary import, re-export, temporary export, re-import, and transit of specially-controlled chemicals are as follows:

a) Organizations and businesses that are granted the License on production of specially-controlled chemicals may export, temporarily export, re-import, and transit of chemicals under the licensed list;

b) Organizations and businesses that are granted the Business License of specially-controlled chemicals may export, import, temporarily import, re-export, temporarily export, re-import, and transit of chemicals under the licensed list;

c) Organizations, businesses, and individuals use imported chemicals or specially-controlled chemicals for use purposes; export or resell unused chemicals to organizations and businesses with the License on production and trading in specially-controlled chemicals.

2. Specially-controlled chemicals include two cases as follows:

a) Cases that are required to issue the Licenses when exporting, importing, temporarily importing, re-exporting, temporarily exporting, re-importing, or transiting chemicals;

b) Cases that require the declaration of imported chemicals through the Vietnam National Single Window.

3. The Ministry of Industry and Trade issues, reissues, adjusts, extends, and revokes the export and import licenses for organizations, businesses, and individuals exporting and importing chemicals in the cases as specified in point a, Clause 2 of this Article.

4. The Ministry of Industry and Trade confirms the declaration of imported chemicals for the cases as specified in Point b, Clause 2 of this Article.

5. The Government shall detail this Article.

Article 23. Transportation of specially-controlled chemicals

1. Organizations and businesses transporting specially-controlled chemicals must be businesses registered in the profession of transporting dangerous goods.

2. The transportation of specially-controlled chemicals must comply with the conditions to ensure the safety in chemical transportation as specified in Clause 4, Article 64, Clause 4, Article 65 of this Law.

3. The transportation of specially-controlled chemicals shall comply with the Government's regulations on transportation of dangerous goods.

Article 24. Storage and preservation of specially-controlled chemicals

1. Specially-controlled chemicals must be managed and preserved according to the correct regimes and procedures to ensure the safety and not being lost or damaged.

2. The storage of specially-controlled chemicals must comply with the conditions to ensure the safety in chemical storage activities as specified in Clause 3, Article 64, Clause 3, Article 65, and Article 67 of this Law.

3. Specially-controlled chemicals stored in warehouses must have full labels, tags, and logos according to the Law on goods labeling .

4. Organizations and individuals storing specially-controlled chemicals of many other organizations and individuals must be granted the Certificate of eligibility for chemical storage service activities by a specialized agency under the Provincial-level People's Committee.

5. The Government shall detail Clause 4 of this Article.

Article 25. Requirements for facilities of extraction, dilution, and mixing of specially-controlled chemicals

1. Organizations and individuals in charge of extracting, diluting, and mixing specially-controlled chemicals must comply with the requirements as specified in Article 64, Article 65, and Article 67 of this Law.

2. Locations of extraction, dilution, and mixing of specially-controlled chemicals must ensure all conditions regarding to fire fighting and prevention, environmental protection, occupational safety and hygiene in accordance with relevant laws.

3. Chemical extraction and packaging equipment must meet general safety requirements according to current National technical regulations and standards. Machines, equipment, and supplies with high safety requirements and testing measuring equipment must be inspected, calibrated, adjusted, and maintained according to current regulations on inspection of machinery and equipment.

4. After extraction and packaging, chemical packaging, containers and labels must meet requirements as specified in Article 51 of this Law.

5. Individuals directly in charge of extracting, diluting, and mixing chemicals must be trained in terms of chemical safety as prescribed in Article 71 of this Law.

6. Organizations and individuals in charge of extracting, diluting, and mixing chemicals must carry out the classification, labeling, and preparation of chemical safety data sheets according to the provisions of Article 50 and Article 52 of this Law.

Article 26. Use of specially-controlled chemicals

1. Organizations and individuals using specially-controlled chemicals are responsible for declaring the types of chemicals and use purposes on the National Chemical Database System before use.

2. The use of specially-controlled chemicals must ensure conditions of security, order, fire prevention and fighting, environmental sanitation and compliance with conditions to ensure the safety in chemical use activities as specified in Article 64, Article 65, Article 67 of this Law.

3. Line ministries must prepare in detail conditions and regulations on the use of specially-controlled chemicals within the scope of management and submit them to the Government for promulgation.

Article 27. Control of purchase and sale of specially-controlled chemicals

1. The purchase and sale of specially-controlled chemicals require control cards and confirmation of the purchaser and seller as a basis for the control of specially-controlled chemicals circulated in the market.

2. A control card of purchase and sale of specially-controlled chemicals includes information on chemical name, chemical quantity, and use purposes; names of organizations, facilities, business codes, addresses, and representatives of the seller and purchaser; and the date of delivery.

3. A control card of purchase and sale of specially-controlled chemicals must be kept at the seller and the purchaser for at least 05 (five) years and must be presented at the request of a competent authority.

4. The Ministry of Industry and Trade regulates the form of control card of purchase and sale of specially-controlled chemicals.

Article 28. Handling and disposal of specially-controlled chemicals

1. Organizations and individuals in charge of producing, importing, exporting and using specially-controlled chemicals must handle and dispose chemical residues, chemical waste and containers in accordance with the Law on Environmental Protection.

2. The Government shall detail this Article.

SECTION 3

MANAGEMENT REGULATIONS OF CONDITIONAL CHEMICALS

Article 29. Conditional chemicals

1. Conditional chemicals are hazardous chemicals specified in the List issued by the Government.

2. Organizations and individuals engaged in activities of conditional chemicals must comply with the conditions to avoid any harm to the national defense, security, and ensure social order and safety, human health, property, and environment.

Article 30. Production of conditional chemicals

1. The production of conditional chemicals is carried out by organizations and individuals according to the Certificate of Eligibility issued by a competent authority.

2. The production of conditional chemicals must meet all the legal conditions, physical and technical facilities and professional capacity as prescribed by the Government.

