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## Vietnam

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### **REVISED Guidance on Food Safety Inspection of Plant Products**

**Report Categories:**

Food and Agricultural Import Regulations and  
Standards - Certification

Sanitary/Phytosanitary/Food Safety

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**Report Highlights:**

This report supersedes VM5022 and provides a new summary and revised un-official translation of the Ministry of Agriculture and Rural Development (MARD)'s Circular 12/2015/TT-BNNPTNT, dated March 16, 2015, issuing the "Guidance on the Food Safety Inspection for Imported Goods of Plant Origin." Circular 12/2015 replaced Circular 13/2011/TT-BNNPTNT dated March 16, 2011 and Circular 5/2013/TT-BNNPTNT dated January 21, 2013, and Correspondence 3/VBHN-BNNPTNT dated December 19, 2013. The Circular entered into force on May 5, 2015.

## **General Policy Information:**

Vietnam's Food Safety Law (FSL) 55/QH12/2010 was ratified by the National Assembly on June 17, 2010 and entered into force on July 1, 2011. The FSL is the umbrella guidance on food safety. MARD issued Circular 12/2015/TT-BNNPTNT, dated March 16, 2015, regarding the "Guidance on the Food Safety Inspection for Imported Goods of Plant Origin." The Circular 12/2015 is MARD's new regulation implementing the Ministry's food safety responsibilities for plant origin food under the FSL and Decree 38 (Please refer to our GAIN report VM3032). This Circular will replace the Circular 13/2011/TT-BNNPTNT dated March 16, 2011, Circular 5/2013/TT-BNNPTNT dated January 21, 2013, and Correspondence 3/VBHN-BNNPTNT dated December 19, 2013. The Circular entered into force on May 5, 2015.

The draft of this Circular was notified as G/TBT/N/VNM59 to the WTO on July 31, 2014. The U.S. Government provided comments, but received no official written response to those comments.

The Circular 12/2015 provides the guidance on Food Safety Inspection for Imported Goods of Plant Origin. The list of goods under the scope of the Circular is defined in Appendix 2 of the Inter-Ministerial Circular 13/2014/TTLT-BYT-BNNPTNT-BCT dated April 9, 2014 (Please refer to our GAIN report VM4029). Products falling under Ordinal Numbers I, IV, VIII, X, XI, XII, XIII, XIV, XV, XVI, and XVII are regulated by Circular 12/2015.

Chapter II of the Circular regulates the specific methods of food safety inspection including Normal Inspection, Tight Inspection, and Simplified Inspection for imported goods of plant origin. In principle, importers of these products are required to have consignments inspected by Vietnam's designated Food Safety Inspection Agencies, which are units under the Plant Protection Department (PPD) or accredited by MARD under a proposal of PPD before the shipment can be cleared through Customs. In order to have the Certification on Food Safety Inspection of Imported Plant Origin Products (refer to Appendix 5 of this Circular), the importer has to submit the Registration Form for Food Safety Inspection (refer to Appendix 3) to MARD's Inspection Agency (Units of the Plant Protection Department or units/agencies approved by the Ministry of Agriculture and Rural Development based on proposal of the Plant Protection Department). Upon receiving the request from the importer, staff of the Food Safety Inspection Agency will take samples (refer to Appendix 4) from the shipment for testing. The Testing Agency will issue the Certification on Food Safety Inspection of Imported Plant Origin Products (if inspection and testing results meet food safety requirements), or the Notification of Non-compliant consignment on food safety (if inspection and testing results do not meet food safety requirements). As means for enforcement, the GVN also released a Circular for Fines for Food Safety Violations relating to Food and Agricultural Import Regulations. Please refer to GAIN report VM4030.

Article 6 of this Circular regulates inspection criteria: "Indicators of Food Safety decided by inspection agency must be analyzed and checked based on compliance history of the Food Business Operator and importer; actual condition of the risk that endangers the safety of food from place of production or country of production; and actual condition of the consignment and its accompanying documents." However, it is still unclear for U.S. exporters and Vietnamese importers what is meant by the "actual condition of the risk that endangers the safety of food from place of production or country of production," and how this risk will be determined and factored into the sampling rate for

imported foods of plant origin. Post will continue to work with government authorities in Vietnam in coordination with representatives of other embassies in an effort to clarify this.

Article 9 and 10 outline the inspection process as it relates to consignments that are found to have violations of Vietnamese food safety regulations. Article 9, step 2, letter b stipulates that tight inspection will be applied on an imported product from a specific exporter if it is found to have violated Vietnamese food safety regulations three times during the last six months. Article 10 then outlines the heightened provisions of tight inspection including increasing the sampling frequency to 30 percent of the total consignment. Consignments subject to tight inspection can only be clear Customs after the sampling inspection results determine the consignment meets food safety standards. During a tight inspection, if five consignments of like product from the same country of origin are determined to violate Vietnamese food safety standards during a six month period, a temporary ban on imports of that product from that exporting country is put in place. If one to four consignments are found to violate food safety regulations during a six month period the tight inspection regime is continued for another six months. Tight inspection will be lifted if at least five consignments of the same product from the same exporter are not found to violate food safety regulations.

