
No.: 37/2020/TT-BCT

Hanoi, November 30, 2020

CIRCULAR
**PRESCRIBING LIST OF DANGEROUS GOODS REQUIRING PACKAGING
DURING TRANSPORT AND TRANSPORT OF DANGEROUS GOODS BY ROAD,
RAIL AND INLAND WATERWAY**

Pursuant to the Government's Decree No. 98/2017/ND-CP dated August 18, 2017 defining the Functions, Tasks, Powers and Organizational Structure of the Ministry of Industry and Trade;

Pursuant to the Government's Decree No. 42/2020/ND-CP dated April 08, 2020 prescribing the List of dangerous goods and transport of dangerous goods by road and inland waterway;

Pursuant to the Government's Decree No. 65/2018/ND-CP dated May 12, 2018 providing guidelines for implementation of the Law on Railway Transport;

At the request of the Director of the Industrial Safety Techniques and Environment Agency;

The Minister of Industry and Trade promulgates a Circular prescribing List of dangerous goods requiring packaging during transport and transport of dangerous goods by road, rail and inland waterway.

Chapter I.

GENERAL PROVISIONS

Article 1. Scope

This Circular stipulates the List of dangerous goods requiring packaging during transport, packaging requirements, means of containment of dangerous goods, emergency response plan and training for individuals involved in the transport of dangerous goods by road, rail and inland waterway under the management of the Ministry of Industry and Trade as prescribed in Article 24 of Decree No. 42/2020/ND-CP.

Article 2. Regulated entities

This Circular applies to organizations and individuals providing transport of dangerous goods and other organizations and individuals involved in the transport of dangerous goods by road, rail and inland waterway within the territory of Vietnam.

Article 3. Definitions

For the purposes of this Circular, the terms below are construed as follows:

1. "packaging of dangerous goods" means the performance of technical operations to contain dangerous goods in means of containment conformable with registered or announced standards.
2. "means of containment" is a packaging, bottle, drum, barrel, tank or container that is used to contain and transport dangerous goods. Means of containment of dangerous goods include:
 - a) "small packaging" (marked with "P") is a means of containment which has a water capacity

of 450 l or less or containing capacity by weight of 400 kg or less.

b) “Large packaging” (marked with “LP”) is a means of containment which has a water capacity greater than 450 l or containing capacity by weight greater than 400 kg but a volume of not more than 3 m³.

c) “intermediate bulk containers” (marked with “IBC”) include:

- Metal IBC has a volume of 3 m³ or less for liquids or solids.
- Wooden, plastic or fibreboard IBC has a volume of 1,5 m³ or less for solids.

d) “inner packaging” (also called “primary packaging”) is a means of containment in direct contact with goods which is designed to perform containment functions without any other packagings.

dd) “outer packaging” is a means of containment which contains inner packagings together with any cushioning and absorbent materials necessary to protect inner packagings during transport.

e) “combination packaging” is a means of containment which consists of one or more inner packagings placed or secured in an outer packaging.

g) “specialized tank” means a means of containment (tank/basin system) which is fitted on a means of transport, including:

- Means of containment with a volume greater than 1m³ or tank-container with a volume greater than 3m³ is intended for containing group-3 dangerous goods with a flash point of not exceeding 60°C (type FL, see Appendix III).
- Means of containment with a volume greater than 1m³ or tank-container with a volume greater than 3m³ is intended for containing dangerous goods other than type FL (type AT, see Appendix III).

h) “container” is a means of containment in the form of drum or box with a volume greater than 1 m³ used to contain and transship completely packaged goods.

3. “bulk cargo” means goods which are unpackaged.

4. “packing group” means a group to which goods may be assigned in accordance with their degree of danger (marked with PG I, PG II or PG III).

Chapter II.

LIST, PACKAGING REQUIREMENTS, MEANS OF CONTAINMENT, AND TRANSPORT OF DANGEROUS GOODS

Article 4. List of dangerous goods requiring packaging during transport

The list of dangerous goods requiring packaging during the transport is provided in Appendix I enclosed herewith (hereinafter referred to as “List”).

Article 5. Danger markings and labels

Sizes, signs and color of danger markings and labels shall comply with Article 7, Appendix I and Appendix III enclosed with the Decree No. 42/2020/ND-CP.

Article 6. Requirements for packaging of dangerous goods

1. Except group 2 dangerous goods, dangerous goods in solid or liquid form shall be packaged according to 3 groups in Column 6 of the List as follows:

a) High danger, displayed by number I (PGI).

b) Medium danger, displayed by number II (PG II).

c) Low danger, displayed by number III (PG III).

Specific regulations on packing groups are provided in Appendix II enclosed herewith.

2. Packaging codes are provided in Column 9 of the List. Requirements for packaging materials, conditions and detailed packaging specifications of dangerous goods for each packaging code are provided in Appendix III enclosed herewith.

3. Manufacturers or carriers shall carry out packaging of dangerous goods according to regulations herein, corresponding national technical regulations in force and other legislative documents providing specific provisions on packaging and transport of dangerous goods.

Article 7. Requirements for examination, testing and inspection of means of containment

1. Means of containment of dangerous goods shall be examined, tested and inspected before they are used for packaging in accordance with regulations and laws in force.

