

THE GOVERNMENT

DECREE No. 68/2005/ND-CP OF MAY 20, 2005 ON CHEMICAL SAFETY

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on
Organization of the Government;*

At the proposal of the Minister of Industry,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

1. This Decree prescribes the safety in production (including processes of producing, processing, bottling and packaging), purchase, sale, transportation, storage, use, collection, destruction and discharge of dangerous chemicals.

2. The safety control of radioactive substances, narcotics, psychotropic substances and pre-substances provided for in relevant legal documents shall not be governed by this Decree.

Article 2.- Objects of application

This Decree applies to all Vietnamese as well as foreign organizations and individuals engaged in chemical activities in the Vietnamese territory, unless otherwise provided for by international agreements to which Vietnam is a party.

Article 3.- Interpretation of terms

In this Decree, the following terms and phrases are construed as follows:

1. Chemicals mean chemical elements and their compounds, existing in natural state or obtained by production processes, in chemical reactions or processes of extracting and purifying compounds available in nature.

2. Dangerous chemicals mean toxic chemicals and chemicals which can cause explosion, fire or vigorous erosion; badly affect human health and assets, cause harms to animals, plants and the environment and cause bad impacts on security and defense.

3. New chemicals mean those introduced for the first time for use in Vietnam.

4. Threshold limit value of dangerous chemicals means limit of volume or concentration of chemicals, of which any excess in a confined area may cause fatalities or malfunctions or severely affect human health in such environment.

5. Chemical activities mean the performance of one or several steps of the process of production, purchase, sale, transportation, storage, use, collection, destruction and discharge of dangerous chemicals and other relevant activities.

6. Hazardous wastes mean those containing one or several dangerous chemicals or chemicals which, in contact with other substances, may release hazards to the environment, animals, plants and human health.

7. Chemical risks mean possibilities of occurrence of circumstances threatening to badly affect human health and assets, cause harms to animals, plants and/or the environment and cause bad impacts on social safety in the course of chemical activities.

8. Assessment of chemical risks means the consideration and appraisal of latent danger of occurrence of chemical risks and possibility of application of measures to ward off risks in the production, trading, transportation, storage, use,

collection, destruction and discharge of chemicals.

Article 4.- Responsibilities to ensure safety in chemical activities

1. Organizations and individuals engaged in chemical activities have the responsibilities to ensure safety in chemical activities according to provisions of law at their establishments and for themselves; apply necessary measures to prevent impacts which may badly affect health and assets of people, fauna and flora systems; protect the environment; and ensure security and defense.

2. Laborers, job learners and/or apprentices at establishments engaged in chemical activities, who are personally engaged in the management, production, sale, purchase, transportation, storage, use, collection, destruction and discharge of dangerous chemicals, must be trained to firmly grasp provisions of relevant laws; be knowledgeable about safety, technology and health protection in performing their jobs; be knowledgeable about the process of remedying emergency incidents; pass examinations and tests on the above-said contents before being assigned to certain positions and abide by regulations on labor safety.

Chapter II

IDENTIFICATION AND DECLARATION OF CHEMICALS

Article 5.- Identification of dangerous chemicals by their names

1. Dangerous chemicals are identified by their names and according to the standards prescribed in legal documents or international regulations recognized by Vietnam.

2. Names of dangerous chemicals are inscribed according to the International Nomenclature of

Chemistry, their chemical formulas and must be translated into their common names in Vietnamese (if any).

Article 6.- Declaration of dangerous chemicals

1. Organizations and individuals engaged in chemical activities must make written declarations of dangerous chemicals with provincial/municipal specialized management Services according to groups of dangerous chemicals. Written declarations contain include names, mechano-physio-chemical properties, compositions, origins, quantities of chemicals and purposes of chemical activities.

2. Declared information on chemicals must enable the examination and evaluation of the danger degree of chemicals as well as the possibility of application of safety measures in chemical activities.

3. Dangerous chemicals which are used for pure scientific research and development purposes shall be exempted from declaration.