Article 16 of the Circular stipulates “Registration for Inspection of Imported Consignment”, which requires the importing organization/individual register for food safety inspection directly with the inspection agency at entry gate, with the registration dossier including: (1) Original application for registration for Food Safety Inspection (refer to Appendix 3); (2) For imported goods containing genetically modified products: the GMO traits must be on the List of genetically modified products issued a Food / Feed Safety Certificate as regulated by MARD’s Circular 2/2014/TT-BNNPTNT (Please refer to GAIN report VM4020). However, MARD recently extended the deadline to apply for Food / Feed Safety until March 2016; and (3) For imported irradiated goods: Certificate of Free Sale (CFS) issued by the competent agency of exporting country as regulated in MARD’s Circular 63/2010/TT-BNNPTNT regarding the Regulation on CFS for import-export products under MARD’s management (Please refer to GAIN report VM0086).

Point 3, Article 29, Chapter VIII of this Circular stipulates that all countries registered, reviewed and approved to export goods of plant origin to Vietnam in accordance with the Circular 13/2011/TT-BNNPTNT and Circular 5/2013/TT-BNNPTNT shall continue to be recognized as eligible to export goods to Vietnam when Circular 12/2015 enters into force. According to MARD, the United States’ recognition under the old Circular 13/2011 carries over under this new Circular.

While the full scope and intent for enforcement of this Circular is not yet clear, Post is concerned that certain provisions could create difficulties for trading partner authorities, Vietnamese importers, and their export suppliers to comply with. Moreover, Article 9 and 10’s harsh penalties for violations could result in a country-wide temporary ban of a specific product after just 8 violations in a year period. Additionally, it appears that Circular 12/2015 counts a violation as any violation, not a specific violation, so violation tallies could be exacerbated by multiple violations on the same consignment or across multiple consignments on the water before a single type of violation is known and can be acted upon. Should U.S. exporters of plant and plant origin products have any comments or questions, please email: [aghanoi@fas.usda.gov](mailto:aghanoi@fas.usda.gov).

The full Circular 12/2015/TT-BNNPTNT in Vietnamese is available at:

<http://www.nafiqad.gov.vn/a-tin-tuc-su-kien/thong-tu-so-1-12-205-tt-bnnptnt-ngay-16-3-2015-huong-dan-kiem-tra-attp-hang-hoa-co-nguon-goc-thuc-vat-nhap-khau/>

Below is the un-official English translation of Circular 12/2015/TT-BNNPTNT.

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**MINISTRY OF AGRICULTURE AND RURAL  
DEVELOPMENT**

No.: 12/2015/TT-BNNPTNT

**SOCIALIST  
REPUBLIC OF  
VIETNAM**  
**Independence - Freedom  
- Happiness**

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**Hanoi, March 16, 2015**

**CIRCULAR**  
**GUIDANCE ON THE FOOD SAFETY INSPECTION FOR  
IMPORTED GOODS OF PLANT ORIGIN**

Pursuant to the Food Safety Law No.55/2010/QH ratified by the National Assembly on June 17, 2010;

Pursuant to the Government's Decree No.38/2012/NĐ-CP dated April 25, 2012 regarding the Regulation on Details of some Provisions of the Food Safety Law;

Pursuant to the Government's Decree No.199/2013/ NĐ-CP dated November 26, 2013 defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the inter-ministerial Circular No.13/2014/TTLT-BYT-BNNPTNT-BCT dated April 9, 2014 regarding the Guidance on State Assignment and Coordination of Food Safety Management;

Per request from General Directors of the National Agro-Forestry and Fishery Quality Assurance Department; and the Plant Protection Department,

The Minister of Agriculture and Rural Development hereafter issues the Circular on Guidance of the Food Safety Inspection for Imported Good of Plant Origin as below:

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Scope of application**

1. This circular stipulates the order, and procedures of food safety inspection for goods of plant origin (hereinafter referred to as goods), which are imported into Vietnam for use as food under the management of Ministry of Agriculture and Rural Development (MARD), responsibilities and jurisdictions of parties concerned;
2. The list of goods under the scope of this Circular is defined in Appendix 2 of the inter-ministerial Circular No.13/2014/TTLT-BYT-BNNPTNT-BCT dated April 9, 2014 regarding the Guidance on State Assignment and Coordination of Food Safety Management;
3. This Circular shall not regulate the contents and provisions relating to plant quarantine activities.

## **Article 2: Objects of application**

This Circular applies to native and foreign individuals and organizations engaged in activities related to production and trading of goods of plant origin imported into Vietnam for use as food under the management of the Ministry of Agriculture and Rural Development.

## **Article 3: Imported goods not subject to Food Safety inspection**

1. Goods carried along for personal consumption within duty-free limits;
2. Goods in diplomatic bags, consular bags;
3. Goods in transit and transshipment;
4. Goods in bonded warehouses;
5. Goods as samples for testing, research;
6. Goods are prototypes, used for research or trade fairs, exhibition.

## **Article 4. Definitions**

In this Circular, the terms below are construed as follows:

1. *Imported consignment*: is the amount of imported goods of the same types, same source of origin and registered for one official inspection;
2. *Importing organization, individual*: is a legal owner (direct or authorized) of imported goods;
3. *Violations of food safety regulations*: Goods detected are not the right type, source of origin as declared or having sign of damage, infested with molds or contaminated with materials that might cause food safety problem; goods are detected to contain chemical/micro-organisms residues exceeding permitted levels.
4. *Serious violations of food safety regulations*: goods are found to contain high risk harmful factors to consumers' health.
5. *Consignment sampling frequency*: is the percentage of consignments per total imported consignments of the same types, same country of origin having samples taken for testing.
6. *Goods of same types*: are goods of the same plant species and same specifications (fresh or processed).

## **Article 5. Legal basis for inspection.**

1. Vietnamese and International regulations, standards and technical regulations on Food Safety.
2. In case Vietnam has signed Treaties, bilateral agreements on Food Safety with the exporting countries, then basis for inspection shall be in accordance with those international treaties or agreements.

