



LAO PEOPLE'S DEMOCRATIC REPLUBIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY



Ministry of National Defense

No. 2450/MND

Vientiane Capital, date 5 August 2010

Decision of
The Minister of National Defense on
The Management of Industrial Explosive Materials

- Pursuant to the Prime Minister's Decision on the Regulations on the Management and Application of Explosive Substances in Lao PDR, N. 39/PM, dated 12 July 2001.
- Pursuant to the Minister's Decision of the Ministry of National Defense on the Rights to import explosive substances from abroad into Lao PDR, N. 88/MND, dated 21 July 2005.
- Pursuant to the Notification by the Minister of Industry and Commerce on controlled goods subject to import and export licensing, automatic and non-automatic licenses, of Lao PDR, N. 2151/MOIC.DIMEX, dated 30 October 2009.

In order to ensure the effectiveness of the management [administration] of industrial explosive substances utilized in economic development work, whilst ensuring national and public security, the Ministry of National Defense issues the Decision to regulate the management of industrial explosive substance with details as follows:

Article 1: Interpretation of Terms under this Decision

- 1.1 Explosive substance: means a single chemical or chemical compound produced for an explosive reaction which may be caused by mechanical stimulus, heat, chemically or electrically.
- 1.2 Explosive equipment: means blasting cap, detonating cord, fuse, booster; and other explosive substances used to cause the initial stimulus for the explosion of others explosive substances.
- 1.3 Industrial Explosive Materials: includes the explosive substances and explosive equipment used in civilian purposes.

Article 2: Purposes

This Decision is to ensure the management [administration] of industrial explosive materials to prevent dangers as well as ensuring the safety of society. Industrial explosive materials are the explosive materials determined in the list under this Decision to use in civil engineering activities such as survey and exploration of mines and construction projects.

Article 3: Types of Industrial explosive materials

The Industrial explosive materials are classified into four categories as follows:

1. Explosive: is an explosive item used to explode, which is produced in a factory or is a mix of explosive substances produced in the field.
2. Explosive equipment: is the stimulus used to fire the explosive substances. This includes blasting cap, detonating cord, fuse and booster.
3. Raw material: is the raw materials used for the production of all types of industrial explosive materials.
4. Firework: is used during the celebration events.

Article 4: Management [administration]

- The industrial explosive materials stipulated in the Article 3 of this Decision shall be managed [administered] by the National Defense Industry Department, The General Military Logistics Department, the Ministry of National Defense.
- To ensure the high safety and [appropriate] handling, the producers, distributors, importers-exporters, users and all relevant parties shall strictly follow this Decision and all Regulations issued by the National Defense Industry, for example:
 1. The Regulations on the standards of handling warehouses for industrial explosive materials.
 2. The Regulation on the handling system of industrial explosive materials.
 3. The Regulation on the utilization of industrial explosive materials.
 4. The Regulation on the Inspection of industrial explosive materials.

Article 5: Rights and Duties of the National Defense Industry Department on the Management [Administration] of Industrial Explosive Materials

To ensure high safety and [appropriate] handling, the National Defense Industry Department has the rights and duties as follows:

1. Develop and propose to adopt the Regulations and Rules on the management [administration] of industrial explosive materials, including the review and amendment or proposal to eliminate the relevant Regulations.
2. Issue the license and certification or eliminate documents related to the management [administration] of industrial explosive materials issued by the National Defense Industry Department.
3. Issue the utilization license for some projects necessary to use the industrial explosive materials.
4. Coordinate with companies that have been authorized to import or export or to produce industrial explosive materials in order to develop the regulations on management [administration].
5. Inspect the implementation of the Regulations and Rules on the management of the explosive materials.

6. Take a leading role in coordinating with relevant officials to inspect and address the issues related to industrial explosive materials.

Article 6: Importation, exportation, production and distribution

6.1. Importation

Companies wishing to import industrial explosive materials to use in projects in Lao PDR shall have been authorized for doing business in industrial explosive materials in Lao PDR in accordance with the laws and regulations of Lao PDR. In addition, they shall submit documents in accordance with the Notification of the controlled goods subject to non-automatic license on import and export, N. 2151/MOIC.DIMEX, dated 30 October 2010 and the Instruction on the implementation of the import and export [license] of the industrial explosive materials issued by the National Defense Industry Department, in order to apply for the license with the National Defense Industry Department.

6.2. Exportation

Companies having production factories to produce industrial explosive materials in Lao PDR that also have a business license for industrial explosive materials have the right to export their products in accordance with the laws and regulations. In addition, they shall follow the Instruction on the implementation of import and export industrial explosive materials, issued by the National Defense Industry Department.

6.3. Production

- The production of industrial explosive materials shall be conducted by companies having been authorized by the Ministry of National Defense only and the Investment Permits by the Lao Government in accordance with the laws.

6.4. Distribution

- Companies having factories that produce industrial explosive materials in Lao PDR that also have a business license for industrial explosive materials have the rights to distribute their products in Lao PDR in accordance with the laws.
- Companies, governmental organizations, organizations or individuals without a business license for industrial explosive materials are strictly prohibited to import industrial explosive materials to distribute in Lao PDR.

Article 7: Transportation

- For every shipment [transportation] of industrial explosive materials permission for the movement shall be requested from the National Defense Industry Department, except for transportation within the factory, in mining areas or in construction areas.

- The vehicles for transportation of industrial explosive materials shall be designed specifically and be driven by trained personnel with a certificate issued by the National Defense Industry Department, on the transportation of industrial explosive materials. In addition, they should follow the rules and regulations on the management of industrial explosive materials issued by the National Defense Industry Department.

Article 8: Warehouse for industrial explosive materials

- To ensure safety, the importer or exporter, producer, distributor and user shall keep a warehouse for industrial explosive materials in accordance to the standards for warehouses for industrial explosive materials.
- The warehouse for industrial explosive materials is classified into two types: immobile and mobile warehouse.

1. Immobile warehouse:

The immobile warehouse is a warehouse of permanent construction and it is not movable.

2. Mobile warehouse:

A mobile warehouse is a warehouse of non-permanent structure and it is movable.

For the construction of a warehouse for all types of explosive materials, either immobile or mobile, permission shall be requested from the National Defense and Public Security at provincial level and certification shall be obtained from the National Defense Industry Department prior to operation. In addition, to ensure safety, standards as stipulated in the Regulation on Warehouse keeping for industrial explosive materials, issued by the National Defense Industry Department shall be strictly followed.

Article 9: Inspection

- The National Defense Industry Department and other relevant agencies will be responsible to make a plan for the strict implementation of this Decision.
- Those being inspected have no rights to refuse the inspection under any circumstances.
- After the inspection is completed, the assigned inspectors shall inform those being inspected on the results of the inspection. Should any faults be found, they should inform those being inspected with reasonable information and verifiable evidences.
- Should any problems be identified which could cause danger [non-safety], the inspectors shall urgently inform the National Defense Industry Department and issue an emergency Order [to correct them]. Should it be necessary, the utilization [of such explosive materials] shall temporarily be stopped until such problems/faults have been corrected.

Article 10: Regulations and Laws [Punishment]

- Those who breach or do not follow this Decision shall be punished in accordance to the laws.
- The National Defense Industry Department, producers, distributors and all relevant parties shall follow this Decision strictly.

Notice: The production, importation, exportation, transportation and storage [all management] of explosive materials used for military purposes is not covered by this Decision.

Article 11: This Decision enters into force from the date of signature.

Minister of National Defense
Stamped and signed
Duangchay Phichith