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POLICY

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Decree - Draft Implementing Regulation for the Law on Food Safety

Report Categories:

Sanitary/Phytosanitary/Food Safety

Biotechnology

WTO Notifications

Trade Policy Monitoring

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Report Highlights:

On June 17, 2010, the Government of Vietnam (GVN) passed a sweeping Law on Food Safety (No.55/QH12/2010), scheduled to enter into force on July 1, 2011. Initially, post expected the GVN to issue four draft implementing regulations, covering numerous articles of the original law. However, on March 8, 2011, GVN released a single draft implementing regulation (DIR), slated to go into effect 45 days after it is signed. As of the date of publication of this report, the GVN has not yet notified the DIR to either the WTO's SPS committee or TBT committee. Post has asked the GVN to submit notification to both committees immediately, in order to afford Vietnam's trading partners the opportunity to review and comment on the proposed regulations. Post's initial analysis of the DIR identifies several positive elements, as well as several areas of concern, vis-a-vis the potential impact on U.S. food and agricultural exports to Vietnam.

General Information:

On March 8, 2011, the Government of Vietnam (GVN) released a draft implementing regulation (DIR), intended to implement several articles of the Law on Food Safety (No.55/QH12/2010), which the National Assembly approved on June 17, 2010, and which will enter into force (EIF) on July 1, 2011. An unofficial English translation of the DIR is included in this report. Post's initial analysis of the DIR identifies several positive elements, as well as several areas of concern, vis-a-vis the potential impact on U.S. food and agricultural exports to Vietnam. Notably, the proposal clarifies the roles of the Government Ministries involved in food safety, makes improvements in the use of "Best Before" labels, and extends the food certification licensing period to five years for manufacturers using HACCP, ISO 9001, or other Good Manufacturing Practices. Unfortunately, significant concerns still remain regarding testing and labeling of foods with genetically modified (GM) content.

As of the date of publication of this report, the GVN has not yet notified the DIR to either the WTO's SPS committee or TBT committee. Post has asked the GVN to submit notification to both committees immediately, in order to afford Vietnam's trading partners the opportunity to review and comment on the proposed regulations.

While the Law on Food Safety is a broad, overarching legislative document that attempts to outline all aspects of Vietnam's burgeoning food safety system, the DIR is comparatively sparse, dealing with a relatively small number of provisions. We expect that Ministry of Agricultural and Rural Development, Ministry of Health, and Ministry of Industry and Trade will each publish their own set of regulatory circulars to fill in the gaps. Thus, the United States will need to stay abreast of developments in Ministerial rulemaking over the next several months to determine whether existing concerns are addressed or new issues are introduced.

An unofficial English translation of the DIR follows:

GOVERNMENT THE SOCIAL REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No: .../201.../ND-CP

Hanoi, , 201...

DRAFT 14

**DECREE DETAILING THE IMPLEMENTATION OF
SOME ARTICLES OF THE LAW ON FOOD SAFETY**

GOVERNMENT

Pursuant to Government Organizing Law dated December 25, 2001;

Pursuant to the Law on Food Safety No.55/QH12/2010 dated June 17, 2010;

at the proposal of the Minister of Health;

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree details the implementation of the following provisions of the Law on Food Safety: Article 12, clause 3; Article 15, clause 2; Article 17, clause 4; Article 18, clause 3; Article 34, clause 3; Article 39, clause 3; Article 44, clause 2; Articles 61; 62; 63; 64; and 65.

1. Issuance and duration of validity of conformity declaration certificates for packaged, processed food, food additives, processing aids, packaging materials, and containers exposed directly to food.
2. Regulations on safety for human health and the environment of genetically modified food; labeling of genetically modified food.
3. Producing and trading entities exempt from food safety certification.
4. Exemptions from state food safety inspection for a number of imported foods; state inspection procedures in the country that will export to Vietnam under The International Treaties of which the Socialist Republic of Vietnam is a member.

5. Indication of expiry date on food labels
6. Delegation of responsibilities for state management of food safety:
 - a) Responsibilities of state management of food safety, the Ministry of Health;
 - b) Responsibilities of state management of food safety, the Ministry of Agriculture and Rural Development;
 - c) Responsibilities of state management of food safety, the Ministry of Trade and Industry;
 - d) Responsibilities of state management of food safety of the People's Committees at all levels.
 - e) Coordination between Ministries and sectors in the implementation of state management functions on food safety.

Article 2. Products subject to certification requirements

Individuals, agencies and establishments in Vietnam; expat or foreign organizations in Vietnam; and individuals and agencies that export food to Vietnam (hereinafter referred to as agencies, establishments and individuals).