#### **Article 6. Inspection criteria**

Indicators of Food Safety inspection decided by inspection agency must be analyzed and checked based on compliance history of the Food Business Operator, importer; actual condition of the risk that endangers the safety of food from place of production, country of production; actual condition of the consignment and accompanying documents;

#### **Article 7. Inspecting agencies**

1. Inspection bodies at the port or place of gathering: Units of the Plant Protection Department or units/agencies approved by the Ministry of Agriculture and Rural Development based on proposal of the Plant Protection Department.
2. Inspection bodies monitoring the circulation of goods under assignment and decentralization: Units assigned by province/city's Department of Agricultural and Rural Development.
3. Inspection bodies on Food Safety in the exporting country: National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) is responsible for these activities, in coordination with the Plant Protection Department and other related agencies.

#### **Article 8. Fees, charges and budget for implementation of food safety inspection and monitoring**

1. Inspection bodies shall collect fees under the current regulations of the Ministry of Finance.
2. Inspection expenditure in the exporting country is from the state budget. The National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) is responsible for coordination with the Plant Protection Department to estimate budget for inspection in the exporting country and submit to competent authorities for approval;
3. Funding for the inspection and supervision of products circulating in the market is from the state budget under the monitoring program prescribed in Circular No. 05/2010/TT-BNNPTNT dated January 22, 2010 of the Ministry of Agriculture and Rural Development guiding the hygiene and safety inspection and supervision of agricultural food prior to the market circulation, or from other legitimate sources of funding;
4. Funding for inspection of imported foods of plant origin that are not subject to fee collection, the inspecting agencies develop plan and submit the estimation to MARD and Ministry of Finance for approval for using the state budget.

## **Chapter II METHODS OF FOOD SAFETY INSPECTION**

#### **Article 9. Method of normal inspection**

1. Step 1: Registration of the exporting country

- a) Competent bodies on Food Safety for food-use goods of plant origin in the exporting countries (hereinafter called the Authority of the exporting country) shall complete and submit documents for registration according to Article 13 of this Circular to the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) for review and approval for meeting Vietnam requirement on food safety; and add to the list of registered countries allowed for export of goods of plant origin to Vietnam.
  - b) Procedures on registration, verification and approval for meeting Vietnamese requirements on food safety and adding to the list of registered countries allowed for export of goods of plant origin to Vietnam are stipulated in Chapter III of this Circular;
  - c) Step 1 is not applicable for imported processed-packaged food products that are already issued the Certificate of conformity to food safety or the Certification of compliance with Vietnamese food safety requirements; and products imported for use as materials for production of good for export.
2. Step 2: Inspection of imported consignment:

- a) At ports or gathering places, inspection of documents of the consignment; visual inspection; and taking samples (depending on risk level of the good, the maximum sampling frequency is 10%) shall be implemented. In the case, where document and visual inspection take place and the inspection agency issues the Food Safety Inspection Certificate as the form stipulated in the Appendix 5 of this Circular, the importing organization/individual is able to process customs clearance for the imported consignment;
- b) During six (6) month inspection period, in the case of detecting goods of same type from same country of origin violating food safety requirement for three (03) times, a tight inspection will be applied (as stipulated in the Article 10 of this Circular) for the same type of goods from the same country of origin. The time to apply tight inspection is after the third violation of food safety requirement of the same goods from the same country of origin;
- c) The order and procedure on food safety inspection of imported consignment are stipulated in Chapter IV of this Circular.

### 3 Step 3: Monitoring of products after customs clearance

After customs clearance, imported goods are subject to monitoring of relevant competent agencies specified in Article 19 of this Circular.

## **Article 10: Tight Inspection**

1. At ports or gathering places, documents and visual inspection of the consignment will take place; taking samples with frequency of 30% of total imported consignment.
2. In cases where the imported consignment is subject to tight inspection, but taking samples is not applicable, the importing organization/individual is able to do customs clearance after document and visual inspection is taken place meeting food safety requirement.
3. In cases where the imported consignment is subject to tight inspection, but taking samples is required, the procedure is as follows:
  - a) For imported consignment, which is not the same goods from the same country of origin violated for food safety requirement before: importing organization/individual is able to process

customs clearance after receiving results of document and visual inspection meeting food safety requirement;

- b) For imported consignment, which is the same goods from the same country of origin violated for food safety requirement before: importing organization/individual is only able to process customs clearance only after receiving results of inspection and sample testing meeting food safety requirement.
4. Based on tight inspection results during six (6) months, inspection for imported consignment is determined as follows:
    - a) Temporary ban of goods import shall be applicable: in case five (5) consignments of the same type of goods from the same country of origin, which are subject to tight inspection, are detected as violating food safety requirement;
    - b) Tight inspection shall be maintained for next six (6) months: in case one (1) to four (4) consignments of the same type from the same country of origin, which are subject to tight inspection, are detected as violating food safety requirement;
    - c) Tight inspection shall be removed: in case at least five (5) consignments of the same type of goods from the same country of origin, which are subject to tight inspection with required sample testing, are not detected as violating food safety requirement;
  5. In case there is an international alert on serious food safety risk, management method for imported goods shall be applied referred to current international applicable methods for the alerted goods.
  6. The order, procedure of registration, and food safety inspection of imported consignment are stipulated in the Chapter IV of this Circular.
  7. After customs clearances, the imported consignments must be monitored as specified in Article 19 of this Circular.

