

Unofficial translation



Lao People's Democratic Republic
Peace Independence Democracy Unity Prosperity

Ministry of Industry and Commerce

No. 1204/MOIC.DIH
Vientiane Capital, 25 December 2020

Decision
On the List of Industrial Chemicals

- Pursuant to the Chemicals Control Law, No. 07/NA, dated 10 November 2016.
- Decision of Prime Minister on the Organization and Implementation of Ministry of Industry and Commerce, No.230/PM, dated 24 July 2017.
- Pursuant to the requested of Department of Industry and Handicraft, No. 0563/DHI, dated 22 April 2020.

Minister of Industry and Commerce has issued the Decision:

Chapter 1
General Provisions

Article 1 Purpose

This Agreement determines the principles, regulations and measures relating to the registration of chemical accounts, the import, export and transit of chemicals in order to facilitate and expedite business operations and the accurate use of chemicals in accordance with technical principles, laws and regulations, aims to ensure the safety of health, life, property and the environment to National Socio-Economic Development.

Article 2 Registration of chemical accounts, import, export and transit of Chemicals

Registration of chemical accounts is the adoption type of chemicals to be produced, contained, packaged, traded, protected, researched, tested, supplied, transported, imported, exported, stored, possessed, disposed of and treated, except for 1st type of hazardous chemicals.

Import and Export chemical is the import into Laos and export from Laos, including the temporary import and export through international border checkpoints.

Transit chemical is the transportation of chemicals through the territory of Lao PDR via international border checkpoints without changing containers or transport of vehicles.

Article 3 Interpretation of the terms

The terms used in this decision are as follows:

1. Chemical risk assessment refers to the process of studying the feasibility of chemicals that pose a risk to health, life, property and the environment;
2. Chemical accident prevention and response plan refers to the determination of measures to prevent chemical accidents and how to deal with an accident;
3. Certificate of chemical analysis results from manufacturer refers to the certificate of chemical composition analysis of compounds or additives;
4. The Materials Safety Data Sheet refers to the chemical manufacturer's guidelines for identifying chemical sources, hazard characteristics, preventive and remedial measures;
5. The electronic system refers to the process of submitting documents through the Internet;
6. Techniques refers to the methods, measures for managing chemical safety, such as containers, labeling, classification, containing, packaging, emergency response, and health protection.

Article 4 Scope of uses

This decision applies to individuals, legal entities or organizations, both internal and international who are conducting chemical business in Lao PDR, except for chemical account registration, import, export and transit of chemicals.

Chapter 2

Chemical account registration

Article 5 Application for registration of chemical account

The application for registration of chemical account must be a legal entities registered as an enterprise and licensed to conduct chemical business in accordance with laws and regulations.

The applicants for registration of chemical account must submit a document to the Department of Industry and Handicrafts directly or electronic platform with the following documents:

1. Apply for registration of chemical account in the form as specified by the Department of Industry and Handicrafts;
2. Printed Chemical Risk Assessment as described by the Department of Industry and Handicrafts;
3. Producer chemical safety information sheet in Lao or English language;
4. A copy of the enterprise registration, business license or investment license according to the investment activity;
5. Certificate of chemical analysis from a licensed manufacturer or laboratory in Lao or English in the case of compounds.

Article 6 Consideration for registration of chemical accounts

After receiving the documents as specified in Article 5 of this decision correctly and completely, the Department of Industry and Handicrafts must issue a chemical account registration within fifteen working days.

In case of incorrect or incomplete documents as stipulated in Article 5 of this decision, the Department of Industry and Handicrafts shall formally notify the applicant in writing within Five working days from the date of receipt of the document so that the applicant can complete and correct it accordingly.

In case of failure to issue the chemical account registration, the reason must be formally notified in writing to the applicant within 05 working days since the date of receipt of the complete and correct document.

Chapter 3

Import, export and transit of chemicals

Article 7 Principles of import, export and transit of chemicals

The import, export and transit of chemicals shall be implementation as specified of Articles 22 and 45 of the Law on Chemical Management as follows:

A. Import and export of chemicals

1. The type one of chemicals must be approved by the government and in compliance with international principles, the details will be set out in specific regulations.
2. The types two and three of chemicals must be approved by the Ministry of Industry and Commerce, with the Department of Industry and Handicrafts considering and approving them with the certification of the chemical regulatory authority;
3. The four type of chemical and the non-specific type of chemical do not need to apply for a permit, but before importing, it must be notified the location of import or export to the Department of Industry and Commerce of the province or the capital.

