

行政院農業委員會動植物防疫檢疫局 函

地址：100臺北市中正區和平西路二段100號9樓
承辦人：劉純安
電話：(02)3343-2077
傳真：(02)2332-2200
電子信箱：

受文者：本局高雄分局

發文日期：中華民國110年3月19日
發文字號：防檢四字第1101493440號
速別：普通件
密等及解密條件或保密期限：
附件：如文1101493440-a1~a4

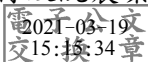
主旨：有關臺灣冷凍鳳梨輸銷越南相關檢疫規定，詳如說明，請查照並轉知所屬配合辦理。

說明：

- 一、依據駐越南代表處110年3月2日第VNM0116號電報辦理。
- 二、依據越南農業部第30/2014/TT-BNNPTNT號公告與第15/2018/TT-BNNPTNT號公告，鳳梨鮮果經削皮、切片、真空包裝及冷凍(以上皆需滿足)，可輸入越南且無需風險評估程序，惟仍須符合下列檢疫規定：
 - (一)檢附輸出國植物檢疫主管機關核發之植物檢疫證書。
 - (二)未含有越南關切之植物檢疫有害生物及新的有害生物。
 - (三)使用之木質包裝材應符合ISPM 15規定。
 - (四)依越南農業部第33/2014/TT-BNNPTNT號公告及第34/2018/TT-BNNPTNT號公告規定辦理進口植物之檢疫程序。
- 三、檢送前揭4份公告(30/2014/TT-BNNPTNT、15/2018/TT-BNNPTNT、33/2014/TT-BNNPTNT及34/2018/TT-BNNPTNT)如附，其皆為越南對輸入植物檢疫之一般性規定。

正本：本局基隆分局、本局新竹分局、本局臺中分局、本局高雄分局

副本：行政院農業委員會國際處、行政院農業委員會農糧署、本局植物檢疫組



THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 15/2018/ND-CP

Hanoi, February 02, 2018

DECREE

ELABORATION OF SOME ARTICLES OF THE LAW OF FOOD SAFETY

Pursuant to the Law on Government organization dated June 19, 2015;

Pursuant to the Law on Food safety dated June 17, 2010;

At the request of the Minister of Health;

The Government promulgates a Decree to elaborate some Articles of the Law of Food safety.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree elaborates some Articles of the Law of Food safety on:

1. Procedures for product self-declaration.
2. Procedures for registration of the product declaration.
3. Assurance of genetically modified GM foods.
4. Issuance of the certificate of food safety.
5. State inspection of safety of imported and exported foods.
6. Food labeling.
7. Food advertisements.
8. Food safety requirements in production of dietary supplements.
9. Food safety requirements in production, sale and use of food additives.
10. Tracing food origins.

11. Food safety authorities.

Article 2. Regulated entities

This Decree applies to Vietnamese and foreign organizations and individuals that produce or sell foods in Vietnam; organizations and individuals whose operation involve food safety in Vietnam.

Article 3. Definitions

For the purpose of this Decree, the following terms are construed as follows:

1. 1) “dietary supplement” means a product used as a supplement to the daily diet to improve user’s health and immunity. Dietary supplement may contain one or more of the following substances:

a) Vitamins, minerals, amino acids, fatty acids, enzymes, probiotics and other biologically active substances;

b) Substances derived from animals, minerals, plants in the form of extracts, isolates, concentrates or metabolites;

c) Sources of the substances mentioned in Point a and Point b above.

Dietary supplements may be in the form of soft gels, pellets, tablets, granules, powder, liquid and other dosage form divided into smaller doses.

2. “medical food” or “food for special medical purposes” means a food that can be consumed orally or tube feeding, prescribed to regulate the patient’s diet, the use of which has to be supervised by a health worker.

3. “food for special dietary uses” means food for people on a diet, elderly people and other users defined by Codex Alimentarius, processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological conditions and/or specific disease and disorder of the user. The composition of this kind of food differs significantly from that of ordinary foods of comparable nature, if such ordinary foods exist.

4. “scientific evidence” means scientific documents and information from researches accepted by competent authorities or published in Vietnamese or foreign academic journals or articles about traditional medicine in academic prints.

5. “goods owner” means the organization or individual responsible for the goods specified in the declaration or self declaration of products, or the organization or individual authorized to import or export food products.

6. “exports and imports” are food products of the same category, names, labels, producers and packaging materials.
7. “shipment” means the entire food products of an export or import shipment (in the same bill of lading). A shipment may comprise a single or multiple commodities.
8. “micro food manufacturer” means a household or individual that obtains food ingredients by means of farming, breeding, fishing or collecting with or without a certificate of enterprise registration.
9. “micro food processor” means a household or individual that processes food with or without a certificate of enterprise registration.
10. “micro food business” means an individual, a group of individual or a household that has registered as a business household and does not have the certificate of business registration, certificate of enterprise registration and investment registration certificate.

Chapter II

PROCEDURES FOR PRODUCT SELF-DECLARATION

Article 4. Product self-declaration

1. Food manufacturers and food sellers (hereinafter referred to as “suppliers”) shall prepare self-declaration of pre-packaged processed foods, food additives, food processing aids, food containers, primary packages of foods (hereinafter referred to as “products”) other than the commodities specified in Clause 2 of this Article and Article 6 of this Article.
2. Products, raw materials that are manufactured or imported for production or processing of exports or internal production and are not sold domestically are exempt from self-declaration.

Article 5. Self-declaration procedures and documents

1. Self-declaration documents include:
 - a) The self-declaration form (Form No. 01 in Appendix I hereof);
 - b) Original copy or certified true copy of the food safety data sheet issued within 12 months before the self-declaration is made by an designated laboratory or a laboratory complying with ISO 17025; the data sheet must specify safety indicators prescribed by the Ministry of Health according to risk management principles under international regulations (or standards applied by the supplier if relevant regulations of the Ministry of Health are not available).
2. Self-declaration procedures:

a) The self-declaration shall be posted through mass media or the producer's website or premises; 01 copy of the self-declaration shall be submitted, directly or by post, to regulatory authority designated by the People's Committee of the province (hereinafter referred to as "receiving authority");

b) Right after the self-declaration is submitted, the supplier is entitled to manufacture and sell the product and assume full responsibility for the safety of such product;

c) The receiving authority shall post the self-declaration and the product names therein on its website.

If the supplier has more than one factory that produces the same product, self-declaration documents shall be submitted to the regulatory authority of one of the provinces of the supplier's choice. Once selected, self-declaration documents shall be submitted to the same authority.

3. Self-declaration documents must be written in Vietnamese language; documents in other languages must be translated into Vietnamese language and notarized. The documents must be unexpired when the self-declaration is submitted.

4. In case of change to the product name, origin or ingredients, the supplier shall submit another self-declaration. In case of other changes, the supplier shall submit a written notification to the receiving authority and is entitled to carry on the production or sale of the product afterwards.

Chapter III

PROCEDURES FOR REGISTRATION OF THE PRODUCT DECLARATION

Article 6. Registration of the product declaration

Food suppliers must register the declarations of the following products:

1. Dietary supplements, medical foods, food for special dietary uses.

2. Dietary products for children up to 36 months.

3. Mixed food additives with new uses, food additives that are not on the list of permitted food additives compiled by the Ministry of Health (hereinafter referred to as "unregistered food additives").

Article 7. Application for registration of the product declaration

1. An application for regulations of the declaration of imported products consists of:

a) The declaration form (Form No. 02 in Appendix I hereof);

b) The Certificate of Free Sale, Certificate of Exportation or Health Certificate issued by a competent authority of the country of origin/exporting country, which assures safety of users or permit free sale of the products in the country of origin/exporting country (the certificate must be consularly legalized);

c) Original copy or certified true copy of the food safety data sheet issued within 12 months before the self-declaration is made by an designated laboratory or a laboratory complying with ISO 17025; the data sheet must specify safety indicators prescribed by the Ministry of Health according to risk management principles under international regulations (or standards applied by the supplier if relevant regulations of the Ministry of Health are not available)

d) Documents about scientific evidence of the effects of the product or ingredients (original or authenticated copy). If scientific evidence of effects of the ingredients is used, the daily dose must be greater or equal to 15% of the content of such ingredients mentioned in the document;

dd) The certificate of Good Manufacturing Practice (GMP) or an equivalent certificate if the imports are dietary supplements, applicable from July 01, 2019 (a copy authenticated by the supplier).

2. An application for regulations of the declaration of domestic products consists of:

a) The declaration form (Form No. 02 in Appendix I hereof);

b) Original copy or certified true copy of the food safety data sheet issued within 12 months before the self-declaration is made by an designated laboratory or a laboratory complying with ISO 17025; the data sheet must specify safety indicators prescribed by the Ministry of Health according to risk management principles under international regulations (or standards applied by the supplier if relevant regulations of the Ministry of Health are not available);

c) Scientific evidence of the effects of the product or ingredients (original or authenticated copy). If scientific evidence of effects of the ingredients is used, the daily dose must be greater or equal to 15% of the content of such ingredients mentioned in the document;

d) The certificate of food safety if one is required (a copy authenticated by the supplier);

dd) The certificate of Good Manufacturing Practice (GMP) if the domestic products are dietary supplements, applicable from July 01, 2019 (a copy authenticated by the supplier).

3. The documents must be written in Vietnamese language; documents in other languages must be translated into Vietnamese language and notarized. The documents must be unexpired when the application is submitted.

Article 8. Procedures for registration of the product declaration

1. The supplier shall submit the application for registration of the product declaration, whether online, by post or directly, to the following receiving authorities:

- a) The Ministry of Health for declarations of dietary supplements and unregistered food additives;
- b) A competent authority designated by the People's Committee of the province for medical foods, food for special dietary uses and dietary products for children up to 36 months;
- c) In the cases where the declaration includes of the products mentioned in both Point a and Point b of this Clause, the application may be submitted to either receiving authority.