#### **Article 11. Reduced Inspection Method**

Applicable for cases regulated in Item 2, Article 39 of Food Safety Law; and Article 15 of Decree No.38/2012/ND-CP. The order, procedure of inspection of imported consignment and the sample taking frequency shall be implemented in compliance with an international treaty that Vietnam was signed with an exporting country for mutual recognition agreement on management, control of food safety.

#### **Article 12. Customs Clearance of goods**

Goods imported to Vietnam are only cleared by Customs if it is granted a Certificate of Food Safety issued by inspection agency in accordance with the form specified in Appendix 5 of this Circular.

### **CHAPTER III**

## **REGISTRATION OF EXPORTING COUNTRIES AND INSPECTION IN THE EXPORTING COUNTRIES**

#### **Article 13. Registration dossier of exporting country**

The competent agency of exporting country sends the original registration dossier in English or Vietnamese to NAFIQAD (directly or via mail) including:

1. Information on management system and capability of the Competent Authority of the exporting country on food safety control in the form prescribed in Appendix 1 of this Circular;
2. List of pesticides, plant growth regulators, preservatives used in the production, manufacturing, and circulation of goods in the form prescribed in Appendix 2 of this Circular;
3. Annually updated food safety monitoring programs of the exporting country applicable for goods during domestic production, circulation and export in the form prescribed in Appendix 7 of this Circular.

#### **Article 14. Registration Dossier Verification**

NAFIQAD takes the lead, in coordination with the Plant Protection Department to verify the registration dossiers as regulated in Article 13 of this Circular and notify the results of dossier verification to the competent agency of exporting country as below:

1. In the case the results of dossier verification meet all Vietnamese food safety regulations, NAFIQAD shall report to Minister of Agriculture and Rural Development for acknowledgment, approval and adding to the list of registered countries allowed for export of goods of plant origin to Vietnam published on NAFIQAD's website ([www.nafiqad.gov.vn](http://www.nafiqad.gov.vn));
2. In the case the results of dossier verification do not fully meet Vietnamese food safety regulations, NAFIQAD shall notify the competent agency of the exporting country in written correspondence for supplying additional information in order to complete the registration dossier as regulated.

#### **Article 15. Inspection in exporting country**

1. In necessary case, the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) shall take the lead, in coordination with the Plant Protection Department (PPD) to formulate plan to inspect; inform and cooperate with competent authorities of the exporting countries to inspect Food Safety management system and conditions to ensure Food Safety of Food Business Operators exporting goods to Vietnam;
2. Within 30 working days from the end of the inspection in the exporting country, NAFIQAD shall take the lead, in coordination with PPD to process the inspection result draft report and send to the competent agency of the exporting country for further comments for a period of 30 days prior official final notification of inspection result report. The report should state clearly specific reasons for cases not allowing export goods to Vietnam if the inspection results have not met all requirements as prescribed.

### **Chapter IV**

#### **REGISTRATION, FOOD SAFETY INSPECTION OF IMPORTED CONSIGNMENTS**

#### **Article 16. Registration for Inspection of Imported Consignment**

The importing organization/individual shall do registration for food safety inspection directly with the inspection agency at entry gate. Registration dossier includes:

- (1) Original application for registration for Food Safety Inspection (as specified in the Appendix 3);

- (2) For imported goods containing genetically modified products: Goods are listed in the List of genetically modified products with Certificate issued as regulated in the Ministry of Agricultural and Rural Development's (MARD) Circular 02/2014/TT-BNNPTNT dated Jan. 24, 2014 stipulating order, procedure of issuing and withdrawing Certification for Genetically Modified Plants for use as food and feed;
- (3) For imported irradiated goods: Certificate of Free Sale (CFS) issued by competent agency of exporting country as regulated in the Ministry of Agricultural and Rural Development's (MARD) Circular 63/2010/TT-BNNPTNT dated November 1<sup>st</sup>, 2010 regarding the Regulation on CFS for import-export products under MARD's management;

#### **Article 17. Inspection Contents**

1. Document review: inspection agencies to inspect the registration documents (source of origin, history of compliance with the provisions on food safety of organization, individual, Food Business Operators; regulations regarding genetically modified products and irradiated products and other relevant regulations);
2. Visual inspection (not applicable for temporary import for export consignments): Inspection agencies to inspect status of the consignment, packaging, labelling upon arrival at entry gate; inspection of compliance of information declared and any un-usual signs that might cause food safety problem.
3. Taking samples for testing:
  - a) Inspection agencies perform sampling to analyze criteria for food safety at the registered location; sampling test method prescribed in the Article 9, 10 and 11 of this Circular;
  - b) The samples taken for testing have to be representative for the imported products and are made in any number of imported consignments checked.
4. Preparing minutes of dossier and visual inspections and samplings (in the form prescribed in Appendix 4 of this Circular).

#### **Article 18. Issuance of Food Safety Inspection Certificate**

1. Issuance of Food Safety Inspection Certification for imported consignments within not more than 01 working day is as follows:
  - a) For cases as stipulated in Point a, Item 2 Article 9, Item 2 and Point a, Item 3 Article 10 of this Circular: Since the date of receipt of full registration dossier.
  - b) For cases as stipulated in Point b, Item 3, Article 10 of this Circular: after having testing analysis results meeting requirement issued by authorized testing agency.
2. Notification of consignment having unsatisfactory test results (in the form prescribed in Appendix 6 of this Circular) shall be made within one working day after having the testing results not meeting food safety requirements.
3. The total time used for taking and sending of samples, testing and having results cannot exceed 10 working days.

