



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD RESOLUTION NO. 198
Series of 2013

SUBJECT: GRANTING EXEMPTION FROM SPECIFIC MEASURES OF REGULATORY CONTROL REQUIREMENTS TO CERTAIN FINISHED PRODUCTS OF NIPPON PAINT PHILIPPINES

WHEREAS, under Section 81 (b) and (r) of Article IX of RA 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, the Board issued Board Regulation No. 3, Series of 2003 which provides for the “Comprehensive Guidelines on Importation, Distribution, Manufacture, Prescription, Dispensing and Sale of, and Other Lawful Acts in Connection with any Dangerous Drugs, Controlled Precursors and Essential Chemicals and other Similar or Analogous Substances”;

WHEREAS, NIPPON PAINT PHILIPPINES, with address at Halogram St. Light Industry and Science park of the Philippines, Cabuyao, Laguna, Philippines is a legitimate importer of chemicals used for the manufacture and sale of automotive parts and was established on February 15, 1976. The main business of the company is importation of paints related products, marketing of paints and other technical line support for paints. It is duly registered with PEZA and handler of PDEA License No. P5IM-01848001-R035 /P5C-01848001-R-34 dated 9/11/2012 and valid until 9/15/2013 as Importer/ End-user/ Compounder/ Manufacturer of controlled chemicals;

WHEREAS, NIPPON PAINT PHILIPPINES is seeking exemption from regulatory measures to the following imported finished products that contain controlled chemicals, to wit:

1. **R-160 HS BB20 – 11.4% Toluene**
2. **PBC-212(T) 535 RED – 4.8% Toluene**
3. **R-160HS BK23(PN) – 11.5% Toluene**
4. **R 160HS BKAC(PN) – 11.4% Toluene**
5. **R -185 LG PRIMER – 27.8% Toluene; 4.9% MEK**
6. **TIB-6301 CLEAR BASE – 9.1% Toluene**
7. **R-288 CLEAR – 3.7% Toluene**
8. **SWANCEL HC SERIES (1/2, ¼, 1/8, 1/16, SL) – 5-10% Toluene**

WHEREAS, Section 4(2-c, d, e & f), Article II of the same Regulation also provides that the Board may exempt from specific measures of regulatory control requirements any preparation containing a controlled chemical mixture, when the Table II chemical is a normal ingredient in consumer goods or finished products that were packaged for retail sale for personal use, such as epoxies, vinyl lacquer, contact cements, plastic adhesives, waxes, cleaning agents; or liquid chemical mixture containing less than 30% by weight of the Table II chemical; or solid, semisolid and highly viscous chemical mixture containing Table II chemical; or when the Board is satisfied that the mixture is formulated in such a way that the controlled chemical cannot be easily used for the illicit manufacture of a dangerous drug and that the controlled chemical or chemicals contained in the mixture cannot be readily recovered;

WHEREAS, to assist the Board in evaluating requests for exemption, it promulgated Board Resolution No.1 Series of 2008 entitled “**Creating a Technical Working Group (TWG) to assist the Board in considering request of Manufacturers and Importers of finished products from specific measures of regulatory control requirements**”;

WHEREAS, the Technical Working Group deliberated and recommended to the Board, issuance of appropriate Board Resolution to **NIPPON PAINT PHILIPPINES** request for exemption from specific measures of regulatory control requirements to the **products containing controlled chemicals below the 30% threshold** and as such, subject certification shall be **valid for one (1) year unless revoked**;

WHEREAS, Section 4(2-f), Article II of the same Regulation also provides that the Board may exempt from specific measures of regulatory control requirements any preparation when the Board is satisfied that the mixture is formulated in such a way that the controlled chemical or chemicals cannot be easily extracted or recovered for the illicit manufacture of dangerous drugs and that the controlled chemical or chemicals contained in the mixture cannot be readily recovered or extracted;

WHEREAS, the DDB Technical Working Group (TWG) opined **that products containing controlled chemicals above the 30% threshold** can be given exemption, due to having satisfied the conditions as provided for in Section 4-2(f);

WHEREAS, after satisfying the requirements stipulated under the above mentioned regulations, **NIPPON PAINT PHILIPPINES products are no longer covered by the provisions of Section 10 (Application for import, export or transit permits), Section 11 (Grant of import, export or transit permits), and Section 22 (Licensed operators NOT to deal with unlicensed operators), of BR No.3, S. 2003.**

WHEREFORE, be it **RESOLVED** and as it is **HEREBY RESOLVED**, to:

1. **To GRANT EXEMPTION** from specific measures of regulatory control requirements to **NIPPON PAINT PHILIPPINES** above-mentioned finished products that contain controlled chemicals below and above the 30% by weight of the Table II chemical;
2. **That the above cited exemptions shall still be subject to the following conditions:**
 - a. **NIPPON PAINT PHILIPPINES** shall secure a license from PDEA and comply with the reporting requirements as provided for in Board Regulation No.3, s. 2003.
 - b. The Board shall strictly monitor subject finished products from their importation to distribution to end-users;
 - c. The **NIPPON PAINT PHILIPPINES** shall provide free access to the DDB-PDEA Monitoring Team to gain entry to their premises where the finished products are kept and /or used;
 - d. The **NIPPON PAINT PHILIPPINES** shall assume full responsibility for any misuse of the imported finished products, caused either by its own negligence or by negligence of all persons acting under their name or control and supervision; and
 - e. Any violation of the provisions of B.R. No.3, S. 2003, shall be a ground for the revocation of the certificate of exemption at anytime and would be dealt with severely.

APPROVED and ADOPTED this 11th day of July, in the year of Our Lord, 2013 in Quezon City.

(Sgd) **Secretary ANTONIO A. VILLAR, JR.**
Chairman, Dangerous Drugs Board

Attested:

(Sgd) **JOSE MARLOWE S. PEDREGOSA**
UNDERSECRETARY-Executive Director
Secretary of the Board