If the supplier has more than one factory that produces the same product, the declaration may be registered to the regulatory authority of one of the provinces of the supplier's choice (except for products that have to be registered to the Ministry of Health). Once selected, the next applications for registration shall be submitted to the same authority.

2. Within 07 working days (for unregistered food additives, medical foods, food for special dietary uses, dietary products for children up to 36 months) or 21 working days (for dietary supplements) from the day on which adequate documents are received, the receiving authority specified in Clause 1 of this Article shall verify the application and issue a certificate of registered product declaration (Form No. 03 in Appendix I hereof).

The time limit for document verification begins on the date of receipt according to the online public service system (if the application is submitted online) or date stamp of the receiving authority (if the application is submitted by post or directly).

3. If the application needs to be supplemented, the receiving authority shall provide explanation in writing and specify the legal basis. The receiving authority may request the applicant to supplement the application 01 time.

Within 07 working days from the day on which the supplemented application is received, the receiving authority shall verify it and make a written response. If the applicant fails to supplement the application within 90 working days from the day on which a written request is made, the application will be invalidated.

4. In case of change to the product name, origin or ingredients, another application shall be submitted. In case of other changes, the applicant shall submit a written notification to the receiving authority mentioned in Clause 1 of this Article and is entitled to carry on the production or sale of the product afterwards.

5. The receiving authority shall post on its website and update on the food safety database the names and products of suppliers whose product declarations have been registered.

6. Food suppliers shall pay fees for document verifications in accordance with regulations of law on fees and charges.

Chapter IV

ASSURANCE OF SAFETY OF GENETICALLY MODIFIED FOODS

Article 9. Assurance of safety of food derived from genetically modified organisms (GMO) and GMO products

Conditions and procedures for issuance and revocation of the certificate of edible GMO and the list of GMOs granted such certificate are specified in the Government's Decree No. 69/2010/ND-CP and Decree No. 108/2011/ND-CP.

Article 10. Labeling of goods containing GMO and GMO products used as foods

1. Manufacturers and sellers of foods the content of GM ingredients in which exceeds 5% of total ingredients, in addition to compliance with common regulations of law on goods labeling, the goods label must contain information about the GMOs, except for the cases specified in Clause 2 of this Article.

2. Labeling of GM foods is exempted in the following cases:

- a) The prepackaged GM food contains GM ingredients without discovery of the modified gene or products of the modified gene in the food;
- b) Fresh GM foods, unpackaged processed GM foods sold directly to consumers;
- c) GM foods serving recovery from a natural disaster or epidemic.

Chapter V

ISSUANCE OF THE CERTIFICATE OF FOOD SAFETY

Article 11. Issuance of the certificate of food safety

1. Every food manufacturer and seller must obtain the certificate of food safety, except for those specified in Clause 1 Article 12 of this Decree.

2. Requirements for issuance of the certificate of food safety are specified in Clause 1 Article 34 of the Law of Food safety. Manufacturers of dietary supplements shall apply the requirements specified in Article 28 of this Decree.

Article 12. Exemption from the certificate of food safety

1. The following entities are not required to obtain the certificate of food safety:

- a) Micro food manufacturers;
- b) Mobile food manufacturers and sellers;

- c) Micro food processors;
 - d) Micro food sellers;
 - dd) Sellers of prepackaged foods;
 - e) Manufacturers and sellers of instruments and materials for wrapping and storing food;
 - g) Restaurants within hotels;
 - h) Industrial kitchens not registered as a food business;
 - i) Street food vendors;
 - k) Any food business that has one of the following certificates: GMP, HACCP, ISO 22000, IFS, BRC, FSSC 22000 or an equivalent certificate.
2. The entities mentioned in Clause 1 of this Article must satisfy corresponding food safety requirements.

Chapter VI

STATE INSPECTION OF SAFETY OF IMPORTED AND EXPORTED FOODS

Article 13. Cases in which state inspection of food safety is exempted unless there is a food safety warning

1. The product has the certificate of registered product declaration.
2. Foods in hand luggage of inbound passengers that are sent before or after the passengers arrive to serve the passengers' personal needs; gifts within duty-free allowances.
3. Imports serving personal needs of people eligible for diplomatic immunities.
4. Products in transit, temporarily imported or in bonded warehouses.
5. Test samples whose quantities are suitable for the testing purposes and confirmed by the owners.
6. Products used for displayed at exhibitions or fairs.
7. Products, raw materials that are manufactured or imported for production or processing of exports or internal production and are not sold domestically.
8. Temporarily imported products for sale at duty-free shops.

9. Imports serving emergency purposes under orders of the Government or the Prime Minister.

Article 14. Requirements applied to imported products derived from terrestrial animals, aquatic animals and plants

1. Products derived from terrestrial animals, aquatic animals and plants must satisfy the following requirements, except for foods that are processed or prepackaged, foods exported by a Vietnamese organization or individual but then returned, and foods in the cases specified in Article 13 of this Decree:

a) Their country of origin is a country or territory that has a food safety control system satisfying Vietnam's regulations and included in the list of registered countries and territories that export foods derived from animals, plants and aquatic animals to Vietnam;

b) Terrestrial animals and aquatic animals used as foods must be manufactured by facilities that satisfy food safety requirements as certified by Vietnamese authorities;

c) Each shipment has a certificate of food safety issued by a competent authority of the exporting country (except for fish caught and processed by foreign vessels and sold to Vietnam's market).

2. Procedures for registration of the exporting countries and territories (hereinafter referred to as "exporting countries") mentioned in Clause 1 of this Article are specified in Article 22 of this Decree.

3. The Ministry of Agriculture and Rural Development shall provide the customs authorities with the list of exporting countries and exporters allowed to export the aforementioned products to Vietnam (hereinafter referred to as "list of permitted exporting countries and exporters").

Article 15. Inspecting authorities

1. The Ministry of Agriculture and Rural Development, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade shall appoint authorities responsible for inspection of food safety of imported foods (hereinafter referred to as "inspecting authorities").

In the cases where the content of a shipment is under the management of more than one Ministry, the Ministry of Agriculture and Rural Development shall be the inspecting authority.

2. Inspecting authorities have the following entitlements and obligations:

a) Decide to switch over from regular inspection to reduced inspection and switch back to normal inspection after the results of 03 tightened inspections is satisfactory.

b) Carry out food inspection in accordance with the methods and procedures specified in this Decree;

c) Taking and storing samples in accordance with law;

- c) Collect testing and inspection fees in accordance with law;
- dd) Ensure accuracy and objectivity of the inspections;
- e) Comply with instructions from the Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade;
- g) Settle complaints of goods owners. Pay the inspection and testing fees and compensation for any damage to the goods owners;
- h) Retain inspection documents and present them at the request of competent authorities;
- i) Submit biannual reports to the supervisory Ministry (form 06 in Appendix I hereof) and ad hoc reports to the Ministry of Health, the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade or a competent authority of the manufacturer's home country, or reports on disposal of disqualified foods.

Article 16. Inspection methods

1. Reduced inspection: document inspection of up to 5% of the shipments within 01 year randomly chosen by the customs authority.
2. Normal inspection: document inspection only.
3. Tightened inspection: both document inspection and sampling.

Article 17. Application of the inspection methods

1. Reduced inspection will be carried out if:
 - a) There is a certificate of food safety issued by the competent authority of a country that has entered a mutual recognition agreement regarding food safety inspection to which Vietnam is also a signatory; the inspection result given by the competent authority of the exporting country is satisfactory;
 - b) The results of 03 consecutive normal inspections within 12 months are satisfactory;
 - c) The manufacturer applies either GMP, HACCP, ISO 22000, IFS, BRC, FSSC 22000 or an equivalent system.
2. Normal inspection applies to all commodities of the shipment, except for the cases specified in Clause 1 and Clause 3 of this Article.
3. Tightened inspection will be carried out if:
 - a) The result of the previous inspection is not satisfactory;

- b) A shipment or commodity fails to meet requirements during the inspections (if any);
- c) A warning is issued by the Ministry of Health, the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the People's Committee of the province or a competent authority of a foreign country or the manufacturer's home country.

4. The tightened inspection will be changed into normal inspection in the following cases:

- a) The results of 03 consecutive tightened inspection are satisfactory in the cases specified in Point a and Point b Clause 3 of this Article;
- b) The Ministry of Health, the Ministry of Agriculture and Rural Development or the Ministry of Industry and Trade of Vietnam issues a request for suspension of tightened inspection in the cases specified in Point c Clause 3 of this Article.

Article 18. Application for inspection

1. An application for reduced inspection consists of the following documents:

- a) The product self-declaration;
- b) 03 notices of satisfactory results of consecutive normal inspections, or certified true copies or consularly legalized copies of either GMP, HACCP, ISO 22000, IFS, BRC, FSSC 22000 certificate of an equivalent certificate that is unexpired when submitted;
- c) For products derived from aquatic animals and terrestrial animals, except for processed or prepackaged products, the original copy of the certificate of fulfillment of food safety requirements issued by a competent authority of the exporting country.

2. An application for normal inspection and tightened inspection consists of the following documents:

- a) The registration form No. 04 in Appendix I hereof;
- b) The product self-declaration;
- c) Original copies of 03 notices of satisfactory results of consecutive tightened inspections (to switch over from tightened inspection to normal inspection).
- d) A copy of the packing list;
- dd) For the products mentioned in Article 14 of this Decree, the original copy of the certificate of fulfillment of food safety requirements issued by a competent authority of the exporting country, except for fish caught and processed by foreign vessels and sold to Vietnam's market.