#### **Article 19: Contents of inspection and supervision on imported goods circulating in**

## **the market**

1. Inspection on conditions of storage, packaging, labelling (if any) of goods circulating in the market as stipulated in Item 2, Article 7 of this Circular;
2. Inspection of information of source of origin of imported consignment;
3. Take samples to send to authorized testing agency for testing if any signal causing food safety problem detected or when the authorized government agencies request.
4. Do traceability, withdrawal and handling of imported consignment violated in accordance with provisions of Circular No. 74/2011/TT-BNNPTNT dated October 30, 2011 regarding the regulations on traceability of source of origin, withdrawal and handling of un-safe agro-forestry and food products under MARD's management;

## **Chapter V**

### **MEASURES FOR HANDLING OF VIOLATIONS OF FOOD SAFETY REGULATIONS**

#### **Article 20. For Imported Consignments**

1. Force to re-export or destroy imported consignment seriously violating food safety requirements.
2. Change purpose of use of the imported consignment violating food safety requirements for other possible use purpose, which shall not be harmful to human health;
3. Send Notification requesting the competent agency of exporting country to coordinate on investigation of causes, and providing appropriate solutions to handle the case;
4. To notify and coordinate with relevant competent agencies in the country to request importing organization, individual withdrawing, handling and monitoring during treatment of consignment having serious violation of food safety requirement.
5. Notify to public through media on serious violations of food safety requirement, which are subject to re-export, withdrawal, and recall and guide consumers to prevention measures.

#### **Article 21: For exporting country**

1. Temporary suspension of goods imported to Vietnam from exporting countries shall be applicable in following cases:
  - a) As stipulated in Point a, Item 4, Article 10 of this Circular;
  - b) The inspection results as prescribed in Article 15 show that food safety control systems of exporting countries have not met the requirements;
  - c) The exporting countries are not co-operative to create conditions for authorized agency of Vietnam to carry out inspection as stipulated in Article 15 of this Circular.
2. Only allowing export of goods to Vietnam to be resumed if inspection results as stipulated in Article 15 of this Circular show that the Competent Authority of the exporting countries has made food safety control measures to meet the full requirements as prescribed.
3. Pursuant to a proposal of the Director of PPD and the Director of NAFIQAD, the Minister of Agriculture and Rural Development shall decide temporary suspension or export resumption of goods of plant origin as follows:
  - a) Decision for temporary suspension of goods exported to Vietnam shall come into force after 60 (sixty) days since the signing date of the decision and this is the last date for implementation of food safety inspection for imported consignments into Vietnam.

- b) Decision for allowing goods to again be exported to Vietnam shall come into force from the signing date of the decision and it is the date for resuming of implementation of food safety inspection for imported consignments into Vietnam.
- c) Within 03 (three) days, decision of temporary suspension or export resumption of goods to Vietnam shall be notified to competent authorities of exporting countries and posted on the NAFIQAD's website of ([www.nafiqad.gov.vn](http://www.nafiqad.gov.vn)).

## **Chapter VI RIGHTS AND RESPONSIBILITIES**

### **Article 22: Responsibilities of the inspection bodies**

#### 1. Inspection agencies at the entry gate and gathering place:

- a) Carry-out inspection and issue Certification of Food Safety Inspection or sending non-compliance notification for shipment not meeting food safety requirements as regulated in Chapter IV of this Circular;
- b) Notify accurately, objectively and honestly; adhere strictly to inspection procedures, taking sampling for verification as prescribed;
- c) Coordinate with the customs office on inspection of imported goods, handling and monitoring during processing cases violating food safety regulations as regulated.
- d) During the period 01 (a) working day counting from the detection of consignment violating food safety regulations, send notification to the Plant Protection Department for reporting to MARD (via NAFIQAD);
- e) To collect fees and charges as prescribed.

#### 4. Agency inspecting and monitoring the circulation of goods in the market under assignment decentralization:

- a) Implement inspecting and monitoring of food safety for imported goods circulated in the area as stipulated in Article 19 of this Circular;
- b) Promptly notify the Province/City's Department of Agriculture and Rural Development in the case of imported goods circulated in the area that violate food safety regulations;
- c) Implementation of traceability, recall and handling of imported shipments not meeting food safety requirements in accordance with the provisions of Circular No. 74/2011/TT-BNNPTNT October 30, 2011 when receiving notification on shipment seriously violating food safety regulations;

#### 3. Agency inspecting food safety in exporting country:

- a) Develop plans and implement food safety inspection in the exporting country after the Ministry of Agriculture and Rural Development issuing a Decision to form the inspection team;
- b) To coordinate with the competent authority of the exporting country to deploy the inspection;
- c) Report inspection results to the Ministry of Agriculture and Rural Development within 15 days after completion of the inspection in the exporting country;

d) Send Notification on inspection results to competent authority of the exporting country in accordance with Article 15 of this Circular.

#### **Article 23. Authorities of inspection agency**

1. To request organization, individual to supply related documents, records for the purpose of inspection;
2. To take samples of imported goods in the form and procedures prescribed in this Circular;
3. To give a decision on measures to handle and monitor the handling of the consignments not meeting requirements on import.

#### **Article 24: Responsibilities of importing organization, individual**

1. To carry out the registration for food safety inspection as described in Article 16 of this Circular;
2. To create good conditions for officers of the inspection bodies to carry out inspection duties, taking sample for testing, and monitoring of goods as prescribed;
3. To provide adequate documents and samples for inspection and traceability;
4. To respect decisions given to handle violations and follow the supervision of the competent bodies;
5. To implement traceability, recall and handling of imported consignment not meeting food safety regulations as regulated in MARD's Circular No.74/2011/TT-BNNPTNT dated October 30, 2011 when receiving notification on serious food safety violative consignment;
6. To pay inspection fees, charges under the current regulations of the Ministry of Finance and actual expenses in handling non-compliant consignments on Food Safety.
7. To be self-responsible for the inspected goods during waiting period for inspection conclusion as stipulated in Point b, Item 3, Article 10 of this Circular or for decision from the competent bodies for consignment handling.

