

THE GOVERNMENT

DECREE No. 29/2005/ND-CP OF MARCH 10, 2005 PROMULGATING THE LIST OF DANGEROUS GOODS AND THE INLAND-WATERWAY TRANSPORTATION THEREOF

THE GOVERNMENT

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

Pursuant to the June 15, 2004 Law on Inland Waterway Navigation;

At the proposal of the Minister of Transport,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

1. This Decree promulgates the list of dangerous goods and prescribes the transportation of dangerous goods on inland waterways.

2. The transportation of dangerous goods on inland waterways in service of the armed forces' defense and security purposes shall be prescribed by the Minister of Defense and the Minister of Public Security.

3. The transportation of radioactive substances, explosives, industrial explosive materials on inland waterways shall comply with the provisions of this

Decree and other relevant provisions of law.

Article 2.- Subjects of application

1. This Decree applies to domestic as well as foreign organizations and individuals engaged in the transportation of dangerous goods on inland waterways.

2. In cases where the international agreements which the Socialist Republic of Vietnam has signed or acceded to contain provisions different from those of this Decree, the provisions of such international agreements shall apply.

Article 3.- Interpretation of terms

In this Decree, the following terms shall be construed as follows:

1. Dangerous substances mean substances or compounds in a gaseous, liquid or solid form, which may cause harms to human life and health, environment, safety or national security.

2. Dangerous goods mean those containing dangerous substances which may cause harms to human life and health, environment, safety or national security when being transported on inland waterways.

3. Dangerous goods carriers mean organizations and individuals using their vessels to carry dangerous goods on inland waterways.

4. Dangerous goods transportation hirers mean organizations and individuals entering into contracts on transportation of dangerous goods on inland waterways with carriers.

5. Dangerous goods consignors mean organizations and individuals named as cargo consignors in dangerous goods shipping

documents.

6. Dangerous goods consignees mean organizations and individuals named as cargo consignees in dangerous goods shipping documents.

7. Dangerous goods handlers mean organizations and individuals that conduct the loading and unloading of dangerous goods at inland waterway ports or landing stages.

Chapter II

DANGEROUS GOODS

Article 4.- Classification of dangerous goods

1. Depending on their chemical and physical properties, dangerous goods are divided into the following 9 classes and divisions:

Class 1: Explosives.

Division 1.1: Explosives.

Division 1.2: Industrial explosive materials.

Class 2: Flammable or toxic gases.

Division 2.1: Flammable gases.

Division 2.2: Toxic gases.

Class 3: Flammable liquids

Class 4: Flammable solids

Division 4.1: Flammable solids, self-active substances and desensitized solid explosives.

Division 4.2: Substances prone to self-combustibility

Division 4.3: Substances which on contact with water emit flammable gases.

Class 5: Oxidizing substances

Division 5.1: Oxidizing substances

Division 5.2: Organic peroxides.

Class 6: Toxic or infectious substances

Division 6.1: Toxic substances.

Division 6.2: Infectious substances.

Class 7: Radioactive substances.

Class 8: Corrosives.

Class 9: Other dangerous substances and goods.

2. Packing and tanks which are not yet interiorly or exteriorly cleaned after dangerous goods contained therein have been completely taken away shall also be considered dangerous goods.

Article 5.- List of dangerous goods

1. The list of dangerous goods is divided into classes and divisions enclosed with the United Nations' danger codes and identification numbers specified in Appendix 1 to this Decree (not printed herein).

2. Dangerousness of each substance on the list of dangerous goods is denoted by danger identification numbers of a group of two or three numerals specified in Appendix 2 to this Decree (not printed herein).

3. The Prime Minister decides on amendments and/or supplements to the list of dangerous goods at requests of the agencies defined in Article 7 of this Decree.

Article 6.- Packaging, packing, labels and symbols of dangerous goods and danger placards

1. Dangerous goods subject to packaging must be packaged before being transported on inland

waterways. The packaging of dangerous goods shall comply with the Vietnamese standards and regulations of competent agencies.