Article 19. Inspection procedures

1. Procedures for reduced inspection:

While following customs procedures, the goods owner shall submit an application according to Clause 1 Article 18 of this Decree;

b) The customs authority shall carry out document inspection of up to 5% of the shipments eligible for reduced inspection within 01 year.

Within 03 working days from the receipt of the application, the customs authority shall process it and consider granting customs clearance. If the application has to be supplemented, explanation and legal basis must be provided.

2. Procedures for normal inspection:

a) Before the shipment arrives at the border checkpoint, the goods owner shall submit the application according to Clause 2 Article 18 of this Decree to the inspecting authority or National Single-window Information Portal of the Ministry of Health, the Ministry of Agriculture and Rural Development or the Ministry of Industry and Trade (if applied);

b) Within 03 working days from the receipt of the application, the customs authority shall process it and issue a notice of whether the inspection result is satisfactory (form No. 05 of Appendix I hereof). If the application has to be supplemented, explanation and legal basis must be provided;

c) The goods owner shall submit the notice of satisfactory inspection result to the customs authority to be granted customs clearance.

3. Procedures for tightened inspection:

a) The same as Point a Clause 2 of this Article;

b) Within 07 working days from the receipt of the application, the customs authority shall process it and issue a notice of whether the inspection result is satisfactory (form No. 05 of Appendix I hereof). If the application has to be supplemented, explanation and legal basis must be provided;

c) The goods owner shall submit the notice of satisfactory inspection result to the customs authority to be granted customs clearance.

4. If the inspection result is not satisfactory, the inspecting authority shall take appropriate measures in accordance with Clause 3 Article 55 of the Law of Food safety and submit a report on disposal of unconformable foods to the supervisory Ministry.

Article 20. Disposal of unconformable foods

1. After unconfirmable foods are disposed of under the decision issued by the inspecting authority, the goods owner shall submit the following documents to the inspecting authority and the receiving authority:

a) Re-export documents in case of re-export;

b) The destruction record certified by a competent authority;

c) The repurposing contract between the goods owner and the buyer or recipient of the unconfirmable products. The buyer or recipient of the unconfirmable products must not use them as foods.

2. If the goods owner wishes to import the products to Vietnam after rectifying the violations or label, the goods owner shall follow apply for inspection in accordance with Article 19 of this Decree.

If the inspection result is still unsatisfactory after rectification, one of the measures specified in Point c and Point d Clause 3 Article 55 of the Law of Food safety shall be implemented.

Article 21. rights and obligations of the goods owner

1. Request reduced inspection in the cases specified in Clause 1 Article 17 of this Decree.

2. Request the inspecting authority to reconsider the inspection result or request the receiving authority to select a designated laboratory to carry out a re-inspection. If the result of the re-inspection matches the initial result, the goods owner shall pay the re-inspection cost; if the result of re-inspection is satisfactory, the goods owner will be reimbursed for the re-inspection cost.

3. Propose the measures specified in Clause 3 Article 55 of the Law of Food safety if the inspection result is unsatisfactory.

4. Maintain the status quo of the shipment to facilitate sampling by the inspecting authority.

5. Implement the decision on disposal of unconfirmable foods issued by a competent authority.

Article 22. Procedures for registration of the exporting countries and exporters; state inspection of food safety in the exporting country

1. A competent authority of Vietnam shall develop an inspection plan, inform and cooperate with the competent authority of the exporting country in inspecting the food safety control system of the exporting country and the exporter as follows:

a) The competent authority of the exporting country shall send 01 application to the Ministry of Agriculture and Rural Development, including information about its management system (laws, standards, food safety control system) and its capacity for food safety control according to form

No. 08 in Appendix I hereof; a list of registered exports (form No. 07 in Appendix I) and information about their fulfillment of food safety requirements (form No. 09 in Appendix I).

b) within 30 working days from the day on which adequate documents are received according to Point a of this Clause, the competent authorities of the exporting country and the supervisory Ministry shall verify them, inform the competent authority of the exporting country of the verification result and the inspection plan if inspection of the exporting country is necessary;

c) The inspection in the exporting country deals with: regulations of law on food safety management and control; capacity of food safety authorities of the exporting country; fulfillment of food safety requirements by the registered exporters.

2. Processing of inspection result and publishing of the list of eligible exporting countries and exporters:

a) if a site inspection in the exporting country is not necessary, the Ministry of Agriculture and Rural Development shall publish the inspection result and list of countries and territories eligible to export to Vietnam. For products derived from terrestrial animals and aquatic animals, a list of permissible exporters shall also be published;

b) If a site inspection in the exporting country is necessary, the Ministry of Agriculture and Rural Development shall publish the inspection result within 30 working days from the end of the inspection.

If the inspection result is not satisfactory, the Ministry of Agriculture and Rural Development shall issue a notice and provide specific explanation.

c) For addition of eligible exporters of products derived from terrestrial animals and aquatic animals, the competent authority of the exporting country shall submit an application for document inspection or site inspection which contains a list and information about the exporters according to form No. 07 and form No. 08 mentioned in Point a Clause 1 of this Article to the Ministry of Agriculture and Rural Development. The inspection result is the basis for addition of eligible exporters.

Article 23. State inspection of foods for export

1. The Minister of Health, the Minister of Agriculture and Rural development, the Minister of Industry and Trade shall specify the power to carry out state inspection of safety of foods for export under their management in accordance with Article 62 through 64 of the Law of Food safety at the request of the importing country.

2. The Ministry of Agriculture and Rural Development shall specify responsibility to inspect shipments of foods under the management of more than one Ministry.

Chapter VII

FOOD LABELING

Article 24. Compulsory labeling contents

1. Manufacturers and sellers of foods in Vietnam, in addition to common regulations of law on goods labeling, shall comply with the following regulations:

a) The label of medical food shall contain the phrase "Thực phẩm dinh dưỡng y học" ("medical food") and "Sử dụng cho người bệnh với sự giám sát của nhân viên y tế" ("used under supervision of health workers");

b) The front label of food for special dietary uses shall contain the phrase "Sản phẩm dinh dưỡng (cho đối tượng cụ thể)".

2. The label of imported products must specify: name and address of the importer, the organization or individual that submits the declaration or registers the self-declaration of products.

Article 25. Exceptions

1. The secondary label is not required for goods in hand luggage serving personal use or meant as gifts within the duty-free allowance; imports of entities eligible for diplomatic immunity; goods in transit, temporarily imported goods; goods in bonded warehouses; test samples; goods for display at an exhibition or fair; raw materials imported for production or processing of exports or internal use and not sold domestically.

2. In addition to seasoning and herbs, small packages whose surface area is smaller than 10 cm² does not have to specify ingredients, expiration date, storage conditions and instruction for use if there is a secondary label or secondary package which contains such information.

3. The date of manufacturing is not required on food containers and primary packages.

Chapter VIII

FOOD ADVERTISEMENTS

Article 26. Foods for which advertisement contents must be registered

1. Dietary supplements, medical foods, food for special dietary uses.

2. Dietary products for children up to 36 months not banned from advertising according to Article 7 of the Law on Advertising.

Article 27. Registration of advertisement contents

The registration of food advertisement contents shall comply with advertising laws and the following regulations:

1. Before advertising, the owner of the advertised product shall register the advertisement content to the authority that issued the certificate of product registration.

2. The advertisement content must be consistent with the effects of the product specified in the product declaration. Do not use images, equipment, uniforms, documents of health facilities, physicians, pharmacists, health workers, patients' appreciation letter, articles written by health facilities, physicians or pharmacists to advertise foods.

3. Regarding dietary supplements:

a) It is required to have the text “Thực phẩm này không phải là thuốc và không có tác dụng thay thế thuốc chữa bệnh” (equivalent to “this product is not intended to diagnose, treat, cure or prevent any disease”), which must be written clearly and has a contrasting color with the background;

b) The text in Point a above must be read aloud in case of audio and video advertisements;

c) The text mentioned in Point a above is not required if the duration of an audio or video advertisement is shorter than 15 seconds, but must be displayed during the advertisement.

4. An application for certification of advertisement contents consists of the following documents:

a) The application form (Form No. 10 in Appendix I hereof);

b) The certificate of registered product declaration and the product declaration certified by a competent authority (a copy certified by the applicant);

c) A sample label (certified by the applicant);

d) For audio or video advertisement, a disc that contains the advertisement script; For other types of advertisement, a maquette (certified by the applicant);

d) The uses or effects other than those written in the product declaration must be proven by scientific documents (copies certified by the applicant);

The documents must be written in Vietnamese language; documents in other languages must be translated into Vietnamese language and notarized.

5. Procedures for issuance of the certificate of advertisement contents:

a) The owner of the advertised product shall submit the application for the certificate of advertisement content to the authority that issued the certificate of registered product declaration;

b) Within 10 working days from the receipt of the satisfactory application, the receiving authority shall process it and issue form No. 11 in Appendix I hereof. The aforementioned time limit is determined according to the date stamp of the receiving authority (if the application is sent by post) or the date of receipt on the online public service system.

If advertisement content is not concurred with or the application has to be supplemented, the receiving authority shall provide explanation in writing and specify the legal basis. The receiving authority may request the applicant to supplement the application 01 time.

Within 10 working days from the day on which the supplemented application is received, the receiving authority shall process it and make a written response. If the application fails to supplement the application within 90 working days from the day on which a written request is made, the application will be invalidated;

c) The receiving authority shall post on its website and update on the food safety database the products that have the certificate of advertisement contents and names of their suppliers;

d) The applicant shall pay the fee for application processing to the receiving authority.