4. The Industry Ministry shall coordinate with the concerned ministries and branches in guiding procedures for declaring dangerous chemicals.

Article 7.- Assessment of chemical risks

1. Assessment of chemical risks must be conducted for all new chemicals. Organizations and individuals, before putting new chemicals into circulation and use, must make and submit chemical risk assessment reports to competent State agencies for approval and inclusion of such chemicals in the list of new chemicals before starting subsequent chemical activities.

2. Organizations and individuals that introduce into Vietnam for use a new foreign-made chemical must have the written risk assessment of the chemical, issued by a competent foreign authority and submit it to a competent Vietnamese State

agency, which shall consider and decide on recognition of such assessment or request re-assessment or additional assessment.

3. The Industry Ministry shall guide the procedures and detailed contents of chemical risk assessment reports mentioned in Clauses 1 and 2 of this Article.

Article 8.- Dangerous chemical safety data sheets

1. Producers and importers of dangerous chemicals must compile chemical safety data sheets upon delivery of the chemicals to receiving organizations or individuals. Chemicals must always be accompanied by chemical safety data sheets in the process of their circulation. .

2. A chemical safety data sheet must contain the following information:

a/ Name and origin of the chemical; place of production;

b/ Chemical ingredients and formula;

c/ Physio-chemical properties, toxicity;

d/ Stability and reactivity;

e/ Danger degree;

f/ Health risks;

g/ Environmental risks;

h/ Effects on humans and requirements on personal protection equipment;

i/ First-aid measures;

j/ Fire-fighting measures;

k/ Risk and accident prevention measures;

l/ Storing measures;

m/ Waste management measures;

n/ Transportation requirements;

o/ Vietnamese standards and provisions of law which must be abided by;

p/ Other necessary information.

Article 9.- Labeling of dangerous chemicals

1. Product labels of dangerous chemicals must comply with the provisions of law on goods labeling and must have danger-warning signs printed on outer packages indicating the dangerous nature of chemicals contained therein. Labels of dangerous chemicals must ensure mechanical and chemical durability throughout the existence of such chemicals.

2. Organizations and individuals engaged in chemical activities must update new regulations on label models and labeling modes for dangerous chemicals under the guidance of competent State agencies and in compatibility with changes under international agreements to which Vietnam is a party.

Article 10.- Advertisement of dangerous chemicals

1. Advertisement of products being chemicals must comply with the provisions of law on advertising activities.

2. Advertisement of products being dangerous chemicals must have warnings about toxicity and danger degree of such chemicals.

3. Advertisement of chemicals on the list of chemicals banned from trading specified in legal documents are prohibited.

Chapter III

REGULATIONS ON SAFETY IN CHEMICAL ACTIVITIES

Article 11.- Assurance of chemical safety from the stage of investment preparation

1. Before investing in an establishment producing or storing dangerous chemicals,

regardless of whether such project is of group A, B or C according to current provisions of law on investment and construction management, investors shall have to work out plans on prevention and remedy of chemical incidents, then submit them to competent authorities defined in Clause 1, Article 25 for approval.

2. A plan on prevention and remedy of chemical incidents for a project must at least contain the following documents and contents:

a/ Summarized feasibility study report of the project;

b/ Indices on physical and chemical properties of chemicals in the form of raw material, semi-finished product or finished product, such as fire point, combustion point, flash point, explosion limit, toxicity;

c/ Technical requirements on packaging, preservation and transportation;

d/ Assessment of safety and possibility of occurrence of chemical incidents;

e/ Remedies upon occurrence of emergency incidents.

3. After receiving valid dossiers, the ministries specialized in managing different groups of chemicals shall organize councils for appraisal, evaluation and decision on approval of plans on prevention and remedy of chemical incidents of establishments. In cases where such plans are disapproved, they must notify in writing the establishments of the reasons therefor.

4. Only after plans on prevention and remedy of chemical incidents are approved, shall investors be permitted to make investment.