Chapter II

CONFORMITY DECLARATION

SECTION 1

PRODUCTS SUBJECT TO CONFORMITY DECLARATION AND CONFORMITY MARK

Article 3. Requirements

1. Foods which already have technical standards have to declare conformity in compliance with Article 5 of this Decree.
2. Foods which do not have technical standards must provide documentation evidence of conformity ensuring food safety in accordance with Article 7 of this Decree.
3. Food supplements and micronutrient-enhanced foods must be registered for circulation. The Ministry of Health specifically guides the procedures of registration for distribution of food supplements and micronutrient-enhanced foods.

Article 4. Conformity Mark for food products

Food products specified in Article 3 Paragraph 1 of this Decree will receive the stamp after the overseeing State management agency announces certification of their compliance.

Ministers in charge of particular sectors and fields will specifically guide the use of the compliance stamp for food products under the assigned state management responsibilities.

SECTION 2

PROCEDURES AND AUTHORITY FOR APPLICATION, ISSUANCE, AND DURATION OF CONFORMITY CERTIFICATES

Article 5. Conformity Declaration and Validation or Conformity Declaration Meeting Food Safety Conditions before Circulation on the Market

1. Establishments and individuals producing and trading packaged or processed foods, food additives, processing aids, packaging materials, or containers in direct contact with food, before sending products to the market, must disclose their eligible conditions ensuring food safety as prescribed in Article 3 of this Decree.

2. Establishments and individuals producing or trading food products must register for a conformity certificate that assures appropriate conditions ensuring food safety at an authorized state government branch. State agencies with management authority shall issue a Certificate of Conformity; or a Certificate of Eligible Conditions for Food Safety for food products in the form prescribed in Annex 2 of this Decree.

Article 6. Required documents for Conformity Declaration

1. For locally produced foods, the application shall consist of:

- a) If the conformity declaration is based on the results provided by the assigned Conformity Certifying Organization:
 - The Conformity Declaration form prescribed in Annex 1 of this Decree;
 - An original or notarized copy of the Conformity Certificate of registered food products along with the conformity assessment report done by the Conformity Certifying Agency. Particularly for natural mineral water, there must be a document of the test results for mineral water at source;
 - Labeled sample and a label or a draft of labeling contents which complies with the labeling

laws, stamped by the applicant;

- A general description of the food (as prescribed in Annex 3a, 3b)
- Production process and quality control plans developed and applied in the form prescribed in Annex 4 of this Decree; or copies of Certificates of Compliance with quality management systems;
- Plan for periodically monitoring the product;
- A Certificate of Eligible Production and/or Sales of Food Establishment (if required).

b) If the conformity declaration is based on self-assessment by the producing and trading establishments or individuals:

- The Conformity Declaration form prescribed in Annex 1 of this Decree;
- Test results from an Appointed Laboratory. Particularly for natural mineral water, a document of the test results for mineral water at source;
- Production process and quality control plans developed and applied in the form prescribed in Annex 4 of this Decree or copies of Certificates of Compliance with quality management systems;
- Plan for periodically monitoring the product;
- Compliance assessment report together with relevant documents;
- Labeled sample and a label or a draft of label contents which complies with the labeling laws, stamped by the applicant;
- A general description of the food (as prescribed in Annex 3a, 3b);
- A Certificate of Eligible Production and/or Sales of Food Establishment (if required).

2. For imported foods, the application shall consist of:

- a) Under the provisions of paragraph 1 of this Article;
- b) Product label and draft contents of supplemental label (stamped by the importing company);
- c) Certificate of Free Sale; or other relevant documents certifying that food products are safe for use, issued by an authorized agency of the country of origin (if required).

Article 7. Required documents for Declaration of Eligible Conditions for Food Safety

1. The Conformity Declaration form prescribed in Annex 1 of this Decree;

2. Test results of an Appointed Laboratory. Particularly for natural mineral water, a document of the test results for mineral water at source;
 3. Production process and quality control plans developed and applied in the form prescribed in Annex 4 of this Decree or copies of certificates of conformity with quality management systems;
 4. Plan for periodically monitoring the product;
 5. Labeled sample and a label or a draft of label contents which complies with the labeling laws, stamped by the applicant;
 6. A general description of the food (as prescribed in Annex 3a, 3b);
- A Certificate of Eligible Production and/or Sales of Food Establishment (if required).