6. The owner of the advertised product and the advertiser may only advertise the product after having obtained the certificate of advertisement contents and must adhere to the content of the certificate.

Chapter IX

FOOD SAFETY CONDITIONS IN PRODUCTION OF DIETARY SUPPLEMENTS

Article 28. Food safety requirements in production of dietary supplements

1. Manufacturers of dietary supplements shall satisfy general food safety conditions specified in Clause 1 Article 19, Clause 1 Article 20 and Clause 1 Article 21 of the Law of Food safety and the following regulations:

a) Establish and maintain a quality control system which control the manufacture and distribution in order to ensure that all products satisfy the applied standards and are safe until their expiration;

b) Hire employees whose qualifications are suitable for their positions and are trained in GMP, food safety and relevant knowledge. The head of the production department and quality control department must be full-time employees and work independently from one another. The chief supervisor of the facility must have at least a bachelor's degree in medicine, pharmacy, nutrition, food safety or food processing technology and 3 years' working experience in a relevant field;

c) The factory, equipment and auxiliary utilities are installed suitable for their purposes, following one-way rules, easy to clean, not confusing, able to prevent dust, pollution and other elements detrimental to product quality. They must be cleaned on a daily basis;

d) Retain documents about the manufacture process, quality control and distribution in a manner that the history of every batch can be accessed, and documents about other activities at the facility;

dd) All tasks must be performed in accordance with procedures and instructions. Carry out inspections and supervision during the manufacture process to avoid confusion, pollution and cross-contamination. Record the result immediately after a process is done;

e) Establish a quality control department to ensure that the products are manufactured under conformable conditions and processes; necessary tests are run; use of raw materials and sale of products are not approved before the quality is satisfactory; product stability must be monitored;

g) In case of testing or production under a contract, the contractor shall have adequate equipment and personnel to satisfy requirements of the hirer, satisfy requirements for testing or production of dietary supplement established by a competent authority.

h) There are procedures for complaint settlement, product recall, self-inspection; documents about these tasks must be retained in full.

2. The Ministry of Health shall provide instructions on application of GMP requirements to dietary supplements.

3. From July 01, 2019, manufacturers of dietary supplements shall satisfy GMP requirements in accordance with instructions from the Ministry of Health.

Article 29. Procedures for issuance and reissuance of the certificate of GMP for dietary supplements

1. An application for the certificate of GMP for dietary supplements consists of the following documents:

a) The application form No. 12 in Appendix I hereof;

b) A floor plan of the production area and production lines (certified by the applicant);

c) A list of primary equipment at the facility.

2. Procedures for issuance of the certificate of GMP for dietary supplements

a) An application specified in Clause 1 of this Article shall be submitted to the Ministry of Health directly, by post or through the online public service system;

b) Within 15 working days from the receipt of the satisfactory application, the receiving authority shall establish an inspectorate, which will carry out a site inspection and issue the inspection record according to form No. 13 in Appendix I hereof.

The inspectorate shall consist of at least 5 people, 2 of whom are experienced in GMP, and 1 person is specialized in testing.

c) If the inspection result is satisfactory, the receiving authority shall issue the certificate of GMP for dietary supplements (Form No. 14 in Appendix I hereof) within 30 days from the receipt of the application;

d) If the inspection result is not satisfactory, explanation shall be provided in the inspection record. After rectification, the applicant shall send a notice to the inspectorate. Within 07 working days from the receipt of such notice, the inspectorate shall consider and request the Ministry of Health to issue the certificate of GMP for dietary supplements. If rectification is not done within 03 months from the end of the inspection or a notice of rectification is not sent to the inspectorate, the application shall be rejected.

3. A certificate of GMP for dietary supplements is valid for 03 years from its date of issuance. At least 06 months before expiration of the certificate, the certificate holder shall submit an application for its reissuance. Documents and procedures for reissuance are the same as those specified in Clause 1 and Clause 2 of this Article.

4. Applicants for the certificate of GMP for dietary supplements shall pay fees for document processing to the receiving authority.

Chapter X

FOOD SAFETY REQUIREMENTS APPLIED TO FOOD ADDITIVES

Article 30. Food safety requirements applied to food additives

Manufacturers and sellers of food additives shall satisfy the following food safety requirements:

1. Satisfy general food safety requirements specified in specified in Clause 1 Article 19, Clause 1 Article 20 and Clause 1 Article 21 of the Law of Food safety.

2. Only mix food additives on the list of permitted food additives complied by the Ministry of Health, provided the mixture does not cause any harm to human health. In the cases where a new product with new effects is created, such effects, intended users and dose must be proven.

3. Packaging of food additives shall be carried out at a facility that satisfies food safety requirements. Food additives must be labeled in accordance with applicable law.

Article 31. Single-ingredient food additives

1. Foods on in the list of permitted food additives compiled by the Ministry of Health shall be self-declared.

2. Procedures for declaration of single-ingredient food additives are specified in Article 5 of this Decree.

Article 32. Mixed food additives with new uses

1. Product declarations of mixed food additives with new uses shall be registered at the Ministry of Health.

2. Content of every ingredient in a mixed food additive with new uses must be specified.

3. Procedures for registration of product declaration of mixed food additives with new uses are specified in Article 7 and Article 8 of this Decree.

Article 33. Use of food additives

1. Only use the food additives on the list of permitted food additives compiled by the Ministry of Health. Product declarations of food additives that are not on the list of permitted food additives compiled by the Ministry of Health shall be submitted to the Ministry of Health in accordance with Article 7 and Article 8 of this Decree.

2. Use food additives within permissible limits, for appropriate types of foods; only use food additives that have clear origins and are unexpired; satisfy administrative and technical requirements applied to food additives.

Chapter XI

TRACING FOOD ORIGINS

Article 34. Tracing origins of unsafe foods

The manufacturer or seller, upon discovery that a food being manufactured or sold is not safe or at the request of a competent authority, shall trace its origin in accordance with Clause 1 and Clause 2 Article 54 of the Law of Food safety.

Article 35. Tracing origins of unsafe foods

1. Food manufacturers and sellers shall retain information about manufacturers or suppliers of products and buyers (if any) in the form of contracts, logbooks or other methods to serve origin tracing. Information serving origin tracing includes:

- a) Names and categories of the products sold;
- d) Dates, quantities, batch numbers of the products sold.

2. The Minister of Health, the Minister of Agriculture and Rural development, the Minister of Industry and Trade shall promulgate specific regulations on tracing origins of products under their management.

Chapter XII

STATE MANAGEMENT OF FOOD SAFETY

Article 36. Rules for determination of responsibility for state management of food safety

1. Conformity with the Law of Food safety and relevant legislative documents.
2. Uniform state management of food safety.
3. Ensure continuous management of food production and sale.
4. Close cooperation between ministries.
5. Ensure that a product, a manufacturer or a seller is under the management of a single authority.
6. Ensure scientificness, adequacy and feasibility.
7. Distribution of responsibility for state management of food safety between central and local authorities.
8. Regarding a manufacturer whose products are under the management of more than one authority, the authority that is responsible for the largest quantity of the products shall be the supervisory authority.
9. Regarding a seller whose products are under the management of more than one authority, the Ministry of Industry and Trade shall be the supervisory authority, except for wholesale farm produce markets
10. A facility that both manufactures and sells products that are under the management of more than one authority, is entitled to select its supervise authority to follow administrative procedures.

Article 37. Responsibility of the Ministry of Health

1. Implement regulations on state management of food safety in Clause 1 Article 62 of the Law of Food safety.
2. Submit periodic and ad hoc reports on management of food safety on be basis of supervisions and reports from other Ministries and the People's Committees of provinces.

3. Promulgate technical regulations on products under its management according to Article 62 of the Law of Food safety and the products in Appendix II hereof; promulgate technical regulations or impose safety limits on various groups of products at the request of other Ministries.
4. Perform food safety management throughout the production, processing, storage, transport, export, import, sale of the products specified in Appendix II hereof.
5. Receive and manage applications, issue the certificate of registered product declaration, certificate of food safety regarding dietary supplements and unregistered food additives; Certificate of GMP for dietary supplements; Certificate of advertisement contents for dietary supplements;; Certificate of free sale for products under its management, health certificate.
6. Appoint food testing laboratories and verifying laboratories under its management; appoint laboratories that run tests serving of arbitration and giving final conclusions in case of discrepancies in results given by various laboratories.
7. Appoint regulatory authorities responsible for food safety of products under its management.

Article 38. Responsibility of state capital

1. Promulgate technical regulations on products under its management according to Article 63 of the Law of Food safety and the products in Appendix III hereof.
2. Establish safety limits applied to the products in Appendix III hereof and send them to the Ministry of Health for promulgation.
3. Monitor and assign food safety management tasks regarding the processes of farming, breeding, collecting, fishing, salt production.
4. Perform food safety management and assign food safety management tasks throughout the processes of production, collecting, preparation, processing, storage, transport, export, import, sale of the products specified in Appendix III hereof.
5. Organize the issuance of the certificate of free sale for products under its management.
6. Organize the issuance of the certificate of food safety to manufacturers and sellers of the products mentioned in Clause 3 and Clause 4 of this Article.
7. Perform food safety management at wholesale farm produce markets.
8. Appoint food testing laboratories and verifying laboratories; appoint laboratories responsible for giving final conclusions in case of discrepancies in results given by various laboratories under its management.
9. Appoint regulatory authorities responsible for food safety of products under its management.

10. Publish the list of eligible exporting countries and exporters under its management.

Article 39. Responsibility of the Ministry of Industry and Trade

1. Promulgate technical regulations on products under its management according to Article 64 of the Law of Food safety and the products in Appendix IV hereof.

2. Establish safety limits applied to the products in Appendix IV hereof and send them to the Ministry of Health for promulgation.