5. The provisions of Clauses 1, 2 and 3 of this Article shall also apply to establishments producing or storing dangerous chemicals when they adopt plans on renovation or expansion of their

workshops to upscale production or expand the operation scope.

Article 12.- Safety distance

1. Except for stations selling petrol, oil and fuel gas for transport means, a safety distance from facilities and equipment of establishments producing or storing dangerous chemicals to the following locations and places must be ensured so as to reach the threshold limit value of dangerous chemicals:

a/ Population quarters, commercial centers, parks or other crowded places;

b/ Schools, hospitals, cinemas, stadiums or other public locations;

c/ Water supply sources, water plants and water source conservation areas;

d/ Stations, ports (except for those exclusively used for handling of dangerous chemicals), airports, waterways, roads and railways;

e/ Protected cultivation areas, areas for grazing cattle, waters for fishing or aquaculture, establishments for processing aquatic products, breeding farms;

f/ Protected rivers, lakes, landscapes and natural zones;

g/ Military zones;

h/ Other protected areas according to provisions of law.

2. The ministries specialized in managing different groups of chemicals defined in Clause 1, Article 25 shall revise and additionally draft documents guiding and prescribing safety distances from establishments engaged in chemical activities to places defined in Clause 1 of this Article.

3. In cases where facilities and equipment of dangerous chemicals-producing or -storing

establishments are installed or built not in accordance with the provisions of Clause 1 of this Article, provincial/municipal Services of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with specialized management services in localities where exist the violating establishments in, conducting inspection and supervision and taking measures to request such establishments to work out and realize as soon as possible plans on replacement thereof so as to satisfy the requirements in Clause 1 of this Article. In cases where they deem that such facilities and equipment are in great danger of causing hazards, they shall apply or request competent agencies to apply measures provided for by law to ensure safety.

Article 13.- Conditions for establishments to conduct chemical activities

Establishments producing, storing or transporting dangerous chemicals in groups of chemicals subject to restricted trading must have licenses according to provisions of law and maintain the conditions for being licensed throughout the course of chemical activities.

Article 14.- Obligations of establishments engaged in dangerous chemical activities

1. Establishments producing, storing and/or using dangerous chemicals shall base themselves on groups and properties of chemicals to install devices and equipment for supervising safety, necessary devices and equipment for alleviating dangerous properties of chemicals, such as ventilation, temperature regulation, anti-sunlight, anti-fire, anti-flame, depressurization, toxicological prevention, disinfection, neutralization, dehumidification, anti-lightning, anti-static electricity, sterilization, anti-leaking equipment, and must regularly maintain such devices and

equipment, thus adequately satisfying the requirements on operation safety.

2. Establishments producing, storing and/or using dangerous chemicals must fully furnish themselves with a communication and information system and an alarming system, and ensure the stable operation of such systems.

3. Establishments producing, storing and/or using chemicals with high toxicity must annually organize assessment of safety of their devices and equipment; establishments producing, storing and/or using other types of dangerous chemicals must biennially assess the safety of their devices and equipment.

In reports on safety assessment results, plans on remedying and repairing breakdowns and shortcomings in assurance of the safety of devices and equipment of establishments must be proposed. In cases where signs of danger are detected in an equipment, such equipment must be immediately stopped from operation for repair, replacement and measures must be taken to ensure safety according to regulations.

Safety assessment reports must be sent to agencies specialized in managing different groups of chemicals.

4. Establishments producing, storing and/or using high-toxicity chemicals must have books for daily records of all figures on delivery, receipt, storage or use of toxic chemicals and apply necessary measures to avoid the loss, mistaken sale or misuse of these chemicals. Any loss, mistaken sale or misuse of high-toxicity chemicals, when being detected, must be promptly reported to police offices of provinces or centrally-run cities and provincial/municipal Services specialized in managing different groups of chemicals for seeking measures to prevent possible consequences.