2. Packing and tanks containing dangerous goods must be up to standard and stuck with dangerous goods symbols. Sizes, signs and colors of dangerous goods symbols shall comply with the provisions of Section 1, Appendix 3 to this Decree (not printed herein).

3. The labeling of dangerous goods shall comply with the Prime Minister's regulations on labeling of domestically circulated goods and export and import goods.

4. Vessels carrying dangerous goods must be stuck with dangerous goods symbols. If a vessel carries different kinds of dangerous goods, it must be stuck with all symbols of such goods. Such symbols shall be stuck on both sides of vessels.

Danger placards shall be in rectangular shape and orange color, and have the UN codes in the center. Sizes of danger placards are prescribed in Section 2 of Appendix 3 to this Decree. Sticking danger placards shall be stuck below dangerous goods symbols.

Article 7.- Responsibilities to formulate, amend and supplement regulations on dangerous goods

The following agencies shall have to formulate, amend or supplement, then submit to competent agencies for promulgation or promulgate regulations on dangerous goods list, packaging standards, packing and tanks containing dangerous goods:

1. The Agriculture and Rural Development Ministry shall formulate, amend or supplement regulations on plant protection drugs and veterinary

drugs of all kinds.

2. The Health Ministry shall formulate, amend or supplement regulations on toxic chemicals for medical use and insecticides and bactericides for domestic use.

3. The Trade Ministry shall formulate, amend or supplement regulations on petrol, oil and fuel gases of all kinds.

4. The Industry Ministry shall formulate, amend or supplement regulations on dangerous chemicals used in industrial production.

5. The Science and Technology Ministry shall formulate, amend or supplement regulations on radioactive substances.

6. The Natural Resources and Environment Ministry shall formulate, amend or supplement regulations on other toxic and dangerous chemicals in the classes and divisions of dangerous goods.

Chapter III

TRANSPORTATION OF DANGEROUS GOODS

Article 8.- Conditions on persons involved in transportation of dangerous goods

1. Crewmembers working on board vessels used exclusively for transportation of petrol, oil, liquefied gases or chemicals must have been trained and possess professional certificates for dangerous goods transportation according to the regulations of the Transport Ministry.

2. Storekeepers and handlers of dangerous goods at inland waterway ports and landing stages must have been trained under programs set by the

Transport Ministry.

3. Escorts, storekeepers and handlers of dangerous goods at warehouses of goods owners within inland waterway ports and landing stages must have been trained in dangerous goods according to regulations of the agencies defined in Article 7 of this Decree.

Article 9.- Loading and unloading of dangerous goods

1. Dangerous goods handlers must conduct the loading and unloading of dangerous goods according to regulations of the agencies defined in Article 7 of this Decree.

2. Basing themselves on regulations of the agencies defined in Article 7 of this Decree and instructions of cargo consignors, shipmasters shall decide on dangerous goods loading charts.

The loading of dangerous goods on vessels must strictly follow the charts decided by shipmasters and such dangerous goods must be padded, cushioned, tied and fastened according to properties of each dangerous goods class or division. Goods of different categories which may be interact, thus increasing the danger, must not be loaded in the same cargo compartment or cargo hold of a vessel.

3. The loading and unloading of dangerous goods in warehouses or storing yards of inland waterway ports or landing stages must follow the guidance of storekeepers. Basing themselves on instructions of goods owners, storekeepers shall guide and supervise the loading and unloading of goods in warehouses or storing yards and take responsibility therefor during the time the goods are stored in warehouses or storing yards of inland

waterway ports or landing stages.

4. For goods classes or divisions requiring the loading, unloading or keeping thereof in segregated places, the loading and unloading thereof must be carried out at separate wharves or landing stages and kept at segregated places.

5. After dangerous goods are fully brought out of warehouses or storing yards, the places where dangerous goods have once been kept must be cleaned so as not to affect other goods.

Article 10.- Conditions on vessels carrying dangerous goods

Apart from complying with the provisions of the Law on Inland Waterway Navigation, vessels carrying dangerous goods must also fully satisfy the following conditions:

1. Having technical safety and environmental protection certificates according to regulations of the registry offices, suitable to each dangerous goods class or division.