#### **Article 25: Rights of importing organization, individual**

1. To request the inspection bodies to review inspection results or require a re-inspection.
2. To lodge complaints and denunciations and to settle complaints and denunciations according to law provisions on complaints and denunciations.

### **Chapter VII ORGANIZATION OF IMPLEMENTATION**

#### **Article 26. The National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD)**

1. To receive registration documents for goods exported to Vietnam from a competent Authority of the exporting country; to exchange information, communicate inspection plans (when necessary) with competent Authorities of exporting countries and submit to the Ministry to issue decision on establishment of inspection team to visit exporting countries;
2. To preside and coordinate with the Plant Protection Department:

- a) To propose to the Minister of Agriculture and Rural Development to publish the list of countries having mutual recognition agreements with Vietnam; publish the list of countries registered to export goods of plant origin as food to Vietnam; decide temporary import suspension or allowed re-import of goods of plant origin. To notify the competent authorities of the exporting country of non-compliant consignments relating to Food Safety and request coordination in tracing the reason of violation and suggestion of appropriate measures to resolve the problems.
  - b) To implement inspection of the food safety management systems and conditions to ensure food safety of Food Business Operators in the exporting country;
  - c) To implement traceability, recall, withdrawal or handling of imported consignments in serious non-compliant cases on food safety;
3. To make annual or unexpected reports (on request) to the Ministry of Agriculture and Rural Development on the status of Food Safety inspection of imported goods;
  4. To set up and submit for approval to the Ministry of Agriculture and Rural Development the annual inspection plan and budget (from government budget) for Food Safety inspection in exporting countries; and budget for inspection of imported goods not subject to fee collection; incorporate into the estimate, the annual financial statement of the MARD under the provision of the Budget Law and the current applicable guidelines.

#### **Article 27. Plant Protection Department**

1. To take lead, in coordination with other relevant competent agencies to determine cases of imported consignments seriously violating food safety regulations.
2. To direct and supervise inspection bodies at entry gates or goods gathering places:
  - a) To carry-out the Food Safety inspection for imported consignments according to inspection methods stipulated in this Circular;
  - b) To issue Certification of Food Safety Inspection; or to notify cases of non-compliance of imported consignments relating to Food Safety as stipulated in Article 18 of this Circular;
  - c) To coordinate with competent agencies to handle non-compliant consignments on food safety and monitor implementation process.
3. To provide guidance to units assigned by provincial Departments of Agriculture and Rural Development for inspection/monitoring of imported goods circulated in the market;
4. To report promptly in writing to the MARD (via NAFIQAD) in cases:
  - a) Detect any non-compliant shipment on food safety for coordination on traceability, recall and handling of serious non-compliant consignments, and notifying the competent agency of exporting country.
  - b) Propose temporary import suspension of goods to Vietnam for cases as stipulated at Point a, Item 4, Article 10 of this Circular.
5. To prepare annual report or un-scheduled report (when requested) on food safety inspection of imported goods to MARD (via NAFIQAD);
6. To coordinate with NAFIQAD to conduct activities as stipulated in Item 2, Article 26 of this Circular;

7. To set up and submit for approval to the Ministry of Agriculture and Rural Development the annual inspection plan and budget (from Government budget) for Food Safety inspection of imported goods regarding free-of-charge items as assigned; incorporate into the annual estimate and the annual financial statement of the MARD under the provision of the Budget Law and the current applicable guidelines.

**Article 28. Departments of Agriculture and Rural Development in provinces/cities under Central Authority**

1. To direct subordinating units to perform the inspection and supervision on Food Safety related to imported goods as assigned and circulated in the locality;
2. To notify promptly the National Agro-Forestry-Fisheries Quality Assurance Department and Plant Protection Department of cases of imported goods circulating in the locality that violate regulations on Food Safety;
3. To coordinate with competent authorities to organize traceability, recalling and handling those consignments that do not meet Food Safety regulations and monitor the implementation process;
4. To make annual or unexpected reports (upon request) to the Plant Protection Department on Food Safety inspection of imported goods circulated in the locality in order to summarize and report to the Ministry of Agriculture and Rural Development;
5. To set up and submit to the competent authority for approval the annual inspection plan and budget for Food Safety inspection of imported goods as assigned.

**Chapter VIII  
ENFORCEMENT**

**Article 29. Entry into force**

1. This Circular shall come into force as of the 5th May, 2015.
2. This Circular replaces MARD's Circular No.13/2011/TT-BNNPTNT dated March 16, 2011 on the guidance of food safety inspection of imported goods of plant origin; Circular No. 05/2013/TT-BNNPTNT dated January 21, 2013 on amendment and supplement to some articles of the Circular No.13/2011/TT-BNNPTNT dated March 16, 2011 and the unified official document No.03/VBHH-BNNPTNT dated December 19, 2013 regarding the Circular on guideline of food safety inspection of imported good of plant origin.
3. All countries registered, reviewed and approved to export goods of plant origin to Vietnam in accordance with the Circular 13/2011/TT-BNNPTNT dated 16<sup>th</sup> March 2011 and the Circular 05/2013/TT-BNNPTNT dated 21<sup>st</sup> January 2013 on amendment and supplement to some articles of the Circular 13/2011/TT-BNNPTNT dated 16<sup>th</sup> March 2011, shall continuously be recognized as eligible countries to exports goods to Vietnam when this Circular comes into force.
4. In the process of implementation, if any difficulties and problems arise, the involved units are to report to the Ministry of Agriculture and Rural Development (via NAFIQAD, Plant Protection Department) for consideration, amendment, and supplement./.

