



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD RESOLUTION NO. 104
Series of 2013

SUBJECT: GRANTING EXEMPTION FROM SPECIFIC MEASURES OF REGULATORY CONTROL REQUIREMENTS TO CERTAIN FINISHED PRODUCTS OF KANSAI 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, KANSAI PAINT PHILIPPINES, with address at C2-9 CARMELRAY INDUSTRIAL PARK II, Punta, Calamba City, Laguna Philippines. Kansai Paint Phils. Is a legitimate importer of chemicals for automotive paints founded on June 2002 and main business is basically importation of paint related products, marketing of paints and other technical line support for paints. The company is duly registered with PEZA and handler of **P5I-01472001-R0033 as importer of CPECS. License was issued on 13 June 2012 and valid until 22 July 2013;**

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

1. UREALL 800-HK NH-A69P T/C BASE (PI) – 2.3% Toluene
2. UREALL 700Y-PB 106 (S) U/C BASE (PI) – 4.1% Toluene
3. UREALL 800-HK-106 (S) T/C BASE (PI) – 2.3% Toluene
4. UREALL 700-R-134 (S) BASE (PI) – 7.6% Toluene
5. UREALL 700-Y 203P U/C BASE (PI) – 2.4% Toluene
6. UREALL 800-HK R-313C T/C BASE (PI) – 1 - 5% MEK
7. UREALL 800-HK PB-373M T/C BASE (PI) – 2.1% MEK
8. UREALL 700-R-313C U/C BASE (PI) – 6% Toluene
9. UREALL 800-HK R-334 T/C BASE (PI) – 2.3% Toluene
10. UREALL 800-Y-2 CLEAR T/C BASE – 11.8% 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, after deliberation and evaluation, the TWG found it appropriate to recommend to the Board the exemption of the products of KANSAI PAINT PHILIPPINES that contain controlled chemical below the 30% threshold of the Table II chemicals, due to having satisfied the conditions as provided for in Section 4-2(c & d);

WHEREAS, after satisfying the requirements stipulated under the above mentioned regulations, **KANSAI PAINT PHILIPPINES’ above mentioned 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**, as it is **HEREBY RESOLVED**, to:

1. **GRANT EXEMPTION** from specific measures of regulatory control requirements to **KANSAI PAINT PHILIPPINES** above-mentioned finished products that contain controlled chemicals below the 30% by weight of the Table II chemical;
2. **GRANTING OF EXEMPTION** to **KANSAI PAINT PHILIPPINES** imported finished products are subject to the following conditions:
 - a. That the above cited exemption shall still be subject to the following conditions:
 - a-1. **That KANSAI PAINT PHILIPPINES shall secure a license from PDEA and comply with the reporting requirements as provided for in Board Regulation No.3, s. 2003.**
 - a-2. The Board shall strictly monitor subject finished products from their importation to distribution to end-users;
 - a-3. That KANSAI 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;
 - a-4. That KANSAI 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
 - b. 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 6th day of May, in the year of Our Lord, 2013 in Pampanga.

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

Attested:

(Sgd) **Undersecretary JOSE MARLOWE S. PEDREGOSA**
Secretary of the Board