3. Perform food safety management and assign food safety management tasks throughout the processes of production, collecting, preparation, processing, storage, transport, export, import, sale of the products specified in Appendix IV hereof.

4. Perform food safety management at supermarket, shopping malls, convenience stores, facilities of the storage and distribution system, and other types of business.

5. Organize the issuance of certificate of free sale for products under its management.

6. Organize the issuance of the certificate of food safety to manufacturers and sellers of the products under its management.

7. Carry out inspection to prevent counterfeit foods and trade fraud regarding every type of foods, food additives, food processing aids, food containers and packages.

8. Appoint food testing laboratories and verifying laboratories; appoint laboratories responsible for giving final conclusions in case of discrepancies in results given by various laboratories under its management.

9. Appoint regulatory authorities responsible for food safety of products under its management.

Article 40. Responsibility of the People's Committees of provinces

1. Perform state management of food safety in their provinces and take responsibility to the GOVERNMENT for food safety in their provinces. Presidents of the People's Committees of provinces shall hold the position of chief of the provincial food safety committee, which carry out inspection and supervision of food safety in their provinces; inspect implementation of law on food safety by inferior authorities; take actions against officials who fail to perform their food safety management duties; organize settlement of complaints and denunciations; take actions against violations against regulations of law on food safety; take responsibility to the Government for violations against food safety in their provinces.

2. Organize implementation of regulations on food safety of the Government and Ministries in their provinces.

3. Operate the provincial food safety committees.

4. Organize dissemination and education of food safety law in their provinces.
5. Provide resources for specialized agencies to perform their food safety management tasks.
6. Take responsibility for food safety management in their provinces; inspect fulfillment of food safety requirements by micro food manufacturers and sellers, street vendors, food and drink businesses and markets.
7. Develop and promulgate regulations on food safety on local foods.
8. Receive and manage applications; issue the certificate of registered product declaration and certificate of advertisement contents for medical foods, food for special dietary uses, dietary products for children up to 36 months.
9. Receive product self-declaration and grant certificate of food safety.

Article 41. Cooperation in food safety assurance

1. Ministries, within the scope of their management, shall cooperate with the Ministry of Health in performing state management tasks to ensure uniform and effective state management of food safety.
2. The Ministry of Health shall develop a food safety education program; the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade and other ministries shall cooperate with the Ministry of Health in running the program.
3. The Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade shall plan and carry out inspections of products under their management in cooperation with other ministries.
4. In case of food poisoning, the Ministry of Health is responsible for organizing emergency treatment. Other Ministries shall provide adequate documents and information about the origin of the food suspected of poisoning; cooperate with the Ministry of Health in investigating and tracing the origin and disposal of the poisoning food.
5. Upon discovery of unconformable foods under management of other ministries, the Ministry of Health shall take charge and cooperate with relevant Ministries in carrying out inspection and giving conclusion.

Chapter XIII

IMPLEMENTATION

Article 42. Transition clauses

1. The certificates of declaration of conformity and certificates of declaration of conformity with food safety regulations that are granted before the effective date of this Decree are still valid until the expiration date of such certificates or the products.

2. Supervisory Ministries shall review and annul the regulations that contravene this Decree.

Article 43. Effect

1. This Decree comes into force from February 02, 2018.

2. This Decree replaces the Government's Decree No. 38/2012/ND-CP dated April 25, 2012 elaborating some articles of the Law of Food safety; Chapter II of Circular No. 13/2014/TTLT-BYT-BNNPTNT-BCT dated April 09, 2014 of the Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade.

Article 44. Responsibility for implementation

Ministries, Heads of ministerial-level agencies, Heads of Governmental agencies, President of the People's Committees of provinces, relevant organizations and individuals are responsible for implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

APPENDIX I

(Enclosed with the Government's Decree No. 15/2018/ND-CP dated February 02, 2018)

Form No. 01	Self-declaration form
Form No. 02	Product declaration
Form No. 03	Certificate of registered product declaration
Form No. 04	Registration of imported foods inspection
Form No. 05	Notice of satisfactory/unsatisfactory results of normal inspections
Form No. 06	Report on state inspection of food safety of imported foods
Form No. 07	List of registered exporters of foods to Vietnam

Form No. 08	Information about management system and capacity for food safety control of the competent authority of the exporting country
Form No. 09	Summary of information about food producer's or seller's fulfillment of food safety requirements
Form No. 10	Application form for certification of advertisement contents
Form No. 11	Certificate of advertisement contents
Form No. 12	Application for issuance of the certificate of GMP for dietary supplements
Form No. 13	Inspection record
Form No. 14	Certificate of GMP for dietary supplements

Form No. 01

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

SELF-DECLARATION FORM

No. /Name of the producer/Year of declaration

I. Information about the producer self-declaring its product

Name of the producer:

Address:

Telephone: Fax:

E-mail.....

Producer identification number:.....

Certificate of food safety No. Date of issue/Place of issue: (for the producer that must be issued with a certificate of food safety in accordance with regulations of law)

II. Information about the product

1. Name of the product:

2. Ingredients:

3. Expiration date:

4. Packaging specifications and packaging materials:

5. Name and address of the producer (in case of rent of the manufacturing facility):.....

III. Label design (*attach the label design or proposed label design*)

IV. Food safety requirements

The food producer or seller satisfies food safety requirements according to:

- National technical regulation No.; or

- Circular of ministries; or

- Local technical regulation; or

- National standard (in case national technical regulations, Circulars of ministries and local technical regulations are not available); or

- Codex Alimentarius, regional standards, international standards (in case national technical regulations, Circulars of Ministries, local technical regulations and national standards are not available); or

- Standards attached by the manufacturers (in case national technical regulations, Circulars of Ministries, local technical regulations, national standards, Codex Alimentarius, regional standards and international standards are not available).

We are committed to comply with all regulations of the law on food safety and take full responsibility for legality of the application for registration of the product declaration and quality and food safety of the declared product./.

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

REPRESENTATIVE OF THE PRODUCER

(Signature and seal)

Form No. 02

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

PRODUCT DECLARATION

No.....

I. Information about the producer declaring its product

Name of the producer:

Address:

Telephone: Fax:

E-mail.....

Producer identification number:.....

Certificate of food safety No. Date of issue/Place of issue:

.....

(for the producer that must be issued with a certificate of food safety in accordance with regulations of law)

II. Information about the product

1. Name of the product:

2. Ingredients:

3. Quality indicators contributing effects of the products (applicable to dietary supplements):

4. Expiration date:

5. Packaging specifications and packaging materials:

6. Name and address of the producer:

III. Label design (*attach the label design or proposed label design*)

IV. Food safety requirements

The food producer or seller satisfies food safety requirements according to:

- National technical standard No.; or

- Circular of ministries; or

- Local technical standard; or
- National standard (in case national technical regulations, Circulars of ministries and local technical regulations are not available); or
- Codex Alimentarius, regional standards, international standards (in case national technical regulations, Circulars of Ministries, local technical regulations and national standards are not available); or
- Standards attached by the manufacturers (in case national technical regulations, Circulars of Ministries, local technical regulations, national standards, Codex Alimentarius, regional standards and international standards are not available).

We are committed to comply with all regulations of the law on food safety and take full responsibility for legality of the application for registration of the product declaration and quality and food safety of the declared product, and only produce and sell the product when issued with the certificate of registered product declaration./.

....., *date.... month.... year.....*
REPRESENTATIVE OF THE PRODUCER
(Signature and seal)

Form No. 03

NAME OF THE SUPERVISORY AUTHORITY NAME OF THE RECEIVING AUTHORITY ----- -----	THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness -----
--	--

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

CERTIFICATE OF REGISTERED PRODUCT DECLARATION

No. /year/DKSP

..... (name of the receiving authority) confirms receipt of the product declaration of:
..... (name of the producer) address..... telephone,
..... Fax..... Email for the
product:manufactured by..... (name, address where
manufactured and country of origin) according to the technical regulation/standard...(number,

symbol and name)The producer shall take full responsibility for the conformity of the declared product./.

**COMPETENT REPRESENTATIVE OF
THE ISSUING AUTHORITY**
(Signature, seal)

Form No. 04

Name of the goods owner

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

REGISTRATION OF IMPORTED FOODS INSPECTION

No. /20.... /DKNK

1. Name, address and telephone of the goods owner:
2. Name, address and telephone of the trader responsible for goods quality:
.....
3. Name, address and telephone of the exporter:
4. Expected time of import:
5. Checkpoint of departure:
6. Checkpoint of arrival:
7. Date of inspection:
8. Location of inspection:
9. Expected name of the inspecting authority:
10. Details about the shipment:

No.	Name of goods	Product group (According to QCVN or Codex or	Name and address of the	Method of inspection	Inspection method
-----	---------------	--	-------------------------	----------------------	-------------------

		manufacturer's standard)	manufacturer		confirmation number*
(1)	(2)	(3)	(4)	(5)	(6)

* Inspection method confirmation means a notice given by a competent authority of the goods that has been inspected using the said inspection method.

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

Goods owner
(Signature, seal)

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

State inspecting authority
(Signature, seal)

Form No. 05

State inspecting authority

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

NOTICE OF SATISFACTORY/UNSATISFACTORY RESULTS OF NORMAL INSPECTIONS

No. /20.... /TBNK

1. Name, address and telephone of the goods owner:

2. Name, address and telephone of the trader responsible for goods quality:

.....