5. When dangerous chemicals are delivered from

workshops, production establishments must stick, hang or print on outer packages chemical safety labels in compliance with the provisions of Article 9, and concurrently make sheets showing technical specifications of products consistent with dangerous properties of chemicals contained therein.

6. Organizations and individuals engaged in chemical activities must strictly comply with instructions provided in chemical safety data sheets and cards of technical specifications of products.

Article 15.- Packages, barrels and tanks containing dangerous chemicals

1. Packages, barrels and tanks containing dangerous chemicals must comply with provisions of law, Vietnamese standards and international standards recognized by Vietnam. Packages, barrels and tanks containing dangerous chemicals must be airtight and intact, fully inscribed with names and danger signs of chemicals contained therein.

2. Packages, barrels and tanks containing dangerous chemicals must be manufactured by enterprises licensed by competent State agencies and inspected and certified by agencies designated by the Industry Ministry as up to the quality requirements. Foreign-made barrels and tanks containing dangerous chemicals must be inspected in terms of quality in conformity with the Vietnamese standards.

Packages, barrels and tanks, when being reused to contain dangerous chemicals, must be checked and treated and have checking sheets to be kept at establishments for at least two years.

3. The Industry Ministry shall assume the prime responsibility for, and coordinate with concerned agencies in, conducting periodical and extraordinary inspections of the quality of packages and tanks containing dangerous chemicals at establishments producing, storing and using them.

4. The provisions of Clause 3 of this Article shall not apply to cases where security or defense secrets are involved.

Article 16.- Storage of dangerous chemicals

1. Dangerous chemicals must be preserved in special-use stores and equipment and managed by designated qualified staffs. The forms and methods of storage and the quantities to be stored must comply with safety regulations and relevant legal documents. Periodically, the conditions of stored chemicals must be inspected.

2. Stores preserving and equipment containing dangerous chemicals must satisfy regulations on safety, fire and explosion prevention and fighting. There must be boards showing regulations and instructions on safety measures for persons working in stores and danger signs put up at easy-to-spot places. Devices and equipment for fighting fires and remedying other incidents must suit the sizes of stores and the properties of chemicals, kept at convenient and fixed places, and storage equipment and facilities must be periodically checked for safety.

3. Persons entering and leaving dangerous chemical stores must be checked and registered in books.

4. High-toxicity chemicals and other dangerous chemicals, which may constitute a new danger-causing source or increase their danger degree when being preserved together, must be separately preserved.

5. In the middle of the fourth quarter each year, establishments storing chemicals shall have to make reports on quantities of preserved chemicals, places of preservation, management staffs and matters related to the chemical safety control, then send them to local specialized management Services.

Article 17.- Destruction and discharge of dangerous chemicals

1. The destruction, discharge and treatment of dangerous chemicals, packages containing dangerous chemicals and expired chemicals left in stock, toxic chemicals left over by legacy of wars must strictly comply with regulations on management of hazardous wastes and provisions of legal documents.

2. In cases where they change their operation domains or terminate their operation, establishments producing, storing and/or using dangerous chemicals must work out plans on, and apply necessary measures for, treating production facilities and equipment, preservation equipment, stored products and raw materials, and make and send detail reports on the treating process to provincial/municipal Services of Natural Resources and Environment and Services specialized in managing different groups of chemicals. In such reports, latent danger of occurrence of chemical incidents must be clearly stated.

Article 18.- Loading, unloading and transportation of dangerous chemicals

1. The loading, unloading and transportation of dangerous chemicals must comply with technical regulations on safety in loading, unloading and transportation of dangerous chemicals and other legal documents related to land, railway, waterway, and air transportation of dangerous chemicals.

2. Upon hiring the transportation of dangerous chemicals, goods owners must clearly notify the carriers of the names, quantities and toxicity of chemicals, urgent measures to be taken in case of incidents and other relevant necessary information. In cases where reactivity inhibitors or stabilizers are required in the course of transportation, goods owners must fully supply such substances and notify

the carriers of such requirement. Goods owners must neither secretly consign dangerous chemicals for transportation together with other common goods nor intentionally make false notification nor declare dangerous chemicals as other common goods.