Article 8. Procedures to Grant Certificate of Conformity; or Certificate of Eligible Conditions for Food Safety

1. Managing Ministries and Authorized Agencies decentralized by the Managing Ministries are assigned to receive and review the applications under the provisions of law.
2. Within 15 working days after receiving complete and valid applications, these agencies will consider and grant a Certificate of Conformity; or Certificate of Eligible Conditions for Food Safety where the submitted document meet the requirements stipulated in Article 6 and Article 7 of this Decree.

Where declaration documents do not meet the requirements stipulated in Article 6 and Article 7 of this Decree, the managing and receiving agencies will send a written notification to the organizations and individuals regarding contents which are not appropriate so that they may revise their applications and re-apply.

Article 9. Validation Period of the Certificate of Conformity; and the Certificate of Eligible Conditions for Food Safety

1. The Certificate of Conformity and the Certificate of Eligible Conditions for Food Safety are valid during the following lengths of time:
 - a) 5 years for products of manufactures which can provide one of the following certificates of an advanced quality management system: HACCP, GMP, and ISO 9001.
 - b) 3 years for products of manufactures which do not have the certificates mentioned above.
 - c) 2 years for products of Household Size Units.

2. Three months before the expiration, Food Manufacturing and Trading Establishments or Individuals must apply for renewal of certifications. They must once again provide evidence of compliance under the provisions of Article 6 and Article 7 of this Decree.

Chapter III

REGULATIONS TO ENSURE SAFETY OF GENETICALLY MODIFIED FOODS FOR HUMAN HEALTH AND ENVIRONMENT

Article 10. Manufacturing and Trading Conditions of Foods Containing Genetically Modified Organisms (GMO) Components

1. GMOs and GMO products for food use must obtain a Certificate of Eligibility to Use as Food; or be listed in the List of GMO Foods Certified for Food Use; and have other relevant food safety certificates as regulated by law.
2. Foods must be in compliance with regulations on production, trade, transportation, circulation and storage of GMOs.
3. Shipment of GMOs and products of GMO imported into Vietnam for use as food or food processing materials must be accompanied by the Certificate of Free Sale issued by the exporting country; and other food safety certifications as prescribed by law.
4. The Ministry of Agriculture and Rural Development has the responsibility for establishing and regulating the functions, duties and operations of the Committee on GMO food safety; publishing Risk Assessment Reports about GMO impacts on human health; issuing and revoking certificates of eligible GMO foods; establishing and publishing a List of GMO Foods Certified for Food Use; and specifying procedures for importing GMOs and GMO products to be used as food as prescribed by laws.

Article 11. Labeling of Goods Containing GMO and GMO Products to be Used as Food.

1. Organizations and individuals which sell GM food products containing more than 5% of each GMO component in the market, in addition to complying with the provisions of the Good Labeling regulation, have to provide GM related information on the food label.
2. The Ministry of Agriculture and Rural Development will coordinate with the Ministry of Science and Technology to provide detailed guidelines on the labeling of foods containing GMOs and GMO products.

Chapter IV

MANUFACTURING & TRADING ESTABLISHMENTS EXEMPT FROM CERTIFICATION OF ELIGIBLE CONDITIONS FOR FOOD SAFETY

Article 12. Range of food manufacturing and/or trading establishment which are exempt from the requirement for a Certificate of Eligible Conditions for Food Safety

1. The food producing and/or trading sites are allowed to operate only when their certificate of business registration is in accordance with Food Laws for Enterprises; they must meet the conditions ensuring food safety for each type of food produced and traded, as specified in Chapter IV of the Law on Food Safety and the Certificate of Eligible Conditions for Food Safety.
2. The food producing and trading establishments must conduct procedures for requesting authorized agencies to issue a Certificate of Eligible Conditions for Food Safety in accordance with the provisions of Chapter V of the Law on Food Safety except for the following cases:
 - a) Household scale manufacturing and retail trading of food;
 - b) Business of street food, street vendors;
 - c) Establishments selling packaged food that does not require special storage conditions as prescribed.
3. The industry sector managers will issue a list detailing the types of food manufacturing and trading establishments that must have a Certificate of Eligible Conditions for Food Safety, within the scope of their state management.

Article 13. Conditions to Grant and Revoke the Certificate of Eligible Conditions for Food Safety

1. The Producing and/or Trading Establishments which obtain a Certificate of Eligible Conditions for Food Safety must meet the conditions of food safety during production for the business certificate to take effect.
2. Where trading establishments do not comply with regulations on food safety in producing and/or trading, or if the site does not meet food safety conditions according to regulations for the third time, or if the establishments seriously violate the certificate of eligibility for food safety, the certificate is revoked and the site will be sanctioned according to law.

