

CIRCULAR

**PROVIDING ON LICENSING INDUSTRIAL EXPLOSIVE MATERIALS AND DANGEROUS
GOODS TRANSPORTATION**

Pursuant to the Decree No.29/2005/ND-CP, of March 10, 2005 providing list of dangerous goods, and transportation of dangerous goods on domestic waterway;

Pursuant to the Decree No.109/2006/ND-CP, of September 22, 2006 detailing and guiding the implementation of a number of articles of the railway law;

Pursuant to the Decree No.39/2009/ND-CP, of April 23, 2009, on industrial explosive materials;

Pursuant to the Decree No.104/2009/ND-CP, of November 09, 2009 providing list of dangerous goods, and transportation of dangerous goods by road motor vehicles;

Pursuant to the Decree No.77/2009/ND-CP, of September 15, 2009 defining the functions, tasks, powers and organizational structure of the Ministry of Public Security;

The Ministry of Public Security provides on licensing industrial explosive materials and dangerous goods transportation as follows:

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides conditions, dossiers, orders, procedures competence of licensing industrial explosive materials and dangerous goods transportation specified in the Decree No.29/2005/ND-CP, of March 10, 2005 *providing list of dangerous goods, and transportation of dangerous goods on domestic waterway (Decree No.29/2005/ND-CP), the Decree No.109/2006/ND-CP, of September 22, 2006 detailing and guiding the implementation of a number of articles of the railway law (Decree No.109/2006/ND-CP), the Decree No.39/2009/ND-CP, of April 23, 2009, on industrial explosive materials (No.39/2009/ND-CP) and the Decree No.104/2009/ND-CP, of November 09, 2009 providing list of dangerous goods, and transportation of dangerous goods by road motor vehicles (Decree No.104/2009/ND-CP).*

Article 2. Subjects of application

1. This Circular applies to agencies, organizations, individuals relating to transportation of industrial explosive materials and dangerous goods by roadway, railway, and domestic waterway transport means.
2. This Circular does not apply to transportation of industrial explosive materials and dangerous goods for purpose of national defense and security and internal transport.

Article 3. Interpretation of terms

In this Circular, the below terms are construed as follows:

1. *Industrial explosive materials includes: industrial explosive materials, new industrial explosive materials, explosive precursor substances specified in the Decree No.39/2009/ND-CP; dangerous goods type 1 specified in clause 1 Article 23 of Decree No.109/2006/ND-CP, clause 1 Article 4 of Decree No.29/2005/ND-CP and clause 1, Article 4 of Decree No. 104/2009/ND-CP.*
2. *Dangerous goods includes: Dangerous goods type 2, type 3, type 4 and type 9 specified in clause 1, Article 23 of the Decree No.109/2006/ND-CP; clause 1 Article 4 of Decree No.29/2005/ND-CP, and clause 1 Article 4 of Decree No.104/2009/ND-CP.*

Chapter 2.

CONDITION, DOSSIER, PROCEDURES OF LICENSING INDUSTRIAL EXPLOSIVE MATERIALS TRANSPORTATION

Article 4. Condition to be licensed industrial explosive materials transportation

Condition to be licensed industrial explosive materials transportation includes:

1. Being economical organizations established under law, registered business in transport or possessing permit of explosive materials manufacture, business and use; possessing certificate eligible on security and order granted by competent agency, having plan on preventing and responding to emergency malfunction regarding fire, explosion on road.
2. Escorts, drivers of vehicles carrying industrial explosive materials must have sufficient condition:
 - a) Sufficient 18 years old or older, clear curriculum vitae, no previous violation record, criminal record; (the curriculum vitae must be certified by People's Committee of commune, ward, town where residents or works); possessing driving license of vehicles, trains or certificate with professional suitable to registered means of transport (for driver);
 - b) Possessing certificate of professional training on fire prevention and fighting granted by Competent Police Administration of fire prevention and fighting and rescue and salvage; certificate of training on industrial explosive materials knowledge and safe assurance measures when contact with industrial explosive materials granted by Competent state management agency of industrial explosive materials.
3. Vehicles transporting industrial explosive materials have sufficient conditions:

- a) Being eligible to participate in transport as prescribed by law on roadway, railway, domestic waterway transport; having certificate of being eligible to transport dangerous goods granted by registry offices;
- b) Satisfying provisions of the Regulations QCVN 02:2008/BCT – the National Technical Regulations on Safety in preservation, transportation, use and destruction of industrial explosive materials;
- c) Satisfying conditions on safety in fire prevention and fighting as prescribed in Article 12 of the Decree No.35/2003/ND-CP, of April 04, 2003 detailing the implementation a number of articles of Law on fire prevention and fighting.

