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Vietnam Issues New Guidance on Food Safety Inspection of Imported Plant Origin Products

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Approved By:

Mark Dries

Prepared By:

Nguyen Thi Huong

Report Highlights:

The report provides summary highlights and an 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". This Circular will replace Circular 13/2011/TT-BNNPTNT dated March 16, 2011 and Circular 05/2013/TT-BNNPTNT dated January 21, 2013, and Correspondence 03/VBHN-BNNPTNT dated December 19, 2013. The Circular will enter into force on May 5, 2015.

General Policy Information:

Vietnam's Food Safety Law (FSL) No.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/TT-BNNPTNT is MARD's new regulation implementing the Ministry's responsibilities for plant origin food under the Vietnamese Food Safety Law and Decree 38 (Please refer to our GAIN report VM3032). This Circular will replace the Circular 13/2011/TT-BNNPTNT dated March 16, 2011 and Circular 05/2013/TT-BNNPTNT dated January 21, 2013, and Correspondence 03/VBHN-BNNPTNT dated December 19, 2013. The Circular enters 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 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 No.13/2014/TTLT-BYT-BNNPTNT-BCT dated April 9, 2014 (Please refer to our GAIN report VM4029).

Chapter II of the Circular regulates 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 (please 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 16 of the Circular stipulates “Registration for Inspection of Imported Consignment”, which requires the importing organization/individual to do registration 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 (as specified in the Appendix 3 of this Circular); (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 and procedure for issuing and withdrawing Certification for Genetically Modified Plants for use as food and feed (Please refer to GAIN report VM4020. However, to date, MARD has not issued the List of genetically modified products with Certificate issued as mentioned above based on an extension of deadline for this process until March 2016 under Circular 06/2015/TT-BNNPTNT dated Feb. 14, 2015); and (3) For imported irradiated goods: Certificate of Free Sale (CFS) issued by competent agency of exporting country as regulated in the Ministry of Agriculture and Rural Development’s (MARD) Circular 63/2010/TT-BNNPTNT dated November 1st, 2010 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 dated 16th March 2011 and the Circular 05/2013/TT-BNNPTNT dated 21st January 2013 shall continuously be recognized as eligible countries to exports goods to Vietnam when this Circular comes into force. According to MARD, the United States’ recognition under the old Circular 13 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. Should U.S. exporters of plant and plant origin products have any comments or questions, please email: aghamoi@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-so1-12-205-tt-bnnptnt-ngay-16-3-2015-huong-dan-kiem-tra-attp-hang-hoa-co-nguon-goc-thuc-vat-nhap-khau/>

Below is un-official Post English translation of MARD’s Circular 12/2015/TT-BNNPTNT.

Author Defined:

**MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT**

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

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, procedures and contents 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, origin as declared or having sign of damage, contaminated with materials that might cause food safety problem; goods were detected to contain chemical/micro-organisms residues exceeding permitted levels.
4. *Serious breach of food safety rules*: goods are found to contain high risk harmful factors to human life and consumers' health.
5. *Consignment sampling frequency*: is the percentage of consignments per total imported consignments of the same types, same source 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 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 and supervising 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 management of the Ministry of Agriculture and Rural Development: Units assigned by province/city's Department of Agricultural and Rural Development
3. Inspection bodies on Food Safety of Food Business Operators 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

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 dossier 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 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 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/packageged 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 takes 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 source of origin violating food safety requirement for three (3) 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 source of origin. The time to apply tight inspection is after the third violation of food safety requirement of the same goods from the same source 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 of gathering places, documents and visual inspection of the consignment will take place; taking samples with frequency of 30 percent 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 source 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 source of origin violated for food safety requirement before: importing organization/individual is 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 source 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 source 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 source 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. Simplified inspection method

Applicable for cases regulated in Item 2, Article 39 of Food Safety Law; and Article 15 of Decree No.38/2012/NĐ-CP. The order, procedure of registration, and 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 must be inspected and monitored as regulated and 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 AND INSPECTION IN THE EXPORTING COUNTRIES

Article 13. Application dossier of exporting country

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

1. Information on management system and capability of the 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 application 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 countries allowed for export of goods of plant origin to Vietnam published on NAFIQAD's website (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 application 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 AND INSPECTION FOR 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 1st, 2010 regarding the Regulation on CFS for import-export products under MARD's management;

Article 17. Inspection contents

- a. Document review: inspection agencies to inspect the registration documents (origin, history of compliance with the provisions on food safety of Food Business Operators, of the owner of imported goods; regulations regarding genetically modified products and irradiated products and other relevant regulations);
- b. 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 sign that might cause food safety problem.
- c. 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.
- d. Preparing minutes of 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 9 of this Circular: Since the date of full registration dossier.
 - b) For cases as stipulated in Point b, Item 3, Article 10 of this Circular: after having testing analysis results 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 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 REGULATIONS ON FOOD SAFETY

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 agencies in the country to request the owner's presence, handling and monitoring during treatment of food safety requirement violating consignment.
5. Notify to public through media on serious food safety requirement violations, 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 exported to Vietnam 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.
1. Only allowing export of goods to Vietnam to be resumed if inspection results as stipulated in Article 15 of this Circular show that the Authority of the exporting countries has made food safety control measures to meet the full requirements as prescribed.
2. 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 website of (www.nafiqad.gov.vn).