**Recipients:**

- i. Office of the Government;
- ii. Leaders of MARD;
- iii. Official Gazette; Government Portal;
- iv. Ministries: Health, Finance, Industry and Trade; Science & Technology;
- v. General Department of Customs;
- vi. Document Control Department, Ministry of Justice;
- vii. Provincial/Municipal People Committees;
- viii. Directorates of: Fisheries, Forestry;
- ix. MARD departments;
- x. Local Departments of Agriculture and Rural Development;
- xi. Archives

**MINISTER**

(Signed)

**Cao Duc Phat**

**Appendix 1**

**Information on Management System, and Capacity of Competent Authorities to Control Food Safety of Plant Origin Products in Exporting Country**

*(Promulgating the MARD’s Circular No.12/2015/TT-BNNPTNT dated March 16,2015 issued by the Minister of Agriculture and Rural Development guiding food safety inspection of plant origin food products)*

- 1. Organizing and managing system (Describe organizing system at different levels (at Federal/state levels, government/local levels) with responsibilities, authority of organizations at different level regarding food safety inspection of plant origin products).

.....

.....

.....

.....

.....

- 2. Legal system, technical regulations, standards, procedure to inspect and to issue Food Safety Certificate for plant origin products:  
*(specifying names of legal documents, technical regulations, standards, and procedure to inspect and to issue Food Safety Certificate for plant origin products)*

.....

.....

.....

.....

- 3. Systems to register, to issue permit, to inspect and to oversee the use of additives, growth promoters, preservatives, pesticides; control of disease-causing mirco-organisms; heavy metals; nitrate; and toxin; irradiation; genetic modification in plant origin products during production, transportation, circulation in domestic markets and for exportation.  
*(Describe methods used by competent authorities to inspect, oversee during production, in-country circulation, and exports of plant origin products in compliance with Government’s regulations on Food Safety.)*

.....

.....



**Appendix 3**

*(Promulgating the MARD’s Circular No.12/2015/TT-BNNPTNT dated March 16, 2015 issued by the Minister of Agriculture and Rural Development guiding food safety inspection of plant origin food products)*

**Socialist Republic of Vietnam**  
Independence – Freedom – Happiness

.....Date.....Month....Year....

**Registration for Food Safety Inspection of Imported Plant Origin Products (\*)**

**No: .....**

To: ..... (\*\*).....

Name of registration Organization (Individual) :

ID (for individual)..... issuing place:..... date of issue:.....

Telephone:.....Fax/E-mail:

To request the Food Safety Inspecting Agency to inspect the following imported consignment: (\*\*\*)

1. Product name: ..... Scientific name: .....

Characteristics:

..... Genetically modified (*name of genetically modified plants certified*)

..... Irradiated (*purpose of irradiation, dose of irradiation*)

..... Other treatment methods:.....

Name of Food Business Operator/Producer:.....

Code (if available):.....

Address:.....

2. Quantity and type of packing: .....

3. Net weight: ..... Gross weight .....

4. Bill Number:.....

5. Exporting Organization/Individual:.....

- Address: .....
6. Exporting country: .....
7. Exporting port: .....
8. Importing Organization/Individual: .....
- Address: .....
9. Importing/Entry port: .....
10. Means of transportation: .....
11. Purpose for use: .....
12. Location for food safety inspection: .....
13. Date for food safety inspection: .....
14. Number of copies of food safety inspection certificate issued:

Our commitment: Ensure the original conditions of imported shipment, bringing in at the right place and right time as registered and only circulating in the market/using after having certificate of food safety inspection issued by authorized agency as regulated (\*\*\*).

**Registering Organization, Individual**

*(Sign, stamp, printing full name)*

**Certification of Food Safety Inspection Agency**

Approval for delivery the shipment to:  
.....  
for food safety inspection at:  
.....date.....month.....year.....

- Dossier:  
 accept     not accept     supp. Information requested  
Reason for not accepting:.....  
List of supplemental information requested: .....  
.....  
Results after reviewing supplemental information submitted:  
.....  
Inspecting method applied for the imported shipment:  
 Normal inspection  
 Tight inspection:  
 Simplified inspection

Recording No....., date...month...year.... ..  
Agency's Representative  
*(sign, stamp, printing full name)*

**Certification of Customs Office**

*(in the case the shipment not allowed imported to Vietnam)*

The shipment is not allowed to import to Vietnam because:.....  
....., Date .....month.....year .....  
Customs at entry point .....

(Sign, stamp, printing full name)

- (\*) This registration form is presented on two sides of paper A4;
- (\*\*) Name of Food Safety Inspection Agency;
- (\*\*\*) Must meet all criteria in the proper order and declare criteria suitable for the shipment;
- (\*\*\*\*) This commitment is only recorded when registering food safety inspection for imported products;

**Appendix 4**

*(Promulgating the MARD’s Circular No.12/2015/TT-BNNPTNT dated March 16, 2015 issued by the Minister of Agriculture and Rural Development guiding food safety inspection of plant origin food products)*

**NAME OF THE AGENCY:** Socialist Republic of Vietnam  
**Inspecting Agency:** Independence – Freedom - Happiness

**The Minutes of Food Safety Inspection and Sampling**

Place of inspection: .....