B. Transit of Chemical

1. The type one of chemicals must be approved by the government and in compliance with international principles, the details will be set out in specific regulations.
2. The types two, three, four and non-chemicals of any kind must be approved transit by the Department of Industry and handicrafts.

Article 8 Import and Export of Chemicals for type two and three

The import and export of chemicals for type two and three must meet the requirements and comply measures as following:

1. Be individuals who has registered an enterprise and has been licensed to conduct chemical business in accordance with laws and regulations;
2. Ensure adequate technical, container and material;
3. Use standard transport vehicles;
4. Import and export through international border checkpoints.

Article 9 Application for import and export licenses of chemicals type two and three

For the import and export of chemicals type two and three must submit an application to the Department of Industry and Handicrafts for an import or export permit as following:

1. Apply for import or export of chemicals license for type two and three in according to the printed form as specified by the Department of Industry and Handicrafts;
2. Copy of enterprise registration, business license or investment license;
3. Copy of chemical account registration;
4. Invoices and purchase orders;

5. Copy of annually import demand plan, production plan and annually distribution plan for export;
6. The contract of purchasing between the importer and the domestic user in case of import to serve directly to others;
7. Import license from destination country in case of export of hazardous chemicals type 2,3 from the Lao PDR to other countries.

Article 10 Consideration for the issuance of import and export licenses for hazardous chemicals type 2 and 3.

After receiving the documents as mentioned in Article 9 of this decision, the Department of Industry and Handicrafts shall issue import and export license within five working days from the date of receipt of correct and complete documents.

In case of incorrect or incomplete documents, the respondent should be formally notified in writing within three working days to correct and complete it accordingly.

In case of inability to issue import and export license, the reasons must be formally notified in writing to the applicant within five working days since the date of receipt of the complete and correct document.

Article 11. Notification of import and export of type 4 and non-specific types of chemicals

Import and export of type 4 and non-specific types of chemicals shall be notified the import or export location to the Department of Industry and Commerce of the province or capital where before 5 working days of import or export.

The import or export documents for notification include as following:

1. Chemical reports to be imported or exported;
2. Copy of enterprise registration, business license or investment license;
3. Copy of chemical account registration;
4. Invoices and purchase orders;
5. Copy of annually import demand plan, production plan and annually distribution plan for export;
6. Purchasing contract in case of import company to reserve for another company.

Article 12 Transit type of 2, 3,4 of chemicals and non-chemical

Transit type 2,3,4 of chemicals and non-chemical must meet the requirements and implement measures as following:

1. Be legal entities registered in the domestic and foreign countries that has the requirements for transportation;
2. Ensure adequate technical, container and material;
3. Have a plan to manage safety and resolve accidents in the transportation of chemicals transit through Lao PDR;
4. Have accident insurance;
5. Authorized to export from the country of origin and permitted to import from the destination country;
6. Must be approved by the Chemicals management agency;
7. Use standard transport vehicles;
8. Import and export through international border checkpoints.

Article 13 Application for transit permit of 2, 3, 4 and non-chemical types

Transit of chemicals types of 2, 3, 4 and non-chemical shall be submitted to the Department of Industry and Handicrafts for transit permit by submitting documents as the following:

1. Request letter for a chemical transit permit in the printed form described by the Department of Industry and Handicrafts;
2. Copy of export license from the country of origin;
3. Copy of import license from the destination country;
4. Safety management plan and accident management plan for transit of chemical transport through Lao PDR;
5. Producer chemical safety information sheet in Lao or English;
6. Copy of transport license;
7. Copy of chemical transport insurance.

Article 14 Consideration for the issuance of transit permit of 2, 3, 4 and non-chemical types

After receiving the documents as specified in Article 12 of this decision, the Department of Industry and Handicrafts shall consider issuing the transit permit within 15 working days from the date of receipt accurate and complete of the documents.

In case of incorrect or incomplete documents, the applicant shall be formally notified in writing within 05 working days to correct and complete it accordingly.

In case of failure to issue the chemical transit, the reason must be formally notified in writing to the applicant within 05 working days since the date of receipt of the complete and correct document.

Chapter 4

Prohibitions

Article 15 General Prohibitions

Prohibited individuals, legal entities or organizations behaving as following:

1. Interrupt the activities of the authorities in connection with the registration of chemicals, import, export and transit of chemicals;
2. Bribing officials and employees responsible for related chemicals for their own benefit;
3. There are other behaviors that violate laws and regulations.