Chapter V

IMPORTED SUBJECTS EXEMPT FROM STATE FOOD SAFETY INSPECTION; STATE EXAMINATION OF FOOD SAFETY IN THE EXPORTING COUNTRY

Article 14. Imported foods exempt from state inspection on food safety

The imported food under the following circumstances shall be exempt from state inspection on food safety:

1. Food in certain quantity passed through immigration for personal consumption within the limit of duty free paid;
2. Food in diplomatic bags, consular bags;
3. Transit food and transshipment food;
4. Food kept in bonded warehouses;
5. Food served as sample or for research purpose.

Article 15. State Inspection of Food Safety in the Exporting Country

1. Before exporting food to Vietnam, Establishments and Individuals must register with the authorized agencies of Vietnam according to the regulations.
2. In case of necessity, the Vietnamese authorized agency will develop an onsite inspection plan, notify, and coordinate with the competent authorities of the exporting country to inspect the food safety control system of the exporting country, and of the food manufacturing and/or trading establishments exporting to Vietnam.

Minister of relevant ministries with jurisdiction over the product will guide the specific state inspecting procedures for the imported food.

Chapter VI

RECORDING EXPIRY DATE ON FOOD LABELING

Article 16. Recording expiry date on food labels

1. It is mandatory that the "Expiry Date" or "End of Use Date" be shown on labels of food products

which are perishable or likely to be damaged by microorganisms. For other food products, food labeling can use "Best Before" appropriately.

2. For food items printed with the "Expiry Date" or "End of Use Date," it is forbidden to sell the products to the market after the date has passed.
3. Food items with "Best Before" labeling are still allowed to be sold in the market if manufacturers can prove the safety of the food. Only the food manufacturer can renew the food expiry date.
4. The Ministry in charge will give specific guidance regarding the printing of expiry dates on food packages.

Chapter VII

STATE MANAGEMENT OF FOOD SAFETY

SECTION I

DIVISION OF STATE MANAGEMENT OF FOOD SAFETY

Article 17. Principles of Responsibility for State Management of Food Safety

1. On the basis of the provisions of the Law on Food Safety and to ensure conformity with the provisions of this Law:
2. A food producing and/or trading establishment is only under the management of one State Management Agency of food safety.
3. Management is ensured throughout the entire production and trading process, within the managing function of each Ministry.
4. If food groups or food products contain many components which are the managing responsibility of different Ministries, the responsibility for implementation belongs to Ministry in charge of key components, or components which determine the unique features and/or the name of the product.
5. Management and inspection must be scientific, comprehensive, and feasible (science-based).
6. Government will promptly revise the specific state management responsibilities for food safety to ensure the requirements of state management are met, when there is a change in (1) the practices of the state management of food safety or (2) economic development and resource availability.
7. The relevant Ministries will issue a joint circular with instructions and assignment of the state management on food safety in cases where there is overlap or duplication of the range of assignments between the branches of the managing ministry; or an unexpected appearance of new factors other than

the objects assigned to ministries in Article of this Decree. The Ministry of Health will report to the Government to consider and decide on the distribution of management to meet the functions and tasks of the Ministry.

8. Promote decentralization of state management between the Government, the Provincial Government and the Central Cities. Implementation of decentralization to the People's Committees at all levels of state management of food safety within the locality.

Article 18. Responsibilities for Assignment of Duties for State Management of Food Safety

1. Consistently assign the state management of food safety.
2. Develop and implement strategies, policies, plans, and legal documents on food safety.
3. Publish and implement National Technical Regulations on food safety.
4. Manage Conformity Declaration, and announce appropriate conditions ensuring food safety; grant Certificates of Eligible Conditions for Food Safety.
5. Manage food safety inspection systems.
6. Manage the training on food safety.
7. Organize propaganda and disseminate knowledge and legislation on food safety.
8. Inspect products; examine and solve disputes, complaints, and accusations; and handle violations of food safety legislation.
9. Organization of scientific and technology research in the field of food safety.
10. International cooperation on food safety.