3. Specialized agencies under the Provincial-level People's Committee are responsible for issuing, re-issuing, adjusting, extending and revoking the Certificate of Eligibility for conditional chemical production.

4. The Certificate of Eligibility for conditional chemical production is valid for 5 years from the date of issue.

5. The Government shall detail conditions, documents, sequences and procedures for granting the Certificate, and the contents of the Certificate of Eligibility for conditional chemical production.

Article 31. Trading in conditional chemicals

1. The trading in conditional chemicals is carried out by organizations and individuals according to the Certificate of Eligibility issued by a competent authority.

2. The trading in conditional chemicals must meet legal conditions, physical and technical facilities and professional capacity as prescribed by the Government.

3. Specialized agencies under the Provincial-level People's Committee are responsible for issuing, re-issuing, adjusting, extending and revoking the Certificate of Eligibility for trading in conditional chemicals.

4. The Certificate of Eligibility for trading in conditional chemicals is valid for 05 years from the date of issue.

5. The Government shall detail conditions, documents, orders and procedures for granting the Certificate, and the contents of the Certificate of Eligibility for trading in conditional chemicals.

Article 32. Export, import, temporary import, re-export, temporary export, re-import, and transit of conditional chemicals

1. Cases of export, import, temporary import, re-export, temporary export, re-import, and transit of conditional chemicals:

a) Organizations and individuals granted the Certificate of Eligibility to produce conditional chemicals are permitted to export, temporarily export, re-import, and transit chemicals as stated in the Certificate;

b) Organizations and individuals granted the Certificate of Eligibility of trading in conditional chemicals are permitted to export, import, temporarily import, re-export, temporarily export, re-import, and transit chemicals on the list of the Certificate;

c) Organizations and individuals using chemicals are permitted to import conditional chemicals for use purposes; to export or resell unused chemicals to organizations and businesses with the Certificate of Eligibility of production and trading in conditional chemicals.

2. Chemical-importing organizations and individuals must declare imported chemicals through the Vietnam National Single Window.

3. The Government shall detail this Article.

Article 33. Transportation of conditional chemicals

1. Organizations and businesses transporting conditional chemicals must be businesses registered in the profession of transporting dangerous goods.

2. The transportation of conditional chemicals must comply with conditions to ensure the safety in chemical transportation activities as specified in Clause 4, Article 64, Clause 4, Article 65 of this Law.

3. The transportation of conditional chemicals is carried out in accordance with the Government's regulations on transportation of dangerous goods.

Article 34. Storage and preservation of conditional chemicals

1. Conditional chemicals must be managed and preserved according to the correct regimes and procedures to ensure the safety and not being lost or damaged.

2. The storage of conditional chemicals must comply with conditions to ensure the safety in chemical storage activities as specified in Clause 3, Article 64, Clause 3, Article 65, and Article 67 of this Law.

3. Conditional chemicals stored in warehouses must have full labels, tags, and logos according to the provisions of the Law on goods labeling.

4. Organizations and individuals implementing the storage of conditional chemicals of many organizations and individuals must be granted the Certificate of Eligibility for chemical storage service activities by a specialized agency under the Provincial-level People's Committee.

5. The Government shall detail Clause 4 of this Article.

Article 35. Requirements for facilities of extraction, dilution, and mixing of conditional chemicals

1. Organizations and individuals in charge of extracting, diluting, and mixing conditional chemicals must comply with the requirements as specified in Article 64, Article 65, and Article 67 of this Law.

2. Locations of extraction, dilution, and mixing of conditional chemicals must ensure all conditions regarding to fire fighting and prevention, environmental protection, occupational safety and hygiene in accordance with relevant laws.

3. Chemical extraction and packaging equipment must meet general safety requirements according to current national technical regulations and standards. Machines, equipment, and supplies with high safety requirements and testing measuring equipment must be inspected, calibrated, adjusted, and maintained according to current regulations on inspection of machinery and equipment.

4. After extraction and packaging, chemical packaging, containers and labels must meet requirements as specified in Article 51 of this Law.

5. Individuals directly in charge of extracting, diluting, and mixing chemicals must be trained in terms of chemical safety as prescribed in Article 71 of this Law.

6. Organizations and individuals in charge of extracting, diluting, and mixing chemicals must carry out the classification, labeling, and preparation of chemical safety data sheets according to the provisions of Article 50 and Article 52 of this Law.

Article 36. Use of conditional chemicals

1. The use of conditional chemicals must ensure conditions of security, order, fire prevention and fighting, environmental sanitation and compliance with conditions to ensure the safety in chemical use activities as specified in Article 64, Article 65, Article 67 of this Law.

2. Line ministries shall prepare in detail conditions and regulations on the use of conditional chemicals within the scope of management and submit them to the Government for promulgation.

Article 37. Handling and disposal of conditional chemicals

1. Organizations and individuals in charge of producing, importing and using conditional chemicals must handle and dispose chemical residues, chemical waste and containers in accordance with the Law on Environmental Protection.

2. The Government shall detail this Article.

SECTION 4 MANAGEMENT REGULATIONS OF CHEMICALS OUTSIDE THE LIST

Article 38. Production of chemicals

Chemical production must meet the conditions to ensure the safety in chemical production activities as specified in Clause 1, Article 64, Clause 1, Article 65 and Article 67 of this Law.

Article 39. Trading in chemicals

The trading in chemicals must meet the conditions to ensure the safety in chemical business activities as specified in Clause 2, Article 64, Clause 2, Article 65 and Article 67 of this Law.

Article 40. Import of chemicals

1. Chemical-importing organizations and individuals must declare imported chemicals through the Vietnam National Single Window.
2. The Government shall detail this Article.

Article 41. Transportation of chemicals

1. The transportation of chemicals must comply with conditions to ensure the safety in chemical transportation activities as specified in Clause 4, Article 64, Clause 4, Article 65 of this Law.
2. Organizations and businesses transporting hazardous chemicals must be businesses registered in the profession of transporting dangerous goods.
3. The transportation of hazardous chemicals is carried out in accordance with the Government's regulations on transportation of dangerous goods.