Article 5. Dossier, procedures of licensing industrial explosive materials transportation

1. For domestic transportation

- a) Application for transport register;
- b) letter of introduction of agency or unit requesting for transport license; presenting ID card or passport of person performing procedures of licensing transportation;
- c) Copy of contract of purchasing and selling, supplying industrial explosive materials or a written permission to test industrial explosion (case of transport to place testing industrial explosion) or decision on destroy industrial explosive materials (case of transport to place destroying) of competent agencies (enclosed to original for comparison);
- d) Copy of financial invoice or announcement paper of goods or order for ex-warehousing (enclosed to original for comparison);
- dd) Copy of inspection record of Competent Police Office of fire prevention and fighting and rescue, salvage regarding condition of industrial explosive materials transportation of escorts, drivers of means of transport (enclosed to original for comparison);
- e) Copy of transport contract (if hire transport services), enclosed to original for comparison;
- g) Copy of register on volume, kinds and receipt time of agency that directly manage destination-warehouse of industrial explosive materials or permission written of place loading and unloading industrial explosive materials of People’s Committee of central-affiliated cities and provinces (enclosed to original for comparison);
- h) Copy of license for using industrial explosive materials or written of competent agencies allowing to import industrial explosive materials (enclosed to original for comparison).

2. For offshore transportation

- a) Copy of written of competent agencies that allowing to export or transport industrial explosive materials from Vietnam to foreign countries (enclosed to original for comparison).

b) Papers specified in points a, b, c, d, dd, e, clause 1 of this Article.

3. For adjusting license of industrial explosive materials transportation

a) Dispatch requesting for adjusting license content of industrial explosive materials transportation;

b) Copy of license of industrial explosive materials transportation (enclosed to original for comparison).

Article 6. Competence, time limit of licensing industrial explosive materials transportation

1. Director of Police Department of fire prevention and fighting and rescue and salvage takes responsibility before the Minister for implementation of grant, adjustment of license of industrial explosive materials transportation for offshore transportation and other special cases at the request of competent agencies.

2. Directors of Police Service of fire prevention and fighting and rescue and salvage; directors of provincial-level Department of Public Security take responsibility before the Minister for directing the Office of fire prevention and fighting and rescue and salvage of provincial-level Department of Public Security (where having warehouse, place of receipt of industrial explosive materials being carried to) for implementation of grant, adjustment of license of industrial explosive materials transportation to agencies, units having demand; if Police Office of fire prevention and fighting and rescue and salvage where industrial explosive materials are started to transport or where agencies, units managing means of industrial explosive materials transport have granted or adjusted license of transport, a written certified on condition of receipt of industrial explosive materials of Police Office of fire prevention and fighting and rescue and salvage where having warehouse of receipt of industrial explosive materials being carried to, is required.

3. Competent Police Offices of fire prevention and fighting and rescue and salvage shall settle grant of license of industrial explosive materials transportation within 03 working days, after fully receiving the valid dossiers; if it is not eligible for license, it must reply and clearly state reason therefore.

Article 7. Effect of transport license

1. License of industrial explosive materials transportation has value for only a time of transport and must be returned to licensing agency within 07 days, after completing transportation; if quantity of industrial explosive materials is big, they must be transported by many vehicles in a same trip, only a transport license is granted; if transport is performed by various means of transport (roadway, railway, waterway), each type of means must be granted a transport license.

2. In case of happening a force majeure event which disallows transportation on the time and route indicated in the license, or forces change of the vehicle, escort or driver, before continuing such transportation, it must get a written certification of the police office of the commune or higher level of the locality in which that event happens.

3. If the time or route indicated in the license of industrial explosive materials transportation is coincided with time or route having banning order for industrial explosive materials transportation of competent authorities, the provisions of such banning order must be executed.

4. Upon having requirement on assurance of security, order and social safety for national-level activities or in areas having special requirement on assurance of security, order, Police Administration of fire prevention and fighting and rescue and salvage shall decide or authorize for the Police Service of fire prevention and fighting and rescue and salvage of provincial-level Police Service to issue decision on suspension of licensing or suspension of effect of license of industrial explosive materials transportation.

Article 8. Condition for organizations and individuals managing warehouse, places of receipt of industrial explosive materials

1. To comply with provisions on assurance of security, order, social safety, on fire prevention and fighting for warehouse preserving industrial explosive materials and places loading and unloading industrial explosive materials.

2. To implement check deposit of industrial explosive materials preserving in warehouse as prescribed; to register in written on volume, kinds, duration of receipt of industrial explosive materials going to be carried to.

3. To receive only industrial explosive materials with transport license granted by Competent Police Office of fire prevention and fighting and rescue and salvage.

4. If loading or unloading industrial explosive materials at casual places or areas of stations, piers and other public places, it must have permission in writing of People's Committee of central-affiliated cities and provinces.

Article 9. Signal of vehicles transporting industrial explosive materials

1. Vehicles transporting industrial explosive materials by roadway, railway: They must be stucked or attached signs with symbol of M according to the VC05 form promulgated together with this Circular on windshieth and two sides of vehicles during transport.

2. Means of waterway transport: On day it must be hung sign flag with B, on night it must have sign lamp lighted with red according to the form prescribed by the Ministry of Transport during transport.