Article 16 Prohibitions for applicants of chemical account registration, import, export and transit of Chemicals

Applicants are not allowed to register for chemical accounts, import, export and transmit chemicals as follows:

1. Import, export and transit of chemicals without permitting;
2. Import, export and transit of counterfeit chemical products, substandard, inferior and unregistered of chemicals;
3. Import, export and transmit hazardous chemicals anonymously or namelessly;
4. Import, export and transmit chemicals through non-international border checkpoints;
5. Falsify documents;
6. Provide information on chemical account registration, import, export and transit of inaccurate chemicals;
7. Giving bribes;
8. There are other behaviors that violate laws and regulations.

Article 17 Prohibitions for employees and officials

Prohibited employees and officials' behaviors as following:

1. Abuse of power, authority, position, conspiracy, or any other ways to earn personal gain;
2. Accepting or demanding bribes;
3. Disregard the duty, postponement, delay the consideration of documents;
4. Falsify or use false documents, disclose state secrets, official secrets or destroy documents;
5. Suppressing, delaying or forging documents of a person in authority;
6. There are other behaviors that violate laws and regulations.

Chapter 5

Implementation of chemical registration, import, export and transit of chemicals

Article 18 Implementation of chemical account registration, import, export and transit of chemicals

The import, export and transit of chemicals at the industry and commerce sector consists three levels as following:

1. At the central level is the Department of Industry and Handicrafts;
2. At the provincial level is the provincial and capital department of industry and commerce;
3. At the district level is the District, Capital Office of Industry and Commerce.

Article 19 Rights and Duties of the Department of Industry and Handicrafts

For import, export and transit of chemicals, the Department of Industry and Handicrafts has the rights and duties as following:

1. To research, formulate and improve legislations and action plans for consideration by higher authorities;
2. Disseminate laws and regulations on chemical account registration, import and export;
3. Provide advice on chemical registration, import, export of 2,3 grade of chemicals and transit chemicals;
4. To apply for permission to register for chemical accounts, import and export hazardous chemicals of type 2 and 3;
5. Obtain applications for permission to transit chemicals of 2,3,4 and non-chemical types;
6. Monitor the conduct of chemical business;
7. Coordinate with relevant sectors on chemical account registration, import, export;

8. Detention, restrict the import, export and transit of chemicals which is inconsistent with laws and regulations;
9. To consider the issuance and revocation of chemical accounting records, import and export licenses for the 2 and 3 types of chemicals;
10. Summarize the report on registration of chemical accounts, import and export to the government every six months;
11. Use the rights and perform other duties as specified in the laws and regulations.

Article 20 Rights and duties of the Provincial and Capital Department of Industry and Commerce

For import, export and transit of chemicals, the Provincial and Capital Department of Industry and Commerce has the rights and duties as following:

1. Disseminate laws and regulations on chemical account registration, import, export and transit of chemicals;
2. Provide advice on chemical registration, import, export and transit of chemicals;
3. Approve the annual chemical import plan of chemical business operators, for industrial and commercial chemicals;
4. To be notified of the import or export type 4 of chemical and non-specific chemicals and to inform the customs authorities at the place of import before import or export;
5. Monitor the import, export and transit of chemicals in the provinces and the capital.
6. Coordinate with relevant sectors on chemical account registration, import, export and transit chemicals;
7. Detention, restrict the import, export and transit of chemicals which is inconsistent with laws and regulations;
8. Propose to the Department of Industry and Handicrafts to consider the issuance of chemical accounting license and revoke the import and export licenses for the 2 and 3 types of chemicals and transit chemicals;
9. Quarterly summarize and report the situation of import, export and transit of chemicals in their province to the Department of Industry and Handicrafts.
10. Use rights and perform other duties as specified in the laws and regulations.

Article 21 Rights and duties of the District and Capital Office of Industry and Commerce

For import, export and transit of chemicals, the District, Capital Office of Industry and Handicrafts has the rights and duties as following:

1. Disseminate laws and regulations on chemical account registration, import, export and transit of chemicals;
2. Provide advice on chemical registration, import, export and transit of chemicals;
3. To monitor the import, export and transit of chemicals within its districts and cities;
4. Coordinate with relevant sectors on import, export and transit of chemicals;
5. Detention, restrict the import, export and transit of chemicals which is inconsistent with laws and regulations;
6. Quarterly summarize and report the situation of import, export and transit of chemicals in their district, capital.
7. Use the rights and perform other duties as specified in the laws and regulations.

Chapter 6

Final provisions

Article 22 Implementation

To the Department of Industry and Handicrafts, the Provincial and Capital Department of Industry and Commerce and the District and Capital Office of Industry and Commerce to disseminate and implement this decision to be effective in coordination with relevant sectors throughout the country.

Article 23 Effectiveness

This decision is effective from the date of signature and fifteen days after it is published in the Official Gazette.

Minister
(Signed and sealed)

Khemmani Pholsena