2. Vessels carrying dangerous goods, after the release of such dangerous goods and if they no longer carry such type of goods, must be cleaned according to the prescribed procedures and at the prescribed places.

The Natural Resources and Environment Ministry shall assume the prime responsibility for, and coordinate with other agencies defined in Article 7 of this Decree in, guiding the procedures and places for cleaning vessels carrying dangerous goods.

Article 11.- Responsibilities of dangerous goods carriers

Apart from complying with the provisions of the

Law on Inland Waterway Navigation and relevant provisions of this Decree, dangerous goods carriers shall also have responsibilities:

1. To accept to transport dangerous goods only when there are permits for dangerous goods transportation on inland waterways, for goods classes, divisions or items which require dangerous goods transportation permits, and the packaging, packing, labels and symbols of such dangerous goods strictly comply with the provisions of Article 6 of this Decree.

2. To inspect dangerous goods and secure safety in the course of transportation.

3. To follow instructions of transportation hirers and regulations inscribed in dangerous goods transportation permits.

4. To guide shipmasters or vessel operators on stipulations which must be observed when transporting dangerous goods on inland waterways.

Article 12.- Responsibilities of shipmasters and vessel operators

Apart from complying with the provisions of the Law on Inland Waterway Navigation, masters and operators of vessels carrying dangerous goods shall also have responsibilities:

1. To observe stipulations inscribed in dangerous goods transportation permits, for goods classes, divisions or items requiring dangerous goods transportation permits.

2. To follow the instructions stated in the notices of dangerous goods transportation hirers and instructions of dangerous goods carriers.

3. To make at least four dangerous goods

dossier sets; each dossier set, in addition to papers related to dangerous goods supplied by transportation hirers, must contain one bill of lading and one cargo arrangement chart (one dossier set shall be sent to the dangerous goods carrier, one sent to the dangerous goods transportation hirer, one sent to the dangerous goods handler and another kept at the vessel).

4. To assign crewmembers to regularly guide and supervise the loading and unloading of dangerous goods onto/from vessels; to preserve dangerous goods in the course of transportation without escorts.

5. To take measures to preclude or limit the possibility of causing harms by dangerous goods; to make written records and report to the nearest People's Committees and concerned agencies for timely handling on dangerous goods incidents upon the detection thereof, which threaten the safety of people, vessels, environment and other goods, or on inland waterway navigation accidents upon their occurrence in the course of transportation. In cases where the incidents or accidents go beyond their handling capability, they must promptly report such to dangerous goods carriers and transportation hirers for timely coordinated handling.

Article 13.- Responsibilities of dangerous goods transportation hirers

Apart from complying with the provisions of the Law on Inland Waterway Navigation, dangerous goods transportation hirers shall also have responsibilities:

1. To acquire dangerous goods transportation permits issued by competent agencies for dangerous goods classes, divisions or items which require such permits.

2. To make dangerous goods consignment papers according to regulations and send them to carriers before the goods are loaded onto vessels, clearly stating: dangerous goods names; codes; classes and divisions; weights; packing types; number of packages and parcels; dates and places of manufacture; full names and addresses of dangerous goods consignors; full names and addresses of dangerous goods consignees.

3. To notify in writing dangerous goods carriers of the requirements which must be satisfied in the course of transportation, and give instructions on handling of incidents caused by dangerous goods, even in cases where there are escorts. To be responsible for average caused by late supply of information, documents and instructions or supply of inaccurate ones.

4. To assign escorts for dangerous goods classes and divisions which, as prescribed by the agencies defined in Article 7 of this Decree, require escorts. Dangerous goods escorts shall have to regularly guide and supervise the loading and unloading of dangerous goods onto/from vessels; and, together with crewmembers, to preserve dangerous goods and handle incidents occurring in the course of transportation.