Article 19. The Ministry of Health's Responsibilities of State Management on Food Safety

1. Ministry of Health is responsible for implementing state management of food safety.
2. Within the scope of duties and functions, Ministry of Health is responsible for:
 - a) Implementing the provisions of the joint responsibility of State management of food safety provisions in Clause 1 of Article 62 of the Law on Food Safety;
 - b) Reporting periodically and when necessary to the Government on food safety management under the joint responsibility of the Ministry of Health in accordance with the Law on Food Safety;
 - c) Constructing and managing a system for food safety testing to meet the requirements of food safety management of assigned managing fields;

d) Managing food safety during production, processing, storage, transport, export, import and trading for:

- Food additives, processing aids;

- Bottled water, natural mineral water;

- Functional foods:

- + Food supplements: Food products fortified with micro nutrients to prevent micronutrient deficiencies in the community, micronutrient fortified food products;

- + Health protecting foods: products used for special populations (including infants, pregnant women, nursing mothers, the elderly, heavy-duty laborers, the obese, athletes, and others) that contain biologically active substances in support of one or several specific functions of the human body;

- + Nutritional medical foods: special products which are appointed for use with prescription under supervision of a physician;

- And other food products which are not under state management of other agencies.

e) Management of food safety for resorts, hotels, restaurants, catering services.

f) Inspecting and testing food safety for manufacturing processes, trading, exports, and imports for the products of their managing provisions at points c, d and e of this paragraph; investigation, periodic inter-branch inspecting on processes of production, imports, and food business under the management of other ministries if necessary; coordinating with other branches of management to inspect and control safety conditions of food products; implementing national technical regulations on the criteria and the limits of safety for food products, packaging equipment, and food containers under authority of the ministry in charge of that branch.

g) Perform other assigned tasks as stipulated in Clause 2 of Article 62 of the Law on Food Safety.

Article 20. Responsibilities of State Management on Food Safety, the Ministry of Agriculture and Rural Development

1. Food safety management for the primary production of agricultural products, including cultivation, breeding, harvesting, fishing, mining agriculture, forestry, aquaculture, salt production;

2. Management of food safety during production, collection, slaughter, preliminary processing, processing, storage, transport, export, import, trading for:

- a) Food groups of plant origin: grains, vegetables, tubers, nuts, spices, tea & coffee, fruit and vegetable products, fruits, food products prepared and processed from agricultural crops, forestry, aquaculture, and exploitation of wild food sources (kelp, seaweed);
 - b) Food group of animal origin: meat and meat products, eggs and egg products, fresh milk ingredients, honey and honey products;
 - c) Food group of fisheries origin: Fish and fish products (including amphibians);
 - d) Genetically modified foods;
 - e) Salt;
 - f) Foods that contain the main ingredient, or the component(s) that determine typical features and the name of the product, from the food groups mentioned above.
3. Construction and management of the food safety testing systems to meet the requirements of quality management and food safety and hygiene in the assigned managing fields.
 4. Inspecting, testing, and handling violations of laws on food safety in the process of food production, trade, export and import under their management.
 5. Perform other assigned responsibilities under the provisions of Article 63 of the Law on Food Safety.

Article 21. Responsibilities of State Management on Food Safety, the Ministry of Industry and Trade

1. Implementation of regulations on assigned state managing responsibilities according to the provisions of Article 64 of the Law on Food Safety.
2. Constructing, testing the management system of food hygiene and safety to meet the requirements of quality management and food safety and hygiene in the assigned managing fields.
3. Management of food safety during production, processing, storage, transport, export, import and trading of wines, beers, soft drinks, processed milk, vegetable oil, processed flour and starch and other foods that contain the main ingredient, or components that determine the typical features and the name of the product from the above food groups
4. Management of food safety conditions for the markets, supermarkets, wholesale markets and storage systems and distribution of food.
5. Inspecting, testing, and handling violations of laws on food safety in the process of food production, trade, export and import under their management.

Article 22. Responsibilities of State Management on Food Safety, the People's Committee

1. People's Committees of Provinces and Cities under central authority within the scope of duties and powers shall have the following responsibilities:

- a) Organizing and directing the activities of the food safety inspection by local government agencies; organizing assessments of compliance on food safety in accordance with local laws.
- b) Implementing the provisions of the Government, Ministries and Branches of food safety management in decentralized management, managing of conformity declaration, certifying food safety conditions by decentralized management of the specialized ministries as prescribed by law; manage the granting of certificates of free sale, medical certification, source and origin certification, or other relevant certificates relating to food for domestic consumption.
- c) Promulgating measures to encourage and facilitate the food producing and/or trading sites in the area to improve conditions ensuring food safety; directing the local authorities to build and carry out ensuring food safety programs.
- d) Directing the investigation, overcoming and resolving the consequences of food poisoning and food transmitting disease in the province.
- e) Monitoring the observance of laws on food safety and solve complaints and denunciations, handling violations of legislation on food safety as prescribed by law;
- f) Monitoring statistics; reviewing the food safety situation in the area quarterly, biannually, annually, and as-needed; reporting to the Ministry of Health and other specialized managing ministries about the status and results of food safety inspection in covered provinces and cities for dissemination to the government.
- g) Propagating, disseminating, and organizing guidance on laws/regulations; providing information on food safety to manufacturing and/or trading organizations, individuals and consumers;

