

THE MINISTRIES

THE MINISTRY OF INDUSTRY AND TRADE

CIRCULAR No. 02/2008/TT-BCT OF FEBRUARY 19, 2008, GUIDING THE CONDITIONS AND THE GRANT OF PERMITS FOR TRADING IN HIGH-CONTENT AMMONIUM NITRATE

Pursuant to the Government's Decree No. 189/2007/ND-CP of December 27, 2007, defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

Pursuant to the Government's Decree No. 59/2006/ND-CP of June 12, 2006, detailing the Commercial Law regarding goods and services banned from business, restricted from business or subject to conditional business;

High-content ammonium nitrate is included in the list of goods and services restricted from business. The Ministry of Industry and Trade guides the conditions and the grant of permits for trading in high-content ammonium nitrate as follows:

I. SUBJECTS OF APPLICATION AND SCOPE OF REGULATION

1. Subjects of application

This Circular applies to all enterprises trading in goods with a high content of ammonium nitrate, the substance with the chemical formula NH_4NO_3 accounting for 98.5% or more in dry weight.

2. Scope of regulation

Enterprises having high-content ammonium nitrate trading permits may sell these substances only to consumers which have certificates of

registration for the use of high-content ammonium nitrate granted by a competent state agency.

Only enterprises that have industrial explosive trading permits and high-content ammonium nitrate trading permits are allowed to sell high-content ammonium nitrate to industrial explosive-producing enterprises.

II. TRADING CONDITIONS AND GRANT OF TRADING PERMITS

1. Conditions for high-content ammonium nitrate trading

High-content ammonium nitrate trading must meet the following conditions:

a/ Regarding goods quality:

High-content ammonium nitrate must comply with the provisions on state management of product and goods quality of the Government's Decree No. 179/2004/ND-CP of October 21, 2004, and be allowed for trading by line ministries.

The inspection of quality of high-content ammonium nitrate complies with the Prime Minister's Decision No. 50/2006/QĐ-TTg of March 7, 2006, promulgating a list of products and goods subject to quality inspection.

b/ Regarding enterprises:

Enterprises have been lawfully set up and granted a business registration certificate by a competent state agency and a registered tax identification number.

c/ Regarding the registration of goods use:

Enterprises have been granted a certificate of registration for the use of hazardous chemicals subject to specific industrial safety requirements (high-content ammonium nitrate) by a relevant provincial/municipal Service as prescribed in the Regulation on management of safety of machines, equipment and hazardous chemicals subject to specific industrial safety requirements, promulgated

together with the Industry Ministry's Decision No. 136/2004/QĐ-BCN of November 19, 2004.

d/ Conditions on techniques, equipment, trading process and other criteria:

- Equipment, facilities and warehouses used for high-content ammonium nitrate trading must satisfy conditions on safety, fire and explosion prevention and fighting and environmental protection according to current regulations.

- Enterprises have worked out a high-content ammonium nitrate trading process for internal application.

- Enterprises have at least three years' experience of high-content ammonium nitrate trading.

- Managers, technical workers and employees directly engaged in the sale and purchase of goods as well as service employees have signed labor contracts of an indefinite term with enterprises' directors.

2. Dossiers of application for a high-content ammonium nitrate trading permit

a/ For enterprises which possess an industrial explosive trading permit, a dossier of application for a high-content ammonium nitrate trading permit comprises:

- An application for a trading permit (made according to a set form).

- A copy of the industrial explosive trading permit, granted by a competent state agency.

b/ For high-content ammonium nitrate-producing enterprises, a dossier of application for a high-content ammonium nitrate trading permit comprises:

- An application for a trading permit (made according to a set form).

- A copy of the decision permitting the operation of the high-content ammonium nitrate plant, issued by a competent state agency.

- A copy of the certificate of quality of high-content ammonium nitrate, granted by a competent agency to the plant.

c/ For enterprises other than those prescribed at Points a and b above, a dossier of application for a high-content ammonium nitrate trading permit comprises:

- An application for a trading permit (made according to a set form).

- A copy of the business registration certificate, granted by a competent state agency.

- A copy of the tax identification number registration.

- A copy of the certificate of registration for the use of hazardous chemicals subject to specific industrial safety requirements (high-content ammonium nitrate), granted by a relevant provincial/municipal Service.

- Copies of labor contracts and a list of employees directly engaged in the sale and purchase of high-content ammonium nitrate, enclosed with copies of certificates of participation in training courses on the process and knowledge of high-content ammonium nitrate trading organized by the enterprise.

- The high-content ammonium nitrate trading process of the enterprise.

- Copies of contracts on the sale and purchase of high-content ammonium nitrate already performed during the last three years.

- For enterprises which use equipment, workshops and other construction works (such as warehouses, wharves) for high-content ammonium nitrate trading, a dossier of application for a high-content ammonium nitrate trading permit must also include copies of certificates of satisfaction of conditions on environmental protection, fire and explosion prevention and fighting of these equipment, workshops and

construction works, granted by competent state agencies.

3. Validity of trading permits

A trading permit is valid for five years, for high-content ammonium nitrate-producing enterprises and enterprises possessing industrial explosive trading permits, or three years, for other enterprises.

4. Time limit for grant of a trading permit

Within 15 working days after receiving a complete and valid dossier, the Ministry of Industry and Trade shall grant a high-content ammonium nitrate trading permit or issue a written reply stating the reason for refusal to grant a permit to the enterprise.

5. *Withdrawal, renewal and re-grant of trading permits*

a/ The Ministry of Industry and Trade shall consider and withdraw trading permits already granted to enterprises which violate the provisions of law, fail to conduct business activities within one year or do business in contravention of their permits.

b/ If an enterprise wishes to renew its permit due to a change in its name, address or organization, it shall send its permit, enclosed with an application, its new regulatory documents and a dossier as prescribed in Clause 2, Section II of this Circular.

c/ Upon expiration of its permit, if an enterprise wishes to obtain a new permit, it shall send its permit, enclosed with an application, without having to re-compile the dossier prescribed in Clause 2, Section II, of this Circular.

The validity and time limit for consideration and re-grant of permits comply with Clauses 3 and 4, Section II, of this Circular.

6. Regulations on reporting

Biannually and annually, enterprises shall make and send reports on high-content ammonium nitrate trading to relevant provincial/municipal Services and the Ministry of Industry and Trade according to current regulations. The deadlines for sending biannual and annual reports are July 13 and January 15, respectively.

III. ORGANIZATION OF IMPLEMENTATION

This Circular takes effect 15 days after its publication in "CONG BAO."

All previous regulations issued by the Ministry of Industry which are contrary to this Circular are annulled. Concerned organizations and individuals are requested to report problems arising in the course of implementation to the Ministry of Industry and Trade for consideration and settlement.

Minister of Industry and Trade
VU HUY HOANG