Chapter 3.

CONDITION, DOSSIER, PROCEDURES OF LICENSING DANGEROUS GOODS TRANSPORTATION

Article 10. Vehicles of dangerous goods transport

Vehicles of dangerous goods transport must be vehicles running by internal combustion engine or type of engine preventing explosion and must ensure the following conditions:

1. Engine of vehicle must be insulated with cargo cavity by fireproof material or buffer chamber (cavity).
2. Discharge pipe of engine must be laid in closed position and be shielded in order to ensure fire, explosion safety.
3. Electrical system (inclusive of battery) must be ensured to not generate spark; electrical wire must be ensured to be proper size, isolation is good, core of wire must be made of cooper, except for wire connected with battery.
4. The floor and structure of cargo cavity must be made of materials that are nonflammable and not generate spark due to friction.
5. Having measure to shield from rain and sunlight.
6. Having wire connected with ground for vehicles carrying liquid in danger of fire and explosion.
7. Having symbol and sign as prescribed for vehicles special-used to transport dangerous goods.
8. Being equipped fire fighting equipment as prescribed. Especially for tank truck for liquefied petroleum gas transport, it complies with provisions of Vietnam Standard TCVN 6484:1999 “Petroleum gas transport – transport tank truck – safety requirement on design, manufacture and use”.

Article 11. Dossier, procedures, competence, time limit of licensing dangerous goods transportation

1. Dossier, procedures of licensing dangerous goods transportation
 - a) Application of request for licensing dangerous goods transportation;
 - b) Certificate of being eligible to transport dangerous goods with respect to motor vehicle granted by registry offices;
 - c) Record of examination on fire prevention and fighting condition with respect to vehicles not is subject to grant certificate specified in point b, clause 1, this Article;
 - d) The certificate of fire prevention and fighting professional training of drivers and escorts; certificate of training technical safety on dangerous goods for drivers, escorts and warehouse keepers;
 - dd) certificate of testing packages, containers of dangerous goods as prescribed by Ministries managing branches (if any).
2. Directors of Police Service of fire prevention and fighting and rescue and salvage; directors of provincial-level Department of Public Security take responsibility before the Minister for directing the Police Office of fire prevention and fighting and rescue and salvage of provincial-level Department of Public Security in implementation of grant of license of dangerous goods

transportation to organizations, individuals residenting or having office within their management localities.

Time limit of licensing dangerous goods transportation not exceed 03 working days, after fully receiving the valid dossiers; if it is not eligible for license, it must reply and clearly state reason therefore.

Article 12. Effect of dangerous goods transport license; signal of dangerous goods transport vehicles

1. The license of dangerous goods transport have value one time for vehicles with contract of transport for each trip; have value in 12 months for vehicles special-used to transport dangerous goods.

2. Vehicles transporting dangerous goods by roadway, railway must be sticked symbol of dangerous goods in fire and explosion according to the VC07 form promulgated together with this Circular on windshieth and two sides of vehicles during transport.

Means of dangerous goods transport by waterway: On day they must be hung sign flag with B, on night they must have sign lamp lighted with red according to the form prescribed by the Ministry of Transport during transport.

Chapter 4.

ORGANIZATION OF IMPLEMENTATION

Article 13. Effect

1. This Circular takes effect on November 25, 2010.

2. To promulgate together with this Circular forms for implementation in licensing and implementing provisions on industrial explosive and dangerous goods transportation:

a) Form VC01 (Record of examination on conditions for industrial explosive materials transportation);

b) Form VC02 (certificate of registering receipt of industrial explosive materials);

c) Form VC02A (Register paper for receipt of industrial explosive materials);

d) Form VC03 (Register paper for industrial explosive materials transportation);

dd) Form VC04 (License of industrial explosive materials transportation);

e) Form VC05 (Signal of vehicles transporting industrial explosive materials);

g) Form VC06 (License of dangerous goods transport)

h) Form VC07 (symbol of dangerous goods);

i) Form VC08 (Application of request for licensing dangerous goods transportation);

3. To annul section VIII of the Circular No.04/2004/TT-BCA, of March 31, 2004 of the Ministry of Public Security guiding implementation of the Decree No.35/2003/ND-CP, of April 04, 2003 detailing the implementation a number of articles of Law on fire prevention and fighting.

Article 14. Responsibility for implementation

1. General director of the General Police Department of administrative management on order, social safety shall organize implementation and direct, guide, inspect implementation of this Circular.

2. General Directors of the General Administration; heads of affiliated units of the Ministry of Public Security; directors of provincial-level Department of Public Security; directors of Police Service of fire prevention and fighting and rescue and salvage shall implement this Circular.

During the course of implementation any problem should be report by police of units, localities to the Ministry of Public Security (through General Police Department of administrative management on order and social safety) for timely guidance.

**THE MINISTER OF PUBLIC
SECURITY
THE GENERAL**

Le Hong Anh