2. The Department of Health, Department of Agriculture and Rural Development, Department of Trade and Industry are responsible for helping the People's Committee of central provinces and cities to implement state management of food safety at the local level according to the managing range of the corresponding Ministries and the division of specific provinces' and cities' People's Committees; Province-level Departments of Health are responsible to the provincial People's Committees to perform state management of food safety in the local areas; be the contact point for receiving reports from local authorities; summarize reports and send them to the provinces' People's Committees, cities directly under the Central Government, Ministry of Health, and the specialized managing ministries.

3. People's Committees at the district level within the duties and jurisdictions shall have the following responsibilities:

- a) Participating in food safety inspection of foods circulated on the market; handling violations of legislation on food safety under their jurisdiction;
- b) Solving complaints and accusations about food safety of circulating foods on the market as prescribed by law;
- c) Monitoring statistics and reviewing the situation of food safety of circulating foods on the local market;
- d) Propagating, disseminating and organizing laws guidance on food safety as prescribed by law;
- e) Perform other tasks on food safety as assigned by the provincial People's Committee.

4. Commune-level People's Committee within the duties and jurisdictions shall have the following responsibilities:

- a) Organizing the propagation and dissemination of laws on food safety;
- b) Organizing technical guidance, supervising compliance with regulations of state agencies and handling violations of food safety production of small business in the local area as assigned;
- c) Coordinating with other authorized state agencies in testing and inspecting on food safety in the area prescribed by law.
- d) Perform other duties on food safety as assigned by the provincial People's Committee.

Article 23. Collaboration among branches of managing ministries in the state management of food safety

The branch managers within their respective state managing range are responsible for coordinating with the Ministry of Health in implementing the state managing activities ensuring effective, unified state management of food safety.

1. Coordinating in the prevention and overcoming problems in food safety

- Ministry of Health, Ministry of Agriculture and Rural Development, Ministry of Trade and implement monitoring programs, preventing food safety incidents in accordance with Article 52 of the Law on Food Safety
- Upon receipt of warning information about food safety incidents overseas, the Ministry of Health

shall coordinate with the relevant ministries to implement measures to prevent incidents.

- Upon the occurrence of food poisoning, the Ministry of Health is responsible for organizing emergency treatment for people with food poisoning as well as asking the relevant departments to conduct coordinated investigation of causes including food source tracing.

2. Controlling consolidated import food shipments

- Minister of Health, Agriculture and Rural Development, Ministry of Trade and Industry shall appoint the state inspection agency for food safety to control the imported food in the assigned managing fields.

- For consolidated consignments of imported food, including foods in the managing field of two or more Ministries, the responsible Ministry is determined based on the main food item which is most prevalent in the shipments. [1]

3. Issuing Certificates of Qualified Food Safety Manufacturing / Trading Site of food products under the management of two or more Ministries

- For qualified food safety manufacturing / trading site of food products under the management of two or more ministries, the leading items of producing/trading sites is taken to assign the managing ministry of that item to certificate. [2]

SECTION II

SPECIALIZED INSPECTION OF FOOD SAFETY

Article 24. Assigned Functional Agencies for Food Safety Inspection

Inspectors of food safety are specialized inspectors (meaning they have a background or training in a subject relevant to their position). Ministers of Health, Agriculture and Rural Development, Trade and Industry assign the function of food safety inspection for the state managing agencies specialized in the following fields: Health, Agriculture and Rural Development Rural, Trade and Industry.

Article 25. Coordination among Ministries and Other Forces in the Food Safety Inspection

1. The Ministries of Health, Agriculture and Rural Development, Trade and Industry are responsible for

food safety inspection during the processes of producing, processing, storage, transportation, export, import and trade according to the assigned managing sectors in accordance with Articles 62, 63, 64, 65, and 67 of the Law on Food Safety.

2. Upon request for interdisciplinary inspection the Ministry of Health shall coordinate and assign the branch manager and other relevant forces to organize such inspection.
3. Ministry of Health will carry out regular and as-needed inspections for the entire production process, import, and trade of food under the management of other ministries in the following cases:
 - a) Under the direction of the Prime Minister or Head of the Central Interdisciplinary Steering Committee of food hygiene and safety.
 - b) Upon the discovery of violations in production or use of foods, food additives, processing aids, utensils, packaging materials, or food containers that are likely to cause serious effects to consumers' health.
 - c) At the request of other managing ministries.