Article 42. Storage and preservation of chemicals

1. Chemicals must be managed and preserved according to the correct regimes and procedures to ensure the safety and not being lost or damaged.
2. The storage of chemicals must comply with conditions to ensure the safety in chemical storage activities as specified in Clause 3, Article 64, Clause 3, Article 65, and Article 67 of this Law.
3. Chemicals stored in warehouses must have full labels, tags, and logos according to the provisions of the Law on goods labeling.

Article 43. Requirements for facilities of extraction, dilution, and mixing of chemicals

1. Organizations and individuals in charge of extracting, diluting, and mixing chemicals must comply with the requirements as specified in Article 64, Article 65, and Article 67 of this Law.
2. Locations of extraction, dilution, and mixing of chemicals must ensure all conditions regarding to fire fighting and prevention, environmental protection, occupational safety and hygiene in accordance with relevant laws.
3. Chemical extraction and packaging equipment must meet general safety requirements according to current national technical regulations and standards.

Unofficial translation

Machines, equipment, and supplies with high safety requirements and testing measuring equipment must be inspected, calibrated, adjusted, and maintained according to current regulations on inspection of machinery and equipment.

4. After extraction and packaging, chemical packaging, containers and labels must meet requirements as specified in Article 51 of this Law.

5. Individuals directly in charge of extracting, diluting, and mixing chemicals must be trained in terms of chemical safety as prescribed in Article 71 of this Law.

6. Organizations and individuals in charge of extracting, diluting, and mixing chemicals must carry out the classification, labeling, and preparation of chemical safety data sheets according to the provisions of Article 50 and Article 52 of this Law.

Article 44. Use of chemicals

1. The use of chemicals must ensure conditions of security, order, fire prevention and fighting, environmental sanitation and compliance with conditions to ensure the safety in chemical use activities as specified in Article 64, Article 65, Article 67 of this Law.

2. Line ministries shall prepare in detail conditions and regulations on the use of hazardous chemicals within the scope of management and submit them to the Government for promulgation.

Article 45. Handling and disposal of chemicals

1. Organizations and individuals in charge of producing, importing and using chemicals must handle and dispose chemical residues, chemical waste and containers in accordance with the Law on Environmental Protection.

2. The Government shall detail this Article.

Chapter IV

DECLARATION, REGISTRATION AND SUPPLY OF INFORMATION ON CHEMICALS

Article 46. Registration of new chemicals

1. New chemicals shall only be put into use and circulated on the market after being registered at a competent agency or on the National Chemical Database System.

2. Except for cases prescribed in Clause 3 of this Article, new chemical registration documents include:

a) Application for registration of new chemicals;

b) Name of the new chemical according to the guidance of the International Union of Pure and Applied Chemistry (IUPAC), chemical formula of the chemical;

c) Information on physical, chemical and dangerous properties of chemicals is provided by a new chemical assessment organization according to the provisions of Article 47 of this Law;

d) Information on physical, chemical and hazardous properties of chemicals is published by a country under the Mutual Recognition Agreement (MRA) on new chemical assessment with Vietnam as prescribed in Article 47 of this Law.

3. New chemical registration documents used for scientific research, security protection, social order and safety include:

a) Documents specified in Points a and b, Clause 2 of this Article;

b) Information about the use purpose and use duration of chemicals.

4. The Government shall detail the order, procedures and organization of the implementation of new chemical registration.

Article 47. 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 Government shall specify conditions and designate new chemical-assessing organizations in Vietnam, and stipulate mutual recognition of new chemical assessment with other countries.

Article 48. Obligations for information supply

Organizations and individuals engaged in chemical-related activities are obliged to provide complete, timely and accurate information at the request of competent authorities in the following cases:

1. Upon the occurrence of chemical incidents in chemical facilities.

2. For the prevention of natural disasters which may cause chemical incidents in chemical facilities.

3. Inspections and surveys aimed at formulating chemical industry development strategies and plans.

4. For the examination and inspection of chemical-related activities.

Article 49. 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, on the annual basis, 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 contents, forms, and reporting time.

4. Organizations and individuals engaged in chemical-related activities are responsible for providing full information on ingredients and contents of toxic and hazardous chemicals in chemicals and chemical-containing products to management agencies and users.

5. Line ministries are responsible for providing information about toxic and hazardous chemicals under their management upon request for the purposes of rescue and treatment of humans, animals, and plants affected by chemical incidents.

6. 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 50. Classification and labeling of chemicals

1. Organizations and individuals producing or importing chemicals are obliged to classify and label chemicals 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 and manage the classification and labeling of chemicals according to the Globally Harmonized System of Classification and Labeling of Chemicals.

Article 51. 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 50 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 for the examination and evaluation of packages of each kind and group of chemicals.

Article 52. 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 and of the supplier;

b) Identification of hazardous properties of the chemical;

c) Information on the composition of substances;

d) First-aid measures;

dd) Fire-fighting measures;

e) Incident prevention and response measures;

g) Use and storage requirements;

h) Exposure controls/ requirements for personal protective equipment;

i) Physical and chemical properties of the chemical;

k) Stability and reactivity of the chemical;

l) Information on toxicity;

m) Ecological information;

n) Requirements on disposal of the chemical;

o) Requirements on transportation;

p) Applicable technical regulations and laws;

q) Other necessary information, including information in case of preparation and edit of chemical safety data sheets.

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.

Article 53. 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 54. 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. Organizations, individuals, and agencies receiving declarations, registrations, and reports on chemicals shall have the right to use this confidential information for investigation, inspection, and examination by competent State management authorities.

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

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

4. The Government shall detail information on technological know-how, confidential or non-confidential trade secrets.

Article 55. 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 the applicable laws.