3. Name, address and telephone of the exporter:

4. Customs declaration No.

5. Checkpoint of departure:

6. Checkpoint of arrival:

7. Date of inspection:

8. Location of inspection:

9. Details about the shipment:

No.	Name of goods	Product group	Name and address of the manufacturer	Method of inspection	Satisfactory/unsatisfactory	Reasons for unsatisfactory results	Notes
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

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

State inspecting authority
(Signature, seal)

Form No. 06

State inspecting authority

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

REPORT ON STATE INSPECTION OF FOOD SAFETY OF IMPORTED FOODS

From / / ... to / /

Name of the inspecting authority:

Address:

Telephone: Fax:

Prepared by:

I. INSPECTED ITEMS:

A. General information:

No.	Inspected items	Normal inspection			Tightened inspection			Total (a+b+c+d)
		Satisfactory (a)	Unsatisfactory (b)	Total (a+b)	Satisfactory (c)	Unsatisfactory (d)	Total (c+d)	

....., *date... month... year.....*
FOOD SAFETY AUTHORITY OF THE
EXPORTING COUNTRY
(Signature, seal)

Form No. 08

**INFORMATION ABOUT MANAGEMENT SYSTEM AND CAPACITY FOR FOOD
SAFETY CONTROL OF THE COMPETENT AUTHORITY OF THE EXPORTING
COUNTRY**

1. Management system:

.....

.....

2. Persons in charge (number, qualifications, technical training courses, etc.):

.....

.....

3. System of documents, standards, food safety inspection and certification processes:

.....

.....

4. System for inspecting and monitoring residues and microorganisms, etc. of the
producer/seller:

.....

.....

5. Food safety inspection and supervision program:

....., date..... month..... year.....
**FOOD SAFETY AUTHORITY OF THE
EXPORTING COUNTRY**
(Signature, seal)

Form No. 09

**SUMMARY OF INFORMATION ABOUT FOOD PRODUCER'S OR SELLER'S
FULFILLMENT OF FOOD SAFETY REQUIREMENTS**

1. Name of the food producer or seller:
2. Address:
3. Product:
4. Description of production process:
5. Applied quality management system:

....., date.... month.... year.....
**CONFIRMATION BY FOOD SAFETY
AUTHORITY OF THE EXPORTING
COUNTRY**
(Signature, seal)

Form No. 10

**NAME OF THE
APPLICANT**

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

No. : /Abbreviated name
 of the applicant

.....¹....., date..... month..... year 20.....

APPLICATION FORM FOR CERTIFICATION OF ADVERTISEMENT CONTENTS

To: ²

1. Name of the applicant:

2. Address:³

.....

Telephone: Fax:

Application form for certification of advertisement contents for:

No.	Name of product	Registered product declaration certificate number and symbol	Date of receipt

Advertising media:

The application consists of:

I hereby declare that the information and documents provided herein is accurate and truthful and am committed to advertise the product according to the certified contents.

I have the honor to request you to consider issuing the certificate of advertisement contents./.

**Director or legal representative of the
applicant**

Signature (full name, title)

Seal

¹ Place

² The receiving authorities: Competent authorities specified in Articles 37 and 40 of this Decree.

³ Specified in the business registration certificate

Form No. 11

NAME OF THE SUPERVISORY
AUTHORITY
NAME OF THE RECEIVING

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

AUTHORITY

No. /XNQC-...¹...

Name of province/city, date...month...year 20...

CERTIFICATE OF ADVERTISEMENT CONTENTS

Name of the advertiser:

Address:

Telephone: Fax:

No.	Name of product	Registered product declaration number and symbol

Advertising media:

.....

.....

It is certified that the advertisement content (*enclosed*) is conformable with applicable regulations.

The advertiser is requested to adhere to the certified content.

Confirmed by
(*Signature, full name and seal*)

¹ Abbreviated name of the certifying authority

Form No. 12

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

**APPLICATION FOR ISSUANCE OF THE CERTIFICATE OF GMP FOR DIETARY
SUPPLEMENTS**

To:.....

Name of the applicant:

Address:

Applicant identification number:

Name and address of the manufacturer:

We have the honor to request you to consider issuing the certificate of GMP for dietary
supplements./.

....., date..... month..... year 20....

OWNER
(signature, seal)

Form No. 13

NAME OF THE SUPERVISORY
AUTHORITY

NAME OF THE COMPETENT
AUTHORITY

No.

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

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

**INSPECTION RECORD
GMP FOR DIETARY SUPPLEMENTS**

Implementing the Decision No.... dated....of.....

Today, on....date...., the inspectorate including:

1. Head (name, title, working location):

2. Secretary (name, title, working location):

3. Members (name, title, working location):

Location of inspection:.....

Representative of the manufacturer:

.....
.....

GENERAL INFORMATION

1. The applicant for issuance of the certificate:

- Name and address of the manufacturer:

- Applicant's identification number:

- Legal representative:

2. Inspection:

- Date of inspection:

- Date of the latest inspection:

- Inspection method: Document inspection and site inspection to assess the compliance with GMP rules enclosed with the Decision No. /QD-BYT dated /..... /20.....

- Scope of inspection: according to the application of (*name of the manufacturer*) dated /..... /.....

INSPECTION RESULT

I. Site inspection

1. Infrastructure and equipment:

2. Hygiene and hygiene supervision:

3. Food ingredients, food additives, food processing aids:

4. Testing and control of quality of ingredients, semi-finished products, finished products and necessary tests.

5. Documents:

6. Other contents specified in the GMP manual:.....

.....

II. Shortcomings and shortcoming categorization

III. Conclusion

IV. Opinions of the inspected manufacturer

.....

.....

The record is agreed upon by the parties and is made into 03 (three) copies. The inspected manufacturer keeps 01 copy and the competent keeps 01 copy.

Inspectorate
(Signature, full name)

Representative of the manufacturer
(Signature, seal and full name)

1. Head:

2. Secretary:

3. Members:

Form No. 14

NAME OF THE SUPERVISORY
AUTHORITY
NAME OF THE COMPETENT
AUTHORITY

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.

CERTIFICATE OF FOOD SAFETY

NAME OF THE MANUFACTURER

HAS SATISFIED GMP REQUIREMENTS APPLIED TO DIETARY SUPPLEMENTS

WITH RESPECT TO THE FOLLOWING PRODUCTS:

.....

THE CERTIFICATE IS VALID FOR 03 YEARS FROM ITS SIGNING DATE

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

Representative of the issuing authority

(Signature, seal)

APPENDIX II

LIST OF PRODUCTS AND COMMODITIES UNDER THE MANAGEMENT OF THE MINISTRY OF HEALTH

(Enclosed with the Government's Decree No. 15/2018/ND-CP dated February 02, 2018)

No.	Name of product	Notes
1	Bottled water, mineral water, ice (Ready-to-use ice and ice used for food processing)	Other than ice used for storage and processing of products under the management of the Ministry of Agriculture and Rural Development
2	Functional foods	
3	Micronutrients	
4	Food additives, food flavorings, food processing aids	
5	Food packages and containers in direct contact with foods	Other than food packages and containers in direct contact with foods under the management of the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade that are manufactured in the same facility and only used for such facility's foods
6	Other products not included in the list of the Ministry of Industry and Trade and Ministry of Agriculture and Rural Development	

APPENDIX III

LIST OF PRODUCTS AND COMMODITIES UNDER THE MANAGEMENT OF THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

(Enclosed with the Government's Decree No. 15/2018/ND-CP dated February 02, 2018)

No.	Name of product	Notes
I	Cereals	
1	Cereals	
2	Cereal grains worked (husked, chopped, hulled, heated, etc.)	Other than those in powder form and powder and starch products
II	Meat and meat products	
1	Fresh, chilled and frozen meat (carcasses, cuts, slices, pellets, etc.)	
2	Edible meat offal of livestock and poultry (Viscera, bones, legs, neck, wings, fat, blood, etc.)	
3	Products made from livestock and poultry meat and edible offal (dried smoked, canned, heated, salted, gelatin, etc.)	Other than functional products under the management of the Ministry of Health
4	Homogenised preparations of meat (Chinese sausage, hot dog, salami, grilled chopped meat, ham, etc.)	Other than products in cake forms under the management of the Ministry of Industry and Trade
III	Fish and fish products (including amphibian species)	
1	Fisheries, fresh, chilled, refrigerated (whole-carcasses, primarily worked, fillet, ground, pullets, cuts, etc.)	
2	Fish offal (skins, fins, eggs, fat, etc.)	
3	Fishery product and fish offal for food (fermented, salted, smoked, heated, brine, gelatin, etc. including additives, processing aids)	Other than functional products under the management of the Ministry of Health
4	Fat and oils from fisheries, whether or not worked, used for food	Other than functional foods and pharmaceuticals under the management of the Ministry of Health
5	Aquatic products mixed with flour, starch, powder, processed milk, vegetable oil (including shrimp, fish, squid, etc.)	Other than products in cake forms under the management of the Ministry of Industry and Trade
6	Seaweeds and algae and other products made from seaweed and algae used for food	Other than functional products made from seaweeds and algae under the management of the Ministry of Health
IV	Edible vegetables , roots and tubers and their products	

1	Vegetables, roots and tubers, fresh and worked (cut, hulled, threshing, segmented, etc.)	Other than vegetables, roots and tubers for seeding
2	Vegetable, roots and tubers, worked (fermented, dried, heated, canned, extracted, in powder form, etc.)	Other than confectionery, jams, beverage and salted dry apricot under the management of the Ministry of Industry and Trade
V	Eggs and egg products	
1	Eggs of terrestrial animals and amphibians	
2	Eggs of terrestrial animals and amphibians, worked (frozen, salted, milled, molded, etc.)	
3	Products having eggs and egg powder for consumption	Other than confectionery containing eggs and egg powder under the management of the Ministry of Industry and Trade.
VI	Raw milk	
VII	Honey and honey products	
1	Pure honey, condensed, diluted	
2	Beeswax, pollen, royal jelly with or without honey	
3	Products containing honey, beeswax, pollen, royal jelly	Other than confectionery, jams and beverage containing honey under the management of the Ministry of Industry and Trade Other than functional foods and pharmaceuticals under the management of the Ministry of Health
VIII	Genetically-modified foods	
IX	Salt	
1	Sea salt, rock salt	
2	Salt, processed, fined and mixed with other ingredients	
X	Condiments	
1	Condiments, single or compound, extracted from animals and plants (bone or meat-derived flavor, mustard, etc.)	Other than accompanying spices made from starch and powder (instant noodle, instant porridge, etc.) within the management of the Ministry of Industry and Trade