Chapter VIII

IMPLEMENTING PROVISIONS

Article 26. Effect validation

This Decree takes effect 45 days from the date of signing.

Article 27. Responsibility for Implementation

The Ministers, Heads of ministerial-level agencies, Heads of Government, Presidents of People's Committee of Provinces and cities under the central government and other relevant organizations and individuals shall implement this decree.

ON BEHALF OF THE GOVERNMENT

Prime Minister

Nguyen Tan Dung

Recipients:

- Secretariat of Communist Party's Central Committee
- Prime Minister, the Deputy Prime Ministers;
- The Ministries, Ministerial-level Agencies, Government Agencies;
- Office of the Central Steering Committee on the prevention of corruption;
- People's Committees of provinces and cities directly under the Central Government;
- Central Office and Party Committees;
- Office of the President;
- People's Council and Committees of Congress;
- Supreme People's Court;
- Institute of the Supreme People's Procuracy;
- State Auditor;
- Financial Supervision Commission Country;
- Bank for Social Policy;
- Development Bank of Vietnam;
- Fatherland Front of Vietnam;
- Central offices of associations;
- Office: Chairman, Deputy Chairmen, Portal, departments, units, Gazette;
- Archive: Office, KGVX (5b).

[1] Option 2: For consignments of imported food consisting of many types of foods in the field of management of two or more ministries, the food is under the management of its responsible Ministry.

[2] Option 2: For the establishments that manufacture / trade food products under the management of two or more Ministries, the Ministry will be responsible for issuing Certificates of Qualified Producing Establishment in food safety to the products under the management of that Ministry itself.

Annex 1

SAMPLE OF CONFORMITY DECLARATION FORM / ELIGIBLE CONDITIONS FOR FOOD SAFETY STATEMENT

(Issued together with Decree No. / 20..../ND-CP date of d/m/y by Prime Minister)

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

CONFORMITY DECLARATION FORM / ELIGIBLE CONDITIONS FOR FOOD SAFETY STATEMENT

No.....

Establishment/Person’s Name:.....

Address :.....

Tel :..... Fax :.....

E-mail :.....

DECLARATION

Product:
.....

Origin (Place that is responsible for producing the product and producing site):
.....

Is appropriate with technical regulations / conditions ensuring food safety (*numbers, symbols, names*)
.....
.....

Additional information (*based on the conformity declaration / conditions ensuring food safety, the method of compliance assessment ...*):

.....

We commit to periodically test the product according to current regulations and shall be fully responsible for the suitability of the products we register.

..... d/m/y

Representative of establishment and/or individual

(Signature, title and seal)

**SAMPLE OF CERTIFICATION OF CONFORMITY FORM / CERTIFICATE OF ELIGIBLE
CONDITIONS FOR FOOD SAFETY STATEMENT**

(Issued together with Decree No. / 20.../ND-CP date of d/m/y
by Prime Minister)

"Name of the managing agency" **THE SOCIALIST REPUBLIC OF VIETNAM**
"Name of the agency certifying the **Independence - Freedom - Happiness**
statement / relevant conditions ensuring food safety”

No. / 20.../YT-XNCB

(No. :...../ 20.../SYT...-XNCB)d/m/y.....,

**CERTIFICATION OF CONFORMITY FORM / CERTIFICATE OF ELIGIBLE CONDITIONS
FOR FOOD SAFETY FORM**

..... (*Name of certifying agency*) confirm the conformity declaration / suitable conditions
declaration ensuring the food safety of :..... (*Establishment's name*).....
business address

product:

..... is
suitable with technical regulations / conditions ensuring food safety: (*number of technical regulations /
regulations*).....

.....
.....

Enterprise shall perform periodically inspection according to current regulations and shall be fully
responsible for the suitability of the products they register.

Certificate validate years from the date of signing.

Authorized representative of certifying agency

Recipients:

- Establishment;
- Agency (to report);
- Filing

(signature, office title, seal)

Annex 3a

GENERAL DESCRIPTION OF PRODUCT FORM

(Issued together with Decree No. / 20..../ND-CP date of d/m/y by Prime Minister)

GENERAL DESCRIPTION OF PRODUCT

MANAGING AGENCY NAME	Group name	No:
Producing establishment	Product name	

1. Technical Requirements:

1.1. Sensory requirements:

- Status: (specify solid, liquid, solid powder and size-uniformity such as not clumping ...)
- Color: (describe color can range from the finished product until expiration)
- Flavor: (same as color description)
- featured status if any

1.2. Main quality criteria (technical requirements of the manufacturer):

No.	Criteria name	Unit	Announced level
1	Humidity		
2	Protein content		
		
	...		