Article 56. 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 content 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 57. National Chemical Inventory and National Chemical Database

1. The Ministry of Industry and Trade shall be responsible for formulating and submitting a National Chemical Inventory and a National Chemical Database to the Government for promulgation.

2. Types of reports of organizations and individuals engaged in chemical-related activities and specialized agencies managing chemical-related activities of the Provincial-level People's Committee specified in this Law must be sent to the competent State management agency through the National Chemical Database System.

3. The Ministry of Finance is responsible for synchronizing and sharing data related to chemical import and export between the Vietnam National Single Window and the National Chemical Database System.

4. Information on the National Chemical Database System can be exploited and used for State management and violation settlement.

5. 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.

Article 58. Advertisements on chemicals

1. Advertisements on products and goods containing toxic or hazardous chemicals must comply with the provisions of the law on advertising and e-commerce.

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 the prevention of harms caused by these products and goods.

Chapter V

IMPLEMENTATION OF INTERNATIONAL COMMITMENTS ON CHEMICAL MANAGEMENT

Article 59. Implementation of international commitments on chemical management

1. Organizations and individuals engaged in chemical-related activities must comply with international commitments on chemical management of which Vietnam is a member, including: Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (hereinafter referred to as the 1988 Convention); Minamata Convention on Mercury (hereinafter referred to as the Minamata Convention); Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (hereinafter referred to as the Rotterdam Convention); Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as the Stockholm Convention); Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred to as the Basel Convention); Strategic Approach to International Chemicals Management (hereinafter referred to as SAICM).

2. The Government shall detail the implementation of the above international commitments.

Article 60. Focal point agencies' international commitments on chemical management

1. The Ministry of Industry and Trade is the focal point agency presiding over and coordinating with ministries and branches to implement the Convention on the Prohibition of the Development, Production, Stockpiling and Use of

Chemical Weapons and on their Destruction; Minamata Convention on Mercury; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Industrial chemicals); Strategic Approach to International Chemicals Management (SAICM).

2. The Ministry of Agriculture and Rural Development is the focal point agency presiding over and coordinating with ministries and branches to implement the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Industrial chemicals).

3. The Ministry of Natural Resources and Environment is the focal point agency presiding over and coordinating with ministries and branches to implement the Stockholm Convention on Persistent Organic Pollutants and Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

4. The Ministry of Public Security is the focal point agency presiding over and coordinating with ministries and branches to implement the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

Chapter VI

HAZARDOUS CHEMICALS IN PRODUCTS

Article 61. General regulations on hazardous chemicals in products

1. Hazardous chemicals in products with technical regulations must comply with relevant legal provisions in the Law on Standards and Technical Regulations, the Law on Product Quality and Clause 4 of this Article.

2. The Government shall issue a list of hazardous chemicals in products that have no technical regulations in need to be managed .

3. Organizations and individuals producing products as specified in Clause 2 of this Article are responsible for developing control procedures for hazardous chemicals during the production process according to the provisions of Article 62.

4. Organizations and individuals that produce and import products as specified in Clauses 1 and 2 of this Article are responsible for disclosing information about the content of hazardous chemicals in products according to the provisions of Article 63 of this Law.

5. The Ministry of Science and Technology shall preside over and coordinate with the Ministry of Industry and Trade to promulgate regulations for testing laboratories to evaluate the contents of hazardous chemicals in products.

Unofficial translation

6. Line ministries, People's Committees of provinces and centrally-run cities and other functional agencies are responsible for inspecting, examining and supervising the implementation of regulations on management of hazardous chemicals in products of organizations and individuals within the scope of their duties and powers.

7. Organizations and individuals producing and importing products containing hazardous chemicals that fail to establish management processes, not disclose information, or disclose inaccurate information about the content of hazardous chemicals in products shall be subject to administrative sanctions, forced to recall products, and compensate for damages (if any).

Article 62. Development of control procedures of hazardous chemicals in the production process

1. The Government shall issue instructions for developing control procedures of hazardous chemicals in the production process.

2. Organizations and individuals producing products containing hazardous chemicals are responsible for developing control procedures of hazardous chemicals during the production of products containing hazardous chemicals according to instructions; providing information and documents related to hazardous chemicals; preserving management documents and presenting such documents at the request of competent authorities.

Article 63. Disclosure of information about dangerous chemical contents in products

1. The Government shall detail the time, form, and order of information disclosure of organizations and individuals.

2. Organizations and individuals producing and importing products as specified in Clauses 1 and 2, Article 61 are responsible for developing, disclosing information and posting declarations on the National Chemical Database system and updating in case of changes.

3. Organizations and individuals that sell products containing hazardous chemicals may only sell products that comply with information disclosure regulations; be responsible for providing relevant information and documents at the Company and presenting such documents at the request of competent authorities.

**Chapter VII
CHEMICAL SAFETY**

**Section 1
CONDITIONS TO ENSURE THE SAFETY IN CHEMICAL-RELATED
ACTIVITIES**

Article 64. Conditions on material and technical facilities in chemical-related activities

1. Organizations and individuals producing chemicals must meet the following conditions:

a) Locations of the chemical production facilities must ensure conditions on chemical safety and security; factories, warehouses, technology, equipment, and means of production that must be designed and built in consistent with the scale of operations, chemical properties and raw material properties;

b) Safety, fire prevention and fighting equipment; labor protection equipment and chemical safety; environmental protection equipment; means of transportation; table of internal regulations on chemical safety; appropriate measuring equipment and devices must be assured;

c) Chemical incident-response measures or plans must be approved or certified by a competent authority according to the provisions of this Law.

2. Organizations and individuals trading in chemicals must meet the following conditions:

a) Locations of warehouses, ports, and places for loading and unloading chemicals must ensure chemical safety and security conditions;

b) Comply with the requirements specified in Points b and c, Clause 1 of this Article.