2	Sauces and preparations therefor	
3	Sauce	
4	Fruits of the genus Capsicum or of the genus Pimenta, fresh, dried, crushed or ground	
XI	Sugar	
1	Cane or beet sugar and chemically pure sucrose, in solid form	
2	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavoring or coloring matter; artificial honey, whether or not mixed with natural honey; caramel)	
3	Molasses resulting from the extraction or refining of sugar	
XII	Tea	
1	Fresh tea, worked, whether or not flavored	Other than tea in liquid form; confectionery and jams containing tea under the management of the Ministry of Industry and Trade
2	Other tea	Other than tea in liquid form under the management of the Ministry of Industry and Trade
XIII	Coffee	
1	Coffee beans, fresh or dried, extracts, essences and concentrates of coffee	
2	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion; extracts in powder form with or without sugar, milk and cream for consumption, and products containing coffee	Other than those in liquid form; confectionery and jams containing coffee under the management of the Ministry of Industry and Trade
XIV	Cocoa	
1	Cocoa beans, fresh or dried, whole or broken, raw or roasted; Cocoa shells, husks, skins and other cocoa waste; Cocoa paste, whether or not defatted; Cocoa butter, fat and oil; Cocoa powder, not containing added sugar or other sweetening matter	
2	Cocoa preparations in powder form, whether or not	Other than cocoa in liquid form;

	roasted and ground, or in solid, liquid and powder form with or without sugar, milk, cream and other preparations containing cocoa	confectionery and jams containing cocoa under the management of the Ministry of Industry and Trade
XV	Pepper	
1	Pepper of the genus Piper, fresh or dried, ground or crushed	
2	Fruits of the genus Capsicum or of the genus Pimenta, fresh, dried, crushed or ground	
XVI	Cashew nuts	
1	Cashew nuts	
2	Products made from cashew nuts	Other than confectionery and jams containing cashew nuts under the management of the Ministry of Industry and Trade
XVII	Other agro products	
1	Seeds of all types (sunflower seeds, pumpkin seeds, etc.), whether or not worked	
2	Other plant-derived products for food, raw or worked (Mushrooms, wood ears, soya products excluding oil; edible hull roots, leaves and rubbers, etc.)	Other than those used as herbal ingredients and functional foods under the management of the Ministry of Health
3	Birds' nests and products therefor	Other than those used as herbal ingredients and functional foods under the management of the Ministry of Health
4	Products of insects for food (locusts, crickets, silkworms, etc.)	
XVIII	Instruments and materials for wrapping and storing food under the management of the Ministry of Agriculture and Rural Development	
XIX	Ice used for storage and processing of food under the management of the Ministry of Agriculture and Rural Development.	

APPENDIX IV

LIST OF PRODUCTS AND COMMODITIES UNDER THE MANAGEMENT OF THE
MINISTRY OF INDUSTRY AND TRADE
(Enclosed with the Government's Decree No. 15/2018/ND-CP dated February 02, 2018)

No.	Name of product	Notes
I	Beer	
1	Draught beer	
2	Bottled beer	
3	Canned beer	
II	Alcohol and alcoholic drinks	Excluding medicinal alcohol under the management of the Ministry of Health
1	Wine	
1.1	Non-carbonated wine	
1.2	Carbonated wine	
2	Fruit wine	
3	Liqueur	
4	Strong wine	
5	White wine, vodka	
6	Other alcoholic drinks	
III	Soft drinks	Excluding mineral water and pure water under the management of the Ministry of Health
1	Canned beverages, including fruit and vegetable juices.	
2	Soft drinks that need diluting before drinking	
3	Instant soft drinks	Excluding mineral water and pure water under the management of the Ministry of Health
IV	Processed milk	Excluding micronutrient-enriched products and functional foods under the management of the Ministry of Health
1	Liquid milk (including liquid milk that contains flavorings or other food additives)	
1.1	Pasteurized products	

1.2	Products sterilized by ultra-high-temperature processing or other high-temperature methods	
2	Fermented milk	
2.1	Liquid	
2.2	Solid	
3	Powdered milk	
4	Condensed milk	
4.1	Sweetened	
4.2	Not sweetened	
5	Cream	
5.1	Pasteurized	
5.2	UHT	
6	Soy milk	
7	Other dairy products	
7.1	Butter	
7.2	Cheese	
7.3	Other products from processed milk	
V	Vegetable oil	Excluding micronutrient-enriched products and functional foods under the management of the Ministry of Health
1	Sesame oil	
2	Bran oil	
3	Soya-bean oil	
4	Peanut oil	
5	Olive oil	
6	Palm oil	
7	Sunflower seed oil	
8	Rhum oil	
9	Cottonseed oil	
10	Coconut oil	
11	Palm seed oil or babasu oil	

12	Rapeseed oil or mustard oil	
13	Flax oil	
14	Castor oil	
15	Other oils	
VI	Flour, starch	Excluding micronutrient-enriched products and functional foods under the management of the Ministry of Health
1	Wheat flour of meslin flour	
2	Milled cereal	
3	Potato flour	
4	Malt: roasted or not roasted	
5	Starch: wheat, corn, potato, others	
6	Inulin	
7	Wheat gluten	
8	Products from dough, raw or cooked: spaghetti, macaroni, noodle, instant noodle, flat noodle, gnocchi, ravioli, cannelloni, instant porridge, vermicelli, etc.	
9	Products from tapioca and substitutes made of starch, in pieces, grains, fine powder, and the likes	
VII	Confectionery	Excluding micronutrient-enriched products and functional foods under the management of the Ministry of Health
1	Sweet, salted, or tasteless cookies	
2	Biscuits, baked bread, and the likes	
3	Dough bread	
4	Toast	
5	Birthday cakes	
6	Hard and soft candies with sugar and no cocoa	
7	Chewing gums, coated or not coated with sugar	
8	Chocolate	
9	Jam, fruit jelly, powder and paste from fruits or nuts, during cooking process, containing sugar, other	

	sweeteners, or wine	
10	Fruits, nuts, and other edible parts of plants, treated or otherwise preserved, containing with sugar, other sweeteners, or wine	
11	Other confectionary products	
VIII	Instruments and materials for wrapping and storing food during manufacture, processing, sale of foods under the management of the Ministry of Industry and Trade.	

*This translation is made by **LawSoft** and for reference purposes only. Its copyright is owned by **LawSoft** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*

**THE MINISTRY OF
AGRICULTURE AND
RURAL DEVELOPMENT**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 30/2014/TT-BNNPTNT

Hanoi, September 5, 2014

CIRCULAR

**PROMULGATING THE LIST OF PLANT QUARANTINE ARTICLES; THE LIST OF
PLANT QUARANTINE ARTICLES SUBJECT TO THE PEST RISK ANALYSIS BEFORE
BEING IMPORTED INTO VIETNAM**

Pursuant to the Law on Plant Protection and Quarantine No. 41/2013/QH13;

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

At the request of the Director of Plant Protection Department;

*The Minister of Agriculture and Rural Development hereby promulgates the list of plant
quarantine articles; the list of plant quarantine articles subject to the pest risk analysis before
being imported into Vietnam.*

Article 1. List of plant quarantine articles

1. Vegetation

Plants and living parts of plants.

2. Plant products

- a) Various types of tubers, bulbs, fruits, seeds, flowers, leaves, plant bodies, stems, roots, barks;
- b) Various types of grains, broken seeds, oil cakes, raw natural fibers and botanic fibers;
- c) Flour and starch extracted from plants (except for dough and modified starch);
- d) Tobacco stems, fibers, pipe tobacco fibers, yeast used in animal feeds, raw cotton, waste cotton, straw, thatch and aquatic plants;
- dd) Round wood, timber, wood pallets, sawdust, coconut sawdust;

- e) Animal feed materials extracted from plants;
- g) Plant rack made from plants.
- 3. Various types of mushrooms (except for salted, pickled, frozen, canned mushrooms and yeasts).
- 4. Cocoons, silk wastes and lac.
- 5. Various types of insects, spiders, pathogenic fungus, nematodes, germs, viruses, phytoplasmas, viroids and noxious weeds used for testing, training, biological control and scientific research.
- 6. Means of conveyance and storage of plant quarantine articles.
- 7. Other articles likely to carry quarantine plant pests shall be identified by the Plant Protection Department for submission to the Minister of Agriculture and Rural Development for his decision.
- 8. Where the exportation of articles that are not specified in the List in accordance with this Article, the plant inspection shall be carried out at the request of importing countries and International Agreements of which Vietnam is the signatory.

Article 2. List of plant quarantine articles subject to the pest risk analysis before being imported into Vietnam

- 1. Plants and live plant parts.
- 2. Fresh bulbs and fruits.
- 3. Weeds and weed seeds.
- 4. Beneficial organisms used in plant protection industry.
- 5. Imported plants infected with quarantine plant pests defined as indigenous ones in Vietnam.
- 6. Other plant quarantine articles likely to carry quarantine plant pests shall be identified by the Plant Protection Department for submission to the Minister of Agriculture and Rural Development for his decision.