3. When dangerous chemicals are transported, goods owners must have escorts, who shall monitor and control such goods throughout the course of transportation. Operators of transport means, porters and escorts must be fully aware of the dangerous nature of transported chemicals, utilities of packages and containers, as well as safety measures to prevent and remedy incidents. Transportation staffs and escorts must be fully furnished with devices for personal protection and handling of incidents.

4. Dangerous chemicals, when being transported, must be packed up to the safety technical requirements. Containing barrels and tanks must be resistant to external and internal pressure generated under normal transport conditions, thus ensuring that chemicals are not leaked out or spilled over or do not cause other risks upon changes in temperature, humidity and pressure conditions in the course of transportation. For glass containers of chemicals or pressure containers, measures must be taken against collision. It is prohibited to transport dangerous chemicals together with people, domestic animals and other types of goods, except for transportation staffs and escorts.

5. In case of loss, spillage or leakage of high-toxicity chemicals in the course of transportation or at loading or unloading places, transportation staffs and escorts or establishments where incidents occur must apply necessary measures to prevent chemical risks from occurring; and at the same time promptly report such to Services of Natural Resources and Environment and police offices of the provinces or

centrally-run cities where incidents occur and segregate incident scenes. Provincial/municipal Services of Natural Resources and Environment shall have to coordinate with concerned specialized management Services in designating professional officials to investigate and thoroughly remedy harms caused by incidents at scenes.

Establishments engaged in chemical activities which let incidents occur shall have to coordinate with the above-said agencies in thoroughly remedying consequences caused by incidents, and concurrently paying compensations to damage sufferers.

6. All organizations and individuals are prohibited to consign dangerous chemicals by post. Acts of concealing or failing to declare dangerous chemicals contained in postal matters or falsely declaring or declaring dangerous chemicals as common articles sent by post are prohibited.

Article 19.- Loading, unloading and transportation staffs and escorts

1. Carriers and owners of dangerous chemicals must organize training of transport means operators, managers, porters and escorts to help them firmly grasp the fundamentals of safety in transportation of dangerous chemicals.

2. Transport means operators, managers, porters and escorts of dangerous chemicals must go through tests of safety fundamentals. Only after being issued test pass certificates, shall they be assigned to assume the positions they have been trained in.

3. When transporting dangerous chemicals, carriers and escorts must steer clear of densely populated areas and know well addresses where they must report on incidents upon their occurrence en route according to the provisions of Clause 5, Article 18 of this Decree.

Article 20.- Purchase, sale, export and import of dangerous chemicals

1. Organizations and individuals that purchase, sell, export or import dangerous chemicals on the list of chemicals subject to restricted trading must have permits granted by specialized management ministries. In the process of examining dossiers and granting permits, specialized management ministries shall have to consult with the concerned State management agencies.

2. Organizations and individuals are not allowed to perform the following acts:

a/ Purchasing dangerous chemicals on the list of chemicals subject to restricted trading from establishments unlicensed to produce or process dangerous chemicals.

b/ Selling dangerous chemicals of all kinds without chemical safety data sheets and cards showing technical specifications of products;

c/ Selling dangerous chemicals to organizations and individuals unlicensed to process or use chemicals;

d/ Purchasing high-toxicity chemicals for personal needs. Selling high-toxicity chemicals to individuals or establishments without certificates of commitment granted by police offices of provinces or centrally-run cities;

e/ Counterfeiting, modifying without permission, purchasing, selling or transferring certificates of commitment, papers on purchase of high-toxicity chemicals.

3. Chemist's stores licensed to trade in dangerous chemicals shall be allowed to store small quantities enough for sale within a day.