3. Organizations and individuals storing chemicals must meet the following conditions:

a) Chemical storage locations must ensure chemical safety and security conditions according to the provisions of this Law and other relevant laws. Warehouses, storage yards, ports, chemical loading and unloading places, additional works, technology, equipment and facilities for chemical storage are designed and built in accordance with the scale and properties of stored chemicals;

b) Comply with the requirements specified in Points b and c, Clause 1 of this Article.

4. Organizations and individuals transporting chemicals must meet the following conditions:

4.1. Chemical transportation vehicles must meet the following requirements:

a) Registration, inspection, and periodic inspection are according to the provisions of the applicable law;

b) Characteristics of the transported chemicals must be satisfied; there must be warning signs on the tank according to the corresponding regulations for the transported chemicals;

Unofficial translation

c) Supporting equipment and supplies must be provided to ensure the safety and response to chemical incidents in accordance with the hazardous properties of chemicals during transportation.

4.2. Wharves and parking areas must ensure the safety for vehicles to access during the process of importing and exporting chemicals.

5. Organizations and individuals using, extracting, and processing chemicals must meet the following conditions:

a) Locations and areas where chemical use, extraction, and processing activities take place must ensure chemical safety and security conditions;

b) Locations and areas where chemical use, extraction, and processing activities take place must ensure chemical safety and security conditions.

6. The Government shall specify physical and technical conditions to ensure the safety in chemical-related activities.

Article 65. Professional conditions in chemical-related activities

1. Professional conditions in the chemical production

a) Organizations and individuals producing chemicals must have a person in charge of chemical safety with a university degree or higher in the chemical major;

b) Workers engaged in chemical production activities shall receive chemical safety training courses appropriate to their assigned tasks;

c) The person directly operating the production of a hazardous chemical production facility must have a university degree or higher in the chemical major.

2. Professional conditions in chemical trading

a) Organizations and individuals trading in chemicals must have a person in charge of chemical safety with an intermediate or higher degree in the chemical major;

b) Direct managers and workers directly related to chemicals must be trained in the chemical safety.

3. Professional conditions in chemical storage

a) At chemical warehouses and storage yards, there must be a person in charge of chemical safety with a college degree or higher in the chemical major;

b) Direct managers and workers involved in storing and preserving chemicals must be trained in the chemical safety.

4. Professional conditions in chemical transportation

a) Persons who directly manage and coordinate vehicles, vehicle drivers, and workers involved in loading, unloading, preserving, and transporting chemicals must be trained in chemical safety;

b) Persons involved in transporting and escorting chemicals must be trained in the safety of transporting dangerous goods according to current provisions of the applicable laws.

5. Professional conditions in using, extracting and processing chemicals:

a) Organizations and individuals using, extracting and processing chemicals must have a person in charge of chemical safety with an intermediate or higher degree in the chemical major;

b) Workers involved in using, extracting and processing chemicals shall receive chemical safety training courses appropriate to their assigned tasks.

Article 66. Responsibilities of organizations and individuals engaged in chemical-related activities

1. Organizations and individuals must maintain sufficient conditions for chemical safety and security according to the provisions of this Law and relevant laws during chemical operations to ensure the safety for workers, public health and the environment.

2. Organizations and individuals engaged in chemical-related activities must periodically inspect, maintain, repair and verify machines and equipment to ensure the safe operation of waste treatment systems and vehicles according to current regulations of the applicable law.

3. Organizations and individuals engaged in chemical-related activities under the Management List must be granted licenses and certificates by competent authorities.

4. In case of a chemical incident, organizations and individuals engaged in chemical-related activities must be responsible for reporting, handling and resolving incidents according to the provisions of the applicable law.

5. Organizations and individuals transporting hazardous chemicals must comply with regulations on transporting hazardous goods. When transporting, hazardous goods must be packaged and labeled according to regulations of the Government and be responsible for quantity, quality, and safety measures to prevent any loss during transportation and subject to monitoring, inspection and supervision by competent State agencies.

6. The Government shall specify the responsibilities of organizations and individuals engaged in chemical-related activities.

Article 67. Safety distances for hazardous chemical production, trading and storage facilities

1. Production locations, hazardous chemical storage of chemical production and trading facilities on the List as specified in Clause 1, Article 72 of this Law must ensure a safe distance for residential areas, public works, historical and cultural relics, scenic spots, biodiversity conservation areas, and domestic water sources.

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

3. The Government shall specify safe distances.

Section 2

PREVENTION OF AND RESPONSE TO CHEMICAL INCIDENTS

Article 68. 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. Requirements for organizations and individuals required to develop chemical-incident prevention and response plans:

a) Organizations and individuals engaged in chemical-related activities on the List specified in Article 72 of this Law must develop chemical-incident prevention and response plans and submit them to competent State management agencies for appraisal and approval;

b) For new projects, chemical-incident prevention and response plans are implemented comprehensively with the process of preparing feasibility study reports or documents equivalent to the project's feasibility study reports;

c) Organizations and individuals engaged in chemical-related activities are responsible for fully implementing the contents in the decision on approving the chemical-incident prevention and response plans;

d) In the course of checking and accepting construction works upon completion and put into use, the competent State management agency is responsible for checking the implementation of the contents in the decision on approving chemical-incident prevention and response plans;

dd) Chemical project investors are responsible for integrating the environmental incident response plans into the chemical-incident prevention and response plans.

3. In case of extension of the scale or change of the scope of operations of the project, the Investor must amend and supplement the chemical-incident prevention and response plans and submit them to the competent State agency for approval.

4. Organizations and individuals engaged in chemical-related activities not on the List specified in Article 72 of this Law must develop chemical-incident prevention and response plans in consistent with the scale, production conditions and properties of chemicals and report to local competent authorities. In case of extension of the scale or change of the scope of operations but not being required to develop the chemical-incident prevention and response plans, organizations and individuals are responsible for amending and supplementing the chemical-incident prevention and response plans and reporting them to the local competent authorities.