CHAPTER VI RIGHTS AND RESPONSIBILITIES

Article 22: Responsibilities of the inspection bodies

1. Inspection agencies at the border or 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, handling and monitoring during processing cases violating food safety regulations;
 - 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.
2. Agency monitoring the circulation of goods in the market under the jurisdiction of the Ministry of Agriculture and Rural Development:

- a) Implement monitoring of food safety for imported goods 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 market 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 product owners/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 owner of imported goods

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 owner of imported goods

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 Governmental 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 teams 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;
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 (PPD)

1. To take lead, in coordination with other relevant competent agencies to determine cases of imported consignments violating food safety regulations.
2. To direct and supervise subordinating inspection units or authorized units 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 other competent agencies to handle non-compliant consignments 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 for coordination on traceability, recall and handling, 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 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 other competent authorities to handle 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 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; Circular No. 05/2013/TT-BNNPTNT dated January 21, 2013 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 counties registered, reviewed and approved to export goods of plant origin to Vietnam in accordance with the Circular 13/2011/TT-BNNPTNT dated 16th March 2011 and the Circular 05/2013/TT-BNNPTNT dated 21st January 2013 on amendment and supplement to some articles of the Circular 13/2011/TT-BNNPTNT dated 16th 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:

- a. Office of the Government;
- b. Leaders of MARD;
- c. Official Gazette; Government Portal;
- d. Ministries: Health, Finance, Industry and Trade; Science & Technology;
- e. General Department of Customs;
- f. Document Control Department, Ministry of Justice;
- g. Provincial/Municipal People Committees;
- h. Directorates of: Fisheries, Forestry;
- i. MARD departments;
- j. Local Departments of Agriculture and Rural Development;
- k. Archives

MINISTER

(Signed)

**Cao Duc
Phat**

Appendix 1

Information on Management System, and Capacity of Authorized Agencies to Control Food Safety of Plant Origin Products in Exporting Country

(Promulgating the MARD's Circular No.12/2015/TT-BNNPTNT dated 16/3/2015 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).

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.....
.....
.....
.....

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 authorized agencies to inspect, oversee during production, in-country circulation, and exports of plant origin products in compliance with Government's regulations on Food Safety.)

.....
.....
.....
.....

.....DateMonth...Year

Authorized Agency for Food Safety of Exporting Country

(Sign, stamp)

Appendix 2

List of Pesticides, Chemicals, Growth Regulators, and Preservatives Used During Production, Circulation of Plant Origin Products in Exporting Country

(Promulgating the MARD's Circular No.12/2015/TT-BNNPTNT dated 16/3/2015 issued by the Minister of Agriculture and Rural Development guiding food safety inspection of plant origin food products)

Series No.	Trade name	Name of active substance	Purpose for use	Maximum level of residue allowed (MRLs)

Note: Authorized agency of exporting country is responsible to notify promptly to NAFIQAD when the list revised.

.....Date ...Month...Year....
Authorized Agency for Food Safety of Exporting Country
(Sign, Stamp)

Appendix 3

(Promulgating the MARD’s Circular No.12/2015/TT-BNNPTNT dated 16/3/2015 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:.....

1. Quantity and type of packing:

2. Net weight: Gross weight

3. Bill Number:.....

4. Exporting Organization/Individual:.....

Address:

1. Exporting country:.....

7. Exporting port:.....

Exporting 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:.....
, Datemonth.....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 16/3/2015 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 good inspector.

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

Representative of Customs, rail station, port, airport (if applicable) <i>(sign)</i>	Shipment’s owner <i>(sign)</i>	Inspector <i>(sign)</i>
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Appendix 5

(Promulgating the MARD’s Circular No.12/2015/TT-BNNPTNT dated 16/3/2015 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.....

IFY

- 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 16/3/2015 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:.....

Importer: Address: Tel: Fax:	Exporter: Address: Tel: Fax:
Product name: Code:	Quantity: Weight:
Producing establishment (if available): Code (if available): Address :	Purpose for use:
Contract No.:	B/L number :
Exporting port:	Importing port:
Based on results of testing/inspecting No. : date (name of inspecting agency, certify) To notify the above mentioned consignment having food safety inspection register No. :, date: <p align="center">DOES NOT MEET FOOD SAFETY REQUIREMENTS</p> Reasons:	
The shipment's owner is requested to carry out the following measures:	Due date to complete:
Datemonth.....year..... Representative of Inspecting Agency (sign, stamp)	

Appendix 7

(Promulgating the MARD's Circular No.12/2015/TT-BNNPTNT dated 16/3/2015 issued by the Minister 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, processing, storage (products, area, production, export markets; management methods, certification....);

1. 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....)*

1. 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.

Datemonth.....year.....

**Authorized Food Safety Inspecting Agency
of Exporting Country**

(sign, stamp)