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Vietnam Chemicals Decree No. 113/2017/ND-CP

By Little Pro on 2017-10-30

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On 9 Oct 2017, Vietnamese government issued a chemicals **Decree No. 113/2017/ND-CP** specifying and providing guidelines for implementation of certain articles of the law on chemicals. It replaces the Decree No. 108/2008/ND-CP issued in 2008 and will come into force on **25 Nov 2017**. The Decree has designated lists of chemicals subject to regulatory control under the Chemical Law and specified detailed conditions on chemical manufacturers and traders. In this article, we will summarize the main requirements of the Decree and how to comply with this Decree.

Decree No. 113/2017/ND-CP and Law on Chemicals

Decree No. 113/2017/ND-CP is one of many decrees and circulars supporting the implementation of the **Law on Chemicals** and also the most important one for **industrial chemicals**. The Law on Chemicals is the highest law on chemical management in Vietnam. This Law provides regulations on chemical handling, safety in chemical handling, right and obligations of organizations and individuals engaged in chemical handling, and state management of chemical handling.

Read more about Law on Chemicals (http://www.chemsafetypro.com/Topics/Vietnam/Chemical_Control_Law_in_Vietnam.html)

Scope of Decree No. 113/2017/ND-CP

This Decree sets the following requirements for companies who produce or trade chemicals in Vietnam:

1. **General requirements** for safety in chemical production and trade.
2. **Requirements for chemicals subject to conditional manufacture or trade:** application and procedures for a certificate of eligibility for producing or trading conditional industrial chemicals.
3. **Requirements for industrial precursor chemicals;** application and procedures for issuance of a license for industrial precursor chemical export/import.
4. **Requirements for restricted industrial chemicals:** requirements, application and procedures for issuance of a license for restricted industrial chemical production/trade.
5. **Requirements for banned chemicals and toxic chemicals.**
6. **Requirements for chemicals requiring chemical incident prevention and response plans.**
7. Safety distance of hazardous chemical factories/stores.
8. Classification of chemicals and safety data sheets.
9. **Requirements for chemicals subject to declaration.**
10. Training courses in chemical safety.

List of Regulated Chemicals in Decree No. 113/2017/ND-CP

Decree No. 113/2017/ND-CP has designated **5** lists of chemicals subject to regulatory control and specified detailed conditions for manufacture or trade. The most important thing for chemical companies is to check if their chemicals are on the following regulatory lists or not. If yes, companies need to follow the Decree and meet prescribed conditions (i.e, application of certificates or licenses, declarations).

The lists of regulated chemicals are included in Decree No. 113/2017/ND-CP as annexes:

- The list of chemicals subject to conditional production or import (**annex I**);
- The list of chemicals restricted from production or trade (**annex II**);
- The list of banned chemicals (**annex III**);
- The list of hazardous chemicals for which chemical incident prevention and response plans are required (**annex IV**);
- The list of chemicals subject to compulsory declarations (**annex V**);

It should be noted that chemicals on above lists are mostly substances. However, regulated chemicals not only include substances, but also include some hazardous mixtures. For example, chemicals subject to conditional production/import include both chemical substances on annex I **and** mixtures containing chemical substances specified in annex I and annex II that will be classified with the following GHS classifications :

- Category 1/Category 2/Category 3 or type A/B/C/D hazardous material;
- Category 2 and Category 3 acute toxicity (through variable exposures);
- Category 1/Category 2/Category 2A serious eye damage/eye irritation;
- Category 1 and Category 2 skin corrosion/irritation;
- Category 2 carcinogenicity, germ cell mutagenicity or reproductive toxicity;
- Category 1 environmental hazard.

Declaration of Chemicals in Vietnam

For chemical substances on the list of chemicals subject to compulsory declaration (**annex V**) and classified mixtures containing substances on annex V, **producers** shall declare them every year through the annual reports. **Chemical importers** shall declare imported chemicals before customs clearance through the **national single-window website**. Required info includes chemical info, sale and purchase invoices of chemicals and safety data sheets in Vietnamese.

The new decree allows chemical traders to keep confidential of business secret info such chemical names and composition. However, important information that can be used for the protection of community health and the environment will not be considered confidential, including product trade names, names of producers and importers, information in chemical safety data sheets, cautions for use and direct contact with chemicals and measures to be taken in response to possible incidents.

Decree No. 113/2017/ND-CP and GHS

Article 24 of Decree No. 113/2017/ND-CP requires that chemicals be classified according to rules and technical guidance of GHS from Rev. 2 (2007). It also requires that safety data sheets be prepared in Vietnamese.

Read more about GHS in Vietnam (http://www.chemsafetypro.com/Topics/Vietnam/GHS_in_Vietnam_SDS_label.html)

References

- Decree No. 113/2017/ND-CP and Lists of Regulated Chemicals - Vietnamese (<https://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Decree-113-2017-ND-CP-guidelines-implementation-Law-on-Chemicals-364873.aspx>)
- Vietnam publishes new Chemicals Decree - Oct 2017 - CW AsiaHub (<https://chemicalwatch.com/asiahub/60510/vietnam-publishes-new-chemical-decree>)
- Vietnam Law Magazine - Decree No. 113/2017/ND (<http://vietnamlawmagazine.vn/new-requirements-set-for-declaration-of-imported-chemicals-6055.html>)

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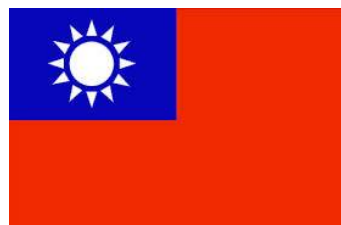
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