5. Annually, facilities engaged in chemical-related activities on the List specified in Article 72 of this Law must organize rehearsals to respond to chemical incidents developed in the chemical-incident prevention and response plans and measures under the witness or direction of representatives of local specialized management agencies.

6. Organizations and individuals engaged in chemical-related activities that are required to develop chemical-incident prevention and response plans and measures shall be responsible for reporting and updating their chemical-incident prevention and response plans and measures to the National Chemical Database System.

7. Organizations and individuals engaged in chemical-related activities that develop their own chemical-incident prevention and response plans, and organize rehearsals to respond to chemical incidents shall have sufficient capacity according to regulations; be responsible for the quality of the works performed according to the provisions of this Law.

8. The Government shall regulate in detail the content, sequences and procedures for developing chemical-incident prevention and response plans and measures for organizations and individuals engaged in chemical-related activities, and the supervision of implementation of plans, measures and capacity of organizations and individuals developing plans, measures and organizing rehearsals to respond to chemical incidents in this Article.

Article 69. Contents of chemical-incident prevention and response plans and measures of chemical facilities

1. Chemical-incident prevention and response plans include the following contents:

a) 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;

b) Forecasts about incident-causing dangers and plans on inspection and supervision of sources of chemical incidents;

c) Forecasts about circumstances leading to chemical incidents and preventive measures;

d) 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;

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

2. Chemical-incident prevention and response measures include the following contents:

a) Identify, localize and plan for regular inspection of places with high risk of chemical incidents;

b) Measures, equipment and on-site response forces;

c) Plans for coordination with external forces to respond to chemical incidents.

Article 70. 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 71. Chemical safety training

1. Organizations and individuals engaged in chemical-related activities are responsible for organizing chemical safety training or appointing chemical-related workers to participate in training courses of chemical safety training organizations every 2 years. Organizations and individuals engaged in chemical-related activities that organize chemical safety training courses by themselves must have sufficient capacity according to regulations, be responsible for the quality of the work they perform according to the provisions of this Law.

2. Chemical safety training activities can be organized separately or generally combined with other safety training activities prescribed by the applicable law.

3. Trained people must be retrained in the following cases: In case of any changes of chemical types, technology, facilities, and production plans related to the working position; trained people change their work positions; after 02 times of inspection, trained people fail to meet requirements; the 2-year period expires from the previous training course.

4. Regulations on chemical safety training in this Chapter shall not apply to organizations and individuals engaged in petroleum and industrial explosive materials; organizations and individuals transporting chemicals by motorized means by roadway, railway and inland waterway.

5. Departments of Industry and Trade of provinces and centrally-run cities shall periodically inspect the implementation of regulations on chemical safety training of organizations and individuals once a year as maximum. The Ministry of Industry and Trade, Departments of Industry and Trade of provinces and centrally-run cities shall develop and implement plans for extraordinary inspection and supervision of the implementation of regulations on chemical safety training of organizations and individuals when necessary.

6. The Government shall regulate in detail the subjects participating in training, the content, trainers' capacity, training time, evaluation and maintenance of training records on chemical safety.

Article 72. List of hazardous chemicals requiring elaboration of chemical-incident prevention and response plans

1. Based on the 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 73. Dossiers, orders 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 for approval.

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) Chemical-incident prevention and response plans specified in Clause 1, Article 73 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 the applicable law.

Article 74. 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 75. Responsibilities for coordination in chemical incident prevention and response

1. Organizations and individuals engaged in chemical-related activities on the List specified in Clause 1, Article 38, of this Law shall supply Peoples' 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 the 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) The People's Committee of communes, wards or towns where the chemical incident occurs shall be responsible for promptly mobilizing on-site forces and applying other necessary measures, and reporting to the People's Committee of districts, towns and provincial cities to mobilize forces to carry out rescue measures and evacuate people and property and immediately report to the Chairman of the Provincial-level People's Committee;

c) Chairman of Provincial-level Peoples Committees shall direct the response to and remedying of chemical incidents;

d) Line ministries and the Ministry of Industry and Trade shall promptly coordinate with the Provincial-level Peoples Committees of the localities where the incidents occur in responding to and remedying chemical incidents;

dd) 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 the applicable law;

e) Chairman of Provincial-level Peoples 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 the applicable law;

g) The Government stipulates that when a chemical incident occurs, the investor of a chemical facility must prepare a report on the causes, response measures, quantity of chemicals lost, consequences, and directions to overcome the incident and submit the report to local management agencies; at the same time, the local management agencies shall be responsible for summarizing information, incident developments, current status and recommendations on the impact of the incident on people and the environment to the line ministries.

Article 76. Provincial-level chemical incident prevention and response plans

1. Contents of the provincial-level chemical incident prevention and response plans include:

a) Summarize the characteristics and situations of natural and social conditions and evaluate the influence of the above factors on the chemical incident prevention and response plans in the provincial area;

b) Present an overview of chemical-related activities in provincial areas; assess the chemical incident situation and the province's chemical incident response capacity;

c) Develop chemical incident prevention solutions in the provincial area;

d) Propose chemical incident response plans in the provincial area;

dd) Provide plans to overcome consequences caused by chemical incidents according to the provisions of the Law on Environmental Protection and other relevant provisions of the applicable law;

e) Carry out implementation plans, chemical incident prevention and response plans in the provincial area.

2. Provincial-level People's Committees are responsible for reviewing and assessing the current status of chemical-related activities in the area and developing a provincial-level chemical incident prevention and response plan in accordance with regional and local planning.

3. Provincial-level People's Committees are responsible for integrating the contents of the toxic chemical incident prevention and response plans into the provincial-level chemical incident prevention and response plans.

4. Provincial-level People's Committees organize provincial-level chemical incident response rehearsals with the participation of responsible agencies in the provincial area for every 2 years as minimum.

5. The Government shall detail the content, sequences and procedures for promulgating provincial-level chemical incident prevention and response plans.