4. When selling high-toxicity chemicals to customers, chemist's stores must record and keep for at least one year names and addresses of purchasers and purchasing establishments as well

as purchased quantities and use purposes of purchasers. Establishments processing high-toxicity chemicals must check daily sold quantities. In cases where any signs of loss or mistaken sale of high-toxicity chemicals are detected, such must be promptly reported to the nearest police office, and at the same time the involved organizations and individuals shall have to cooperate with the police and concerned agencies in preventing and remedying possible consequences.

5. Production establishments, scientific research institutions, healthcare establishments and other establishments, when having demands for frequent use of high-toxicity chemicals, must apply for chemical use certificates from provincial/municipal Police Departments. In cases where organizations or individuals wish to extraordinarily purchase high-toxicity chemicals which are not on the list of committed chemicals, they shall have to ask for permission of the police offices where they have registered their commitments, clearly stating their purposes, names, quantities and utilities of chemicals which need to be extraordinarily purchased.

The Public Security Ministry shall prescribe form, content of and procedures for grant and withdrawal of certificates of use of high-toxicity chemicals.

Article 21.- Chemical safety in laboratories

1. Chemical laboratories must have their internal regulations on laboratory safety, which must be placed at easy-to-spot positions.

2. Laboratories must be furnished with protection devices and equipment compatible with the dangerous nature of chemicals and abide by regulations on assurance of safety of laboratories.

3. Laboratory staffs must firmly grasp the dangerous properties of chemicals in laboratories

as well as measures to prevent risks and handle unexpected incidents which may occur in laboratories.

Article 22.- Temporary suspension of dangerous chemical activities

1. In cases where they detect a chemical on the list of chemicals permitted for circulation on the market which shows signs of causing serious harms to people's health and assets, ecological environment or security or defense, the specialized management ministries shall have to promptly issue decisions on temporary suspension of chemical activities against such chemicals.

2. After issuing temporary suspension decisions, specialized management ministries shall notify their decisions to the Industry Ministry, the Natural Resources and Environment Ministry, the Public Security Ministry and concerned agencies for unified measures to expeditiously remedy risks pending additional risk assessment and completion of procedures for adjustment of the list of banned chemicals.

Chapter IV

STATE MANAGEMENT OVER CHEMICAL SAFETY

Article 23.- Contents of state management over chemical safety

1. Promulgating, guiding and organizing the implementation of the provisions of law on chemical safety.

2. Setting standards, econo-technical norms and safety regulations applicable to chemical activities and related services.

3. Organizing and managing scientific and technological research into chemical safety;

organizing and directing the planning and training of scientific and managerial personnel, and technical workers in the domain of chemical safety.

4. Organizing the system of information on chemical safety.

5. Entering into international cooperation in the domain of chemical safety.

6. Conducting inspection and examination of the observance of law on chemical safety; settling complaints and denunciations and handling violations of law on chemical safety.

7. Propagating, disseminating and educating law on chemical safety.

Article 24.- State management over chemical safety

1. The Government uniformly manages chemical safety nationwide.

2. The Industry Ministry is answerable to the Government for performing the state management over chemical safety, and responsible for organizing and directing chemical safety activities within the ambit of its responsibilities:

a/ To assume the prime responsibility for, and coordinate with the ministries, branches, People's Committees of provinces and centrally-run cities in, formulating and submitting to the Prime Minister for promulgation policies on chemical safety; to organize, guide and inspect the implementation thereof;

b/ To draft and submit to competent state agencies for promulgation, or promulgate according to its competence, legal documents on chemical safety;

c/ To build and manage the database on chemical safety within the scope of its specialized management;

d/ To prescribe and guide contents and procedures for assessing chemical risks;

e/ To prescribe and guide the compilation of chemical safety data sheets, and safety distances for establishments producing or storing chemicals;

f/ To coordinate with the Science and Technology Ministry in prescribing conditions and guiding the evaluation of establishments which fully satisfy the conditions for chemical activities; to formulate standards for packages, barrels and tanks that contain chemicals; to organize and manage scientific research, technological development and application of technical advances in the domain of chemical safety;