Article 14.- Responsibilities of local People's Committees

Upon the occurrence of incidents in the course of transportation of dangerous goods on inland waterways, the People's Committees receiving reports thereon shall have to mobilize forces to join in the performance of the following tasks:

1. Rescuing people, vessels and dangerous goods.
2. Bringing victims (if any) out of areas where

incidents occur and providing first aids to them.

3. Zoning off and evacuating residents from polluted or contaminated areas, and concurrently reporting such to superior People's Committees for mobilization of fire fighting, epidemic prevention and environmental protection forces to promptly handle incidents and remedy consequences thereof.

4. Organizing and arranging forces to protect the scenes, dangerous goods and vessels for further transportation and in service of investigation and consequence redressing.

Article 15.- Competence to grant dangerous goods transportation permits

1. Depending on the dangerousness of goods classes, divisions or items on the dangerous goods list specified in Appendix 1 to this Decree, the agencies defined in Clause 2 of this Article shall have to prescribe dangerous goods classes, divisions and items requiring permits for their transportation on inland waterways.

2. Competence to grant dangerous goods transportation permits is prescribed as follows:

a/ The Public Security Ministry shall prescribe the grant of dangerous goods transportation permits for goods of classes 1, 2, 3, 4 and 9;

b/ The Science and Technology Ministry shall prescribe the grant of dangerous goods transportation permits for goods of classes 5, 7 and 8;

c/ The Health Ministry shall prescribe the grant of dangerous goods transportation permits for toxic chemicals for medical use and insecticides and bactericides for domestic use;

d/ The Natural Resources and Environment Ministry shall prescribe the grant of dangerous goods transportation permits for the remaining

dangerous goods classes, divisions and items.

3. The Prime Minister shall decide on the transportation of dangerous goods on inland waterways in the following cases:

a/ Dangerous goods in service of urgent requirements of epidemic, disease and natural calamity prevention and combat;

b/ In-transit dangerous goods of the countries or international organizations which Vietnam has not yet signed or acceded to agreements with.

Article 16.- Contents of, procedures and time limits for granting dangerous goods transportation permits

1. Principal contents of dangerous goods transportation permits include:

a/ Names, registration numbers and gross tonnages of vessels;

b/ Names and addresses of vessel owners;

c/ Full names of shipmasters; serial numbers and grades of shipmaster diplomas;

d/ Names, classes, divisions and total volumes of dangerous goods;

e/ Names of inland waterway ports or landing stages where dangerous goods are loaded or unloaded;

f/ Itineraries and time limits for dangerous goods transportation.

2. The agencies defined in Article 15 of this Decree shall prescribe the order, procedures and time limits for grant, and the management and issuance of, dangerous goods transportation permits. Dangerous goods transportation permits must have all the contents prescribed in Clause 1 of this Article.

3. Dangerous goods transportation permits shall be issued for each shipment or each period of 12 months at most.

Chapter IV

INSPECTION, EXAMINATION AND HANDLING OF VIOLATIONS

Article 17.- Inspection and examination of dangerous goods transportation on land waterways

1. The agencies defined in Articles 7 and 15 of this Decree shall, within the ambit of their functions, tasks and powers, have to organize inspection and examination of the implementation of the provisions of this Decree.

2. The inland waterway navigation inspectorate, waterway navigation police and inland waterway port authorities shall, within the ambit of their law-prescribed responsibilities, have to conduct inspection of dangerous goods transportation on inland waterways.

Article 18.- Handling of violations

Persons who commit acts of violating the provisions of this Decree shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability or pay damages according to law provisions.

Chapter V

IMPLEMENTATION PROVISIONS

Article 19.- Implementation provisions

This Decree takes effect 15 days after its publication in the Official Gazette and annuls all

previous stipulations which are contrary to it.

Article 20.- Organization of implementation

The Ministers of Public Security; Science and Technology; Transport; Industry; Health; Agriculture and Rural Development; Trade; and Natural Resources and Environment shall, within the ambit of their respective functions, tasks and powers, guide the implementation of this Decree.

Article 21.- Implementation responsibilities

The ministers, the heads of the ministerial-levels 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 of the Government

Prime Minister

PHAN VAN KHAI