Article 77. National program on chemical incident prevention and response

1. The objective of the National Program on Chemical Incident Prevention and Response is to promote the safety of chemical-related activities in Vietnam.

2. The contents of the National Program on Chemical Incident Prevention and Response include:

- a) Develop national chemical incident prevention and response plans;
- b) Organize national-level chemical incident response rehearsals;
- c) Build practical foundations for capacity improvement in the chemical incident prevention and response for organizations and individuals engaged in chemical-related activities for civil activities.
- d) Other tasks prescribed by the Prime Minister.

3. Financial sources for implementing the National Program on Chemical Incident Prevention and Response include:

- a) State budget for the National Program on Chemical Incident Prevention and Response. This budget shall not belong to the annual state budget expenditure for chemical-related activities;
- b) Expenses from funds originating from the State budget and out of the State budget;
- c) Contributions and sponsorships from Vietnamese organizations and individuals, Vietnamese people residing abroad, foreign organizations and individuals.

4. The implementation of the National Program on Chemical Incident Prevention and Response is prescribed as follows:

a) The Prime Minister shall direct the organization, implementation, and evaluation of the performance results of the National Program on Chemical Incident Prevention and Response;

b) The Ministry of Industry and Trade presides over and coordinates with relevant ministries and ministerial-level agencies to develop the content, tasks, management mechanisms, and financial mechanisms of the National Program on Chemical Incident Prevention and Response and submit them to the Prime Minister for approval;

c) When the National Program on Chemical Incident Prevention and Response is approved, Ministers, Heads of ministerial-level agencies, and Chairman of People's Committees of provinces and centrally-run cities shall implement their assigned and decentralized tasks.

Chapter VIII

ENVIRONMENTAL PROTECTION AND SAFETY FOR THE COMMUNITY

Article 78. Responsibilities for the protection of the environment and safety of 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 79. Rights and obligations of organizations and individuals in the protection of the environment and safety of 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 facility's 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 the applicable law;
- d) To propose competent state agencies to terminate the operation of organizations and individuals that violate legal provisions on chemical safety;
- dd) To provide opinions on environmental protection measures and chemical incident prevention and response plans for investment projects in local production and storage facilities of hazardous chemicals.

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

Unofficial translation

- a) To promptly report to competent state agencies violations of the law on chemical safety when detecting them;
- b) To facilitate concerned agencies and organizations to remedy chemical incidents.

Article 80. 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 chemical facilities exist:

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 69, except for confidential information specified in Article 54 of this Law.

Article 81. Responsibilities for disposal of residual toxic chemicals and confiscated toxic chemicals and toxic chemical-containing products

1. Provincial-level Peoples 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 relevant agencies and the Provincial-level People's Committees to develop a plan for handling residual toxic chemicals of unclear origin and confiscated toxic chemicals and toxic chemical-containing products.
3. Provincial-level Peoples 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 82. Responsibilities to dispose of residual toxic chemicals of wars

Unofficial translation

1. The Ministry of National Defense shall preside over and coordinate with relevant ministries, branches and localities to identify 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.

Chapter IX REPORTING REGIMES

Article 83. Report on investment activities and chemical-related activities

1. Ministries, branches and Provincial-level People's Committees are responsible for providing annual reports on the performance results of the Chemical Industry Development Strategy.

2. Chemical project investors are responsible for reporting through the National Chemical Database System:

a) In the period before completing the project and putting into use, the investor shall report the project performance status according to the progress of each construction investment phase;

b) After completing the project and putting into use, the investor shall report the performance of production and business activities on an annual basis.

3. The Government shall regulate the content, form, time and method of reporting.

Article 84. Report on production, import and use of banned chemicals

1. Annually, organizations producing, importing and using banned chemicals shall be responsible for submitting reports on production, import, and use of banned chemicals to line ministries and the Ministry of Industry and Trade through the National Chemical Database System.

2. Reports on production, import, and use of banned chemicals must have the following main contents:

a) Names, use purposes, quantity of chemicals to be produced, imported and used;

b) Quantity of import, export, inventory and storage locations;

c) Implementation of chemical safety measures;

d) Other information as requested.

3. The Government shall regulate the content, form, time and method of reporting.

Article 85. Report on production, import, use of hazardous chemicals, products containing hazardous chemicals and works to ensure chemical safety

1. Annually, organizations and individuals producing, trading, exporting, importing, storing, and using Specially-controlled chemicals, Conditional Chemicals, Chemicals not on the List shall be responsible for sending reports to line ministries through the National Chemical Database System, including the following contents:

- a) Situation of production, trading, export, import, storage and use of chemicals at chemical facilities;
- b) Chemical incident prevention and response plans or measures and update in case of any changes;
- c) Chemical safety training at chemical facilities;
- d) Chemical incidents at chemical facilities.

2. Annually, organizations, producers, exporters and importers of products containing hazardous chemicals shall be responsible for submitting reports on production, trading, export, import, and risk assessment of products containing hazardous chemicals to line ministries.

3. The Ministry of Industry and Trade shall summarize and statisticize the situation of implementing chemical-related activities nationwide, reporting to the Government on the situation of chemical management and chemical-related activities nationwide according to regulations.

4. The Government shall detail this Article.

Article 86. Time limit of preservation of reports

Agencies or organizations receiving reports on chemicals specified in Articles 83 and 85 of this Law shall preserve them for at least 10 years.