I am: .....

A staff of the inspection agency: .....

With presence of Mr., Ms... : .....

.....

Under the provisions of the legislation on food safety of the Socialist Republic of Vietnam, have carried out inspection and sampling of the following plant origin products:

| No. | Name of plant origin products | Weight of the shipment | Quantity | Producing place, Code number (if available) | Average samples taken |        |
|-----|-------------------------------|------------------------|----------|---|-----------------------|--------|
|     |                               |                        |          |   | Quantity              | Weight |
|     |                               |                        |          |   |                       |        |

Test results and conclusions of the inspector:

- .....  
Document check, visual shipment check meeting food safety requirements
- .....  
Document check, visual shipment check not meeting food safety requirements
- .....  
Testing samples taken for food safety criteria as regulated.

Mr., Ms. ....has received samples recorded in this Minutes.

The Minutes is made into two copies:

- one for owner of the shipment.
- one for goods inspector.

....., *Date.....month.....year.....*

**Representative of Customs, rail station, port, airport (if applicable)**  
*(sign)*

**Shipment's owner**  
*(sign)*

**Inspector**  
*(sign)*

**Appendix 5**

*(Promulgating the MARD’s Circular No.12/2015/TT-BNNPTNT dated March 16,2015 issued by the Minister of Agriculture and Rural Development guiding food safety inspection of plant origin food products)*

The Agency  
Name of inspecting agency)

Socialist Republic of Vietnam  
Independence- Freedom – Happiness

....., date....month...year.....

**Certification on Food Safety Inspection of Imported Plant Origin Products**

No: .....

Issued for: .....

Address: .....

is owner of (or authorized owner) the following consignment:

| No. | Trading name | Scientific name | Quantity/weight | Transportation means | From | To |
|-----|--------------|-----------------|-----------------|----------------------|------|----|
|     |              |                 |                 |                      |      |    |

Name, address of importing Organization, Individual: .....

Exporting country .....

Producing establishment: (if available).....Code number (if available).....

Address:.....Entry point .....

**CERTIFY**

- The consignment has document checking and visual inspection results satisfying food safety regulations.
- The consignment has inspection and testing results satisfying food safety regulations.

This Certificate issued based on:

- Registration document for food safety inspection of imported plant origin products;
- Minutes of food safety inspection and sampling;
- Analysis and Testing results from authorized laboratory;
- Others: .....

**Head of the Agency**  
(sign, stamp)

**Note: Prohibit transporting the consignment to other locations if there is not permission from food safety inspection agency**

**Appendix 6**

*(Promulgating the MARD's Circular No.12/2015/TT-BNNPTNT dated March 16,2015 issued by the Minister of Agriculture and Rural Development guiding food safety inspection of plant origin food products)*

Inspecting Agency: Socialist Republic of Vietnam  
 Address: Independence – Freedom - Happiness  
 Tel:



**NOTIFICATION OF NON-COMPLIANT CONSIGNMENT  
ON FOOD SAFETY**

**No:**.....

|   |  |
|---|--|
| Importing Organization/Individual:<br>Address:<br>Tel:<br>Fax:  | Exporting Organization/Individual:<br>Address:<br>Tel:<br>Fax: |
| Product name:<br>Code:  | Quantity:<br>Weight:   |
| Producing establishment (if available):<br>Code (if available):<br>Address :  | Purpose for use:   |
| Contract No.:   | Bill of Lading number :  |
| Exporting port:   | Importing port:  |
| Based on results of testing/inspecting No. : ..... date .....<br>(name of inspecting agency, certify)<br>To notify the above mentioned consignment having food safety inspection register No. : ....., date .....:<br><b>DOES NOT MEET FOOD SAFETY REQUIREMENTS</b><br>Reasons: ..... |  |
| The shipment's owner is requested to carry out the following measures:  | Due date to complete:  |
| Date .....month.....year.....<br><b>Representative of Inspecting Agency</b><br>(sign, stamp)  |  |

**Appendix 7**  
*(Promulgating the MARD's Circular No.12/2015/TT-BNNPTNT dated March 16,2015 issued by the Minister of Agriculture and Rural Development guiding food safety inspection of plant origin food products)*

*er of Agriculture and Rural Development guiding food safety inspection of plant origin food products)*

**NATIONAL FOOD SAFETY MONITORING PROGRAM FOR PLANT ORIGIN PRODUCTS  
(Year.....)**

**1. Current status of production of plant origin products and food safety management for domestic market and exports.**

Overview information on production status, processing, storage (products, area, production, export markets; management methods, certification....);

**2. Content program and implementation plan**

- Purpose (*state clearly purpose of monitoring*)
- Objects subject to monitoring (*list product groups under monitoring program*)
- Monitoring Area (*location, time for monitoring sample taking*)
- Monitoring time (*from.... year to... year*)
- Monitoring criteria (*state clearly monitoring criteria: types of pesticides, heavy chemicals, toxins, biological micros....*)
- Quantity of samples taken for monitoring: (*state clearly quantity, types of samples*).
- Implementation Organization: (*describe clearly activities of units involved in sample taking activities for monitoring, inspection agencies and testing laboratories....*)

**3. Monitoring Results:**

- Report on implementation of the National Food Safety Monitoring Program for the most recent three years (*State monitoring sample testing results on pesticides, heavy chemicals, toxins, biological micros...of each type of product/object of monitoring program of the specific year*)
- Monitoring Plan in next coming years.

Date .....month.....year.....  
**Authorized Food Safety Inspecting Agency  
of Exporting Country**  
(*sign, stamp*)