2. Pressure means of containment or those on the list of machinery and equipment subject to strict occupational safety requirements must be undergone technical and occupational safety inspection as prescribed.

Article 8. Dangerous goods transported under the supervision of escorts

Escorts are required when transporting dangerous goods whose mass is greater than the levels in Column 7 of the List.

Article 9. Emergency response

1. An emergency response plan is required during the transport of dangerous goods whose quantity is greater than the one prescribed in Column 7 of the List; contents of the emergency response plan are provided for in Appendix IV hereof.

2. In case of transport of dangerous goods which are not prescribed in Clause 1 of this Article, instructions for handling of spill, leak, fire and explosion of transported goods are required.

3. The emergency response plan or instructions for incident handling must be carried during the transport of dangerous goods, managed and kept by the vehicle operator at a visible place on the vehicle's bridge.

4. The vehicle operator and escort must clearly understand the emergency response plan or instructions for incident handling, carry out response procedures and fluently use equipment for dealing with fire, spill or leak. Before each transport of dangerous goods, the vehicle operator must check warning and incident handling equipment.

Chapter III.

PROVISIONS ON TRAINING

Article 10. Entities, contents, form and duration of training

1. Entities attending training: vehicle operators, warehouse keepers, escorts, handling workers who engage in the transport of dangerous goods.

2. Contents of training

a) Legislative documents on transport of dangerous goods.

b) Dangerous characteristics of goods to be transport; danger markings and labels on means of containment/vehicles.

c) Requirements for vehicles, packaging and containers of dangerous goods.

c) Safety in loading, unloading and transport of dangerous goods; measures and procedures to be followed in case of accidents or incidents which occur during transport.

dd) Emergency response plan.

3. Form and duration of training

a) Training form

- Initial training.

- Periodic training: every 02 years.

- Re-training: When there are changes in transported dangerous goods or an employee has left his/her position for 06 months or longer or has failed test.

b) Training duration

- Initial training: At least 16 hours, including the test time.

- Periodic training: A half of the duration of the initial training.

- Re-training: At least 12 hours, including test time.

c) The training in transport of dangerous goods may be organized separately or in combination with other safety training courses as prescribed by law.

Article 11. Standards of trainers

A trainer must possess bachelor's degree or higher and have at least 05 years' experience in the area suitable for training activities.

Article 12. Assessment and retention of training dossiers

1. The carrier or the training provider hired by the carrier shall organize a test to assess whether or not operators of road motor vehicles pass the training course.

2. The consignor or the training provider hired by the consignor shall organize a test to assess whether or not escorts, cargo handling workers and warehouse keepers pass the training course.

3. Testing procedures

a) Contents of a test must be conformable with training contents.

b) A test paper is satisfactory if it is given at least the average mark.

4. Within 15 working days from the end of the training, the carrier or the training provider must issue a decision to recognize training results and certificate of completion of training program.

5. Training dossier includes:

a) Training materials.

b) List of participants bearing their information and signatures according to the form in Appendix VI.

c) Information about the trainer, including: Full name, date of birth, ID card/citizen's identity card/passport number, occupation and working place.

d) Contents and results of training test.

dd) Decision to recognize training results made according to the form in Appendix VII.

6. The carrier shall keep adequate documents as prescribed in Clause 5 of this Article about their operators of road motor vehicles and present them at the request of a competent

authority.

7. The consignor shall keep adequate documents as prescribed in Clause 5 of this Article about their escorts, cargo handling workers and warehouse keepers, and present them at the request of a competent authority.

8. Certificate of completion of training program is made according to the form in Appendix V and valid for 02 (two) years.

Chapter IV.

IMPLEMENTATION

Article 13. Implementation organization

1. The Industrial Safety Techniques and Environment Agency shall instruct and inspect the implementation of this Circular.

2. Departments of Industry and Trade of provinces and central-affiliated cities shall:

a) Disseminate and instruct entities performing transport of dangerous goods within their provinces to implement this Circular.

b) Inspect the provision of training for operators of road motor vehicles, escorts, cargo handling workers and warehouse keepers within their provinces.

3. Carriers, consignors and providers of training in transport of dangerous goods shall:

a) Organize training or hire training providers to provide training according to regulations training programs and contents laid down herein.

b) Ensure that trainers meet the standards in Article 11 hereof.

c) Carriers and consignors must fully comply with regulations on transport of dangerous goods laid down herein and relevant laws.

Article 14. Implementation

1. This Circular comes into force from January 14, 2021 and supersedes the Circular No. 44/2012/TT-BCT dated December 28, 2012 of the Ministry of Industry and Trade prescribing List of dangerous goods requiring packaging during transport and transport of dangerous goods by roadway, railway and inland waterway vehicles.

2. If the legislative documents referred to in this Circular are amended, supplemented or superseded, the new ones shall apply.

3. Certificates of technical training for safe transport of dangerous goods issued before the date of entry into force of this Circular are still valid until their expiration date.

4. Difficulties that arise during the implementation of this Circular should be promptly reported to the Ministry of Industry and Trade for consideration./.

MINISTER

Tran Tuan Anh