Chapter X

STATE MANAGEMENT RESPONSIBILITIES FOR CHEMICAL-RELATED ACTIVITIES

Article 87. 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 88. 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 authority or submit to the Government for promulgating legal documents, strategies, planning and plans on chemical industry development; technical regulations on chemical safety;

b) To manage chemical industry development activities; preside and coordinate with ministries, branches and localities to organize and prepare chemical industry development strategies and submit them to the Prime Minister for approval; guide and inspect the implementation of the Strategy;

c) To manage chemical production and business activities;

d) To manage the use of chemicals in the industry and trade sectors, chemicals that are precursors used in the industry and chemicals under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction;

dd) To manage products containing hazardous chemicals in the industry and trade sectors; to develop and promulgate the List of products containing hazardous chemicals in the industry and trade sectors that need to be managed;

e) To develop, manage and operate the National Chemical Database System;

g) To guide the classification and labeling of hazardous chemicals; to implement the uniform management of chemical registration and declaration; and chemical safety information;

h) 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;

i) To enter into international cooperation in chemical-related activities and chemical safety;

k) To specify technical-material foundations and professional conditions on chemical facilities under the scope of management of the Ministry of Industry and Trade;

l) To participate in the dissemination of and education about the law on chemicals;

m) To inspect the chemical-related activities; to solve complaints and denunciations related to chemical-related activities;

n) To perform other tasks concerning chemical-related activities as assigned by the Government.

2. State management agencies of chemical-related activities under the Ministry of Industry and Trade shall assist the Minister to perform state management tasks on chemical-related activities.

Article 89. Management responsibilities of ministries and ministerial-level agencies directly concerning chemical-related activities

1. The Ministry of Health shall manage the use of chemicals to prepare pharmaceuticals for humans, the use of chemicals to produce disinfectants and insecticides in household appliances and healthcare, household products, cosmetics, foods and medical products containing hazardous chemicals; coordinate with ministries and branches to regulate labor sanitation and safety in chemical-related activities; manage products containing hazardous chemicals in the fields of household appliances, cosmetics, foods and healthcare; develop and promulgate a List of products containing hazardous chemicals that need to be managed within the scope of management.

2. The Ministry of Agriculture and Rural Development shall manage the use of chemicals in farming, animal husbandry, aquaculture, veterinary medicine, plant protection, preservation, and agricultural, forestry, seafood and food processing; manage products containing hazardous chemicals in the fields of farming, animal husbandry, aquaculture, veterinary medicine, plant protection, preservation, and agricultural, forestry, seafood and food processing; develop and promulgate a List of products containing hazardous chemicals that need to be managed within the scope of management; guide the classification, labeling and development of chemical safety sheets for plant protection products.

3. The Ministry of Public Security and the Ministry of National Defense shall manage the use of chemicals and products containing hazardous chemicals in the fields of defense and security. The Ministry of National Defense shall promulgate according to its competence or submit to competent agencies for the promulgation of regulations on the treatment and disposal of toxic chemical residues and residual toxic chemicals of wars.

4. The Ministry of Natural Resources and Environment shall promulgate according to its competence or submit to competent agencies for the promulgation of regulations on environmental protection concerning chemical-related activities; toxic chemicals of unclear origins and confiscated toxic chemicals.

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

6. The Ministry of Labor, War Invalids and Social Affairs shall promulgate according to its competence or submit to competent agencies for promulgation of regulations on labor safety and labor hygiene for workers participating in chemical-related activities; and manage the use of chemicals in vocational training facilities.

7. The Ministry of Science and Technology shall promulgate according to its competence or submit to competent agencies for promulgation of regulations on the management and use of chemicals in experimental and scientific research facilities, and other regulations for laboratories assessing dangerous chemical contents in products.

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

9. The Ministry of Planning and Investment shall promulgate according to its competence or submit to competent agencies for promulgation of policies to attract the development and investment in the chemical industry, specialized chemical industrial parks; balance short-term and long-term investment capital sources for the chemical industry development; research and propose amendments for investment regulations in the direction of supplementing key chemical industry sectors to special investment incentives.

Article 90. State management responsibilities for chemical-related activities of Peoples Committees at various levels

1. Peoples 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 Peoples Committees have professional agencies assisting them the Committees in managing chemical-related activities in localities as prescribed by the Government.

3. Based on the approved chemical industry development strategy to develop and organize the implementation of contents on chemical industry development in the local area in accordance with local socio-economic development goals in the process of developing and adjusting the local development planning.

4. Decide or report to the competent agencies to make decisions on the state budget allocation and land funds to invest or support investment in specialized chemical industrial parks and specialized chemical industrial clusters.

Article 91. Inspection of chemical-related activities

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

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

Article 92. 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 the applicable law.

2. Individuals who take advantage of positions and powers, are imperious, and cause difficulties and troubles for organizations and individuals engaged in chemical-related activities; cover up people who violate the law on chemical-related activities or being irresponsible to cause pollution or chemical incidents shall, depending on the nature and severity of the violation, be disciplined or prosecuted for criminal liability; if causing damage, they shall pay compensations in accordance with the applicable law.

Article 93. 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 XI IMPLEMENTATION PROVISIONS

Article 94. Enforcement

1. This Law takes effect on date....month..... year
2. The Law on Chemicals No. 06/2007/QH12 expires from the effective date of this Law.

Article 95. Transition provisions

1. For feasibility study reports on construction and investment, economic - technical reports on investment and construction of chemical-related projects submitted to competent agencies for appraisal before the effective date of this Law, the competent agencies shall implement the appraisal according to current regulations at the time of submission.
2. Key chemical industry projects approved for investment policies and investment certificates before the effective date of this Law shall continue to benefit preferential mechanisms as stated in the decision on approving investment policies and investment certificates.
3. Organizations and individuals granted licenses to produce, trade, export and import chemicals by competent agencies before the effective date of this Law shall continue to operate under the issued licenses until the date of expiry.
4. Organizations and individuals granted the Certificate of Eligibility for chemical production and trading by competent agencies before the effective date of this Law shall continue to operate according to the issued Certificate until the date of expiry of 5 years from the effective date of this Law.
5. Organizations and individuals not developed chemical incident prevention and response plans and measures shall develop and comply with these chemical incident prevention and response plans and measures within 24 months from the effective date of this Law.

This Law is passed by the National Assembly of the Socialist Republic of Vietnam, Session ..., on date ... month ... 2025.

**THE CHAIRMAN OF THE
NATIONAL ASSEMBLY**