g/ To coordinate with the Labor, War Invalids and Social Affairs Ministry in setting safety standards for facilities and equipment in chemical activities;

h/ To coordinate with the specialized management ministries in prescribing the threshold limit values of dangerous chemicals;

i/ To coordinate with the Trade Ministry in drawing up the list of chemicals in groups of products and goods subject to restricted trading; to prescribe and guide the labeling of chemicals;

j/ To evaluate and propose the Prime Minister to permit the import and use of chemicals on the list of banned chemicals for scientific research and technological development in service of industrial production;

k/ To assume the prime responsibility for, and coordinate with specialized management ministries and provincial/municipal People's Committees in, working out and submitting to the Prime Minister for decision, guiding and organizing implementation of, plans on prevention, combat and relief of chemical incidents nationwide; to conduct inspection and examination of chemical safety.

3. The ministries, the ministerial-level agencies and the Government-attached agencies shall, within the ambit of their tasks and powers, have to materialize the state management contents prescribed in Article 23 of this Decree.

4. The People's Committees at all levels shall perform the function of state management over chemical safety in their respective localities according to provisions of law.

Article 25.- Competence to formulate lists of groups of dangerous chemicals

1. Specialized management ministries shall draw up and promulgate according their respective competence or submit to competent agencies for promulgation lists of different groups of dangerous chemicals and their threshold limit values according to the following regulations:

a/ The Science and Technology Ministry shall coordinate with the Industry Ministry in drawing up a list of chemicals in group of toxic chemicals and products containing toxic chemicals, and a list of chemicals banned from production and trading;

b/ The Trade Ministry shall draw up a list of petrol, oil and fuel gases;

c/ The Agriculture and Rural Development Ministry shall draw up a list of chemicals used as veterinary drugs or plant protection drugs;

d/ The Health Ministry shall draw up a list of chemicals for medical use, insecticides and germicides for domestic use;

e/ The Fisheries Ministry shall draw up a list of chemicals for use in fishery production and trading, and in aquaculture.

2. In cases where amendments and/or supplements to the said lists are required, the said ministries shall make amendments and/or supplements in writing and announce new lists.

Article 26.- Reporting regime

1. Organizations and individuals engaged in chemical activities shall have to report on chemical safety at their units to agencies specialized in managing different groups of chemicals prescribed in this Decree.

The report form is set by the Industry Ministry.

2. Specialized management ministries and provincial/municipal People's Committees shall make and send annual sum-up reports on chemical safety to the Industry Ministry for summing up and reporting to the Prime Minister.

Chapter V

INSPECTION, EXAMINATION AND HANDLING OF VIOLATIONS

Article 27.- Inspection and examination of dangerous chemicals

Specialized management ministries shall assume the prime responsibility for, and coordinate with concerned agencies in, organizing inspection and examination of observance of the provisions of this Decree and legal documents on chemical safety by organizations and individuals engaged in chemical activities; proposing measures of handling organizations and individuals that violate regulations on chemical safety.

Article 28.- Handling of violations

Organizations and individuals that produce, trade in, transport, store and use chemicals on the list of goods banned from trading, thus causing chemical incidents or commit acts of violating law on chemical safety shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal

liability; if causing damage, they shall have to pay compensations therefor according to provisions of law.

Article 29.- Commendation and disciplining

1. Organizations and individuals engaged in chemical activities, that record achievements in the work of chemical safety shall be commended according to State regulations.

2. Persons who abuse their positions and powers to violate the provisions of law on safety control in production, trading, transportation, storage, use, destruction and discharge of chemicals; harass or commit acts violating the provisions of this Decree and other relevant provisions of law shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they shall have to pay compensations therefor according to provisions of law.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 30.- Implementation effect

This Decree takes effect 15 days after its publication in the "CONG BAO."

Article 31.- Implementation responsibility

The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies and the presidents of the People's Committees of the provinces or centrally-run cities shall have to implement this Decree.

On behalf on the Government

Prime Minister

PHAN VAN KHAI