*** Instructions:**

- Humidity or free water content of dry product, solid or mixed, the pH of the liquid products, consistency.
- Key indicators of quality, quality criteria, nutritional value (stable and easy-controlled criteria).
- Percentage of solids on the total weight of the product which is not in the dry or liquid form (mixed)
- Ash percentage for multiple products which consists of various components in different form before mixed.
- Criteria that express the decomposition of products for products high in fat, protein (eg NH3 content of meat products; the stale level, Kreiss reaction to oil, grease, etc.)

1.3. Microbiological indicators (apply technical regulations / conditions ensuring food safety):

No.	Criteria name	Unit	Maximum level
-----	---------------	------	---------------

1	Total aerobic bacteria	Con/g	
2	E.Coli	Con/g	
3	S.aureus	Con/g	
	...		

* Instructions:

- The maximum levels are the achievable results during product circulation and do not exceed the prescribed level of hygiene standards for products or product groups which are compulsory applied (technical standards) or specify any standard, country or international organization to be applied)

1.4. Heavy metal content (as applicable technical regulations / conditions ensuring food safety):

No.	Criteria name	Unit	Maximum level
1	Asernic	Ppm	
2	Lead	Ppm	
3	...		
	...		

1.5. Levels of unwanted chemicals (pesticide chemicals, other chemicals).

* Instructions: clearly note which food category to which the standards should be applied.

2. Composition:

* Instructions: list all ingredients and food additives used in food processing in descending order of volume.

3. The duration of use – expiry date (specify the location where to be printed on the packaging of retail products)

4. User Guide (full declaration: the processing and use before eating, usable subjects, recommend if necessary, how to preserve so as the product quality is maintained as expiry period).

5. Packaging materials and packing.

6. Production process (This is not required for products often produced outside the country) can give shape to the product information or explanation of the producing process and technology for new products or products of complex technologies.

7. Measures to distinguish original and fake (if any).

8. Content label (or labels in circulation) must comply with mandatory labeling for food commodities.

9. Origin and entrepreneurs responsible for product quality:

* Instructions:

- For imported food: state in full:

+ Made in: includes country of origin and name of the entrepreneur responsible for the product label

+ Name and address of: announced entrepreneurs; importers, exclusive distributors (if any).

- For domestic product:

+ Name and address of: announced entrepreneurs, producing entrepreneur; the exclusive distributor (if any).

Annex 3b

**SAMPLE OF GENERAL DESCRIPTION FORM FOR PACKAGES, TOOLS
DIRECTLY CONTACT WITH FOOD**

(Issued together with Decree No. / 20..../ND-CP date of d/m/yby Prime Minister)

**GENERAL DESCRIPTION FORM OF PACKAGES AND TOOLS DIRECTLY
CONTACT WITH FOOD**

MANAGING AGENCY NAME	Group name	No:
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Producing agency	Product name	

1. Technical Requirements:

1. Sensory requirements:

- Status:

- Color:

- Flavor:

- Other characteristics

1.2. The indicators on the level of infection only

No.	Criteria name	Unit	Announced level
1	Dry residue content		
2	Solube substances		
		
	...		

2. Composition (including all raw materials and additives used in processing, listed in descending order of volume):

3. User Guide

4. Packaging materials and packing method.

5. Production process (can provide a chart) and explanation of processes and technologies. This section is only required for products produced in the country (domestic products).

6. Measures to distinguish original and fake (if any).

7. Content label (or labels currently in circulation).

8. Origin and entrepreneurs responsible for product quality:

* Instructions:

- For imported food: state in full:

+ Made in: includes country of origin and name of the company responsible for the product label

+ Name and address of: announced companies; importers, exclusive distributors (if any).

- For domestic product:

+ Name and address of: announced companies, producing companies, the exclusive distributors (if any).

Annex 4

QUALITY CONTROL PLAN FORM

(Issued together with Decree No. / 20..../ND-CP on d/m/y by the Prime Minister)

QUALITY CONTROL PLAN

Product :.....

Detailed Producing processes	QUALITY CONTROL PLAN						
	Control criteria	Technical regulations	Sampling frequency / sample size	Sampling / testing equipment	Sampling / testing method	Records	Note

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

.
day....., month, year.....

Authorized representative of certifying agency
(Signed, sealed)