Article 3. Plant quarantine articles that are not required to undergo pest risk analyses

Plant quarantine articles stipulated in Article 2 shall not be required to undergo pest risk analyses if they fall into the following cases:

- 1. Plant varieties that serve the purpose of scientific researches;

2. Beneficial organisms that serve the purpose of scientific research;
3. In some other cases, the Director of Plant Protection Department shall be responsible for requesting the decision from the Minister of Agriculture and Rural Development.
4. The importation of articles stipulated in Clause 1, 2 and 3 of this Article shall be allowed on conditions that the plant protection and quarantine permit is shown and plant inspection is carried out in accordance with law.

Article 4. Transitional provisions

With regard to plant quarantine articles that have been imported into Vietnam before the effective date of this Circular but have not undergone pest risk analyses yet, plant quarantine authorities of exporting countries must provide information necessary for such pest risk analyses for the Plant Protection Department. Given the result of these pest risk analyses, the Plant Protection Department shall apply further measures for controlling quarantine plant pests in an efficient manner.

Article 5. Implementary provisions

1. This Circular shall take effect from January 1, 2015.
2. This Circular shall replace the Circular No. 39/2012/TT-BNNPTNT dated August 13, 2012 adopted by the Minister of Agriculture and Rural Development on the List of plant quarantine articles subject to pest risk analyses before being imported into Vietnam; the Circular No. 40/2012/TT-BNNPTNT dated August 15, 2012 adopted by the Minister of Agriculture and Rural Development on the List of plant quarantine articles throughout the territory of the Socialist Republic of Vietnam.
3. The Chief of the Ministry Office, the Director of Plant Protection Department and organizations or individuals concerned shall be responsible for enforcing this Circular.

In the course of implementing this Circular, if there is any difficulty that may arise, relevant regulatory bodies, agencies, organizations and individuals must send on-time feedbacks to the Ministry of Agriculture and Rural Development (Plant Protection Department) for the purpose of reporting and requesting the Minister to consider and grant his decision thereon./.

**PP. THE MINISTER
DEPUTY MINISTER**

Le Quoc Doanh

*This translation is made by **LawSoft** and for reference purposes only. Its copyright is owned by **LawSoft** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*

**THE MINISTRY OF
AGRICULTURE AND RURAL
DEVELOPMENT**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 33/2014/TT-BNNPTNT

Hanoi, October 30, 2014

CIRCULAR

**Providing the order and procedures for plant quarantine upon import,
export and transit and post-import quarantine of articles subject to plant
quarantine^(*)**

Pursuant to Law No. 41/2013/QH13 on Plant Protection and Quarantine;

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

At the proposal of the Director of the Plant Protection Department;

*The Minister of Agriculture and Rural Development promulgates the Circular providing
the order and procedures for plant quarantine upon import, export and transit and post-import
quarantine of articles subject to plant quarantine.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides the order and procedures for plant quarantine and grant of plant quarantine certificates for import, export and transit of articles subject to plant quarantine; and post-import plant quarantine.

In case plant quarantine treaties which the Socialist Republic of Vietnam has signed or acceded to contain different provisions, such treaties prevail.

Article 2. Subjects of application

This Circular applies to Vietnamese and foreign organizations and individuals engaged in the import, export and transit of, or post-import activities involving, articles subject to plant quarantine (below referred to as articles) in Vietnam.

Article 3. Interpretation of terms

In this Circular, the terms below shall be construed as follows:

1. Import covers import, temporary import and re-import of lots of articles, border-gate transfer and consignment to bonded warehouses.
2. Export covers export, temporary export and re-export of lots of articles.

^(*) Công Báo Nos 983-984 (14/11/2014)

3. Lot of articles means a certain volume of articles with the same conditions and elements with regard to the possibility of contagion.

4. Plant quarantine agencies include regional plant quarantine sub-departments and border-gate plant quarantine stations.

Article 4. General requirements for plant quarantine

1. To conduct inspection in a prompt manner and detect Vietnam's plant quarantine objects and control objects and exotic harmful organisms on articles upon import, export and transit or after import.

2. To promptly apply appropriate measures for handling articles infested with Vietnam's plant quarantine objects or control objects or exotic harmful organisms.

Article 5. Charges and fees

Article owners shall pay charges and fees for plant quarantine in accordance with the law on charges and fees.

Chapter II

ORDER AND PROCEDURES FOR PLANT QUARANTINE UPON IMPORT

Article 6. Dossier of registration for plant quarantine upon import

1. A written registration for plant quarantine (made according to the form provided in Appendix I to this Circular).

2. The plant quarantine certificate issued by a competent plant quarantine agency of the exporting country or a copy of such certificate.

In case an article owner submits a copy of the plant quarantine certificate, he/she must submit the original before being granted a plant quarantine certificate for import, transit or domestic transportation of the lot of articles.

3. The permit for plant quarantine upon import or a certified copy of such permit (in case a permit is required).

Article 7. Order and procedures for plant quarantine upon import

1. Registration for plant quarantine

An article owner shall submit a dossier of registration for plant quarantine upon import at a plant quarantine agency.

2. Receipt and examination of dossiers

The plant quarantine agency shall receive the dossier and examine its validity according to regulations. If the dossier is invalid, the plant quarantine agency shall request the article owner to supplement the dossier.

3. Inspection of articles

Based on dossier examination results, the plant quarantine agency shall decide on the place of quarantine and assign an officer to inspect the lot of articles in the following order:

a/ Preliminary inspection

To inspect the outside of the lot of articles, its packaging and carrier; slits, interstices and places where harmful organisms may hide; to collect insects that fly around, creep on or cling onto the lot of articles;

b/ Detailed inspection

To inspect the inside of the lot of articles and take samples according to National Technical Regulation QCVN 01-141:2013/BNNPTNT on phytosanitary sampling methods; to collect articles showing harmful signs or organisms; to analyze and assess collected samples of articles or harmful organisms.

4. Grant of plant quarantine certificates

a/ Within 24 hours since the quarantine starts, the plant quarantine agency shall grant a plant quarantine certificate for import, transit or domestic transportation, made according to the form provided in Appendix II to this Circular, if the lot of articles is not infested with Vietnam's plant quarantine objects or control objects or exotic harmful organisms.

In case the time limit for grant of a certificate must be extended to more than 24 hours due to technical professional requirements or in case of refusal to grant a plant quarantine certificate, the plant quarantine agency shall issue a written notice or reply to the article owner clearly stating the reason.

b/ If detecting that the lot of articles is infested with Vietnam's plant quarantine objects or control objects or exotic harmful organisms, the plant quarantine agency shall apply appropriate plant quarantine measures according to regulations;

c/ In case the lot of articles is transported by a seagoing vessel with a cargo hold of a height of 3 meters or higher and must be divided into several layers for inspection, after inspecting each layer, the plant quarantine agency shall, based on inspection results, grant a temporary certificate of plant quarantine results for the volume of inspected articles (made according to the form provided in Appendix III to this Circular);

After being granted the temporary certificate of plant quarantine results, the lot of articles may be transported to a warehouse and may be used for production or trading only after it is granted a plant quarantine certificate for import, transit or domestic transportation. Based on the results of inspection of the whole lot of articles, the plant quarantine agency shall grant a plant quarantine certificate for import, transit or domestic transportation for the lot of articles.

Article 8. Notification of plant quarantine

1. Notification to exporting countries

The Plant Protection Department shall notify competent plant quarantine agencies of exporting countries in the following cases:

a/ Imported articles are infested with Vietnam's plant quarantine objects or control objects or exotic harmful organisms and plant quarantine measures have been applied for handling;

b/ Imported articles are not yet permitted to be imported into Vietnam;

c/ Imported articles do not have plant quarantine certificates issued by competent agencies of exporting countries;

d/ Imported articles violate other Vietnam's regulations on plant quarantine upon import.

2. Notification to article owners and related agencies

Plant quarantine agencies shall notify article owners and other related agencies in the following cases:

a/ The case provided at Point a, Clause 1 of this Article;

b/ The lots of articles are plant varieties or useful organisms.

Chapter III

ORDER AND PROCEDURES FOR PLANT QUARANTINE UPON EXPORT

Article 9. Dossier of registration for plant quarantine upon export

1. A written registration for plant quarantine upon export or re-export (made according to the form provided in Appendix IV to this Circular).

2. The plant quarantine certificate issued by the exporting country (in case of re-export).

Article 10. Order and procedures for plant quarantine upon export

1. Registration for plant quarantine

An article owner shall submit a dossier of registration to the nearest plant quarantine agency.

2. Receipt and examination of dossiers

The plant quarantine agency shall receive the dossier and examine its validity according to Clause 2, Article 7 of this Circular.

3. Inspection of articles

Based on dossier examination results, the plant quarantine agency shall decide on the place of quarantine which may be the production establishment, place of departure, inland storage or border-gate of exportation and assign its officers to inspect the lot of articles.

The inspection of the lot of articles shall comply with Clause 3, Article 7 of this Circular.

4. Grant of plant quarantine certificates

a/ Within 24 hours since the quarantine starts, the plant quarantine agency shall grant a plant quarantine certificate (made according to the form provided in Appendix V to this Circular) or a plant quarantine certificate for re-export (made according to the form provided in Appendix VI to this Circular), if the lot of articles satisfies the importing country's plant quarantine requirements.

In case the time limit for granting a certificate must be extended to more than 24 hours due to technical professional requirements, the plant quarantine agency shall issue a written notice or reply to the article owner, clearly stating the reason.

b/ In case the lot of articles fails to satisfy the importing country's plant quarantine requirements, the plant quarantine agency shall refuse to grant a plant quarantine certificate and notify such to the article owner.

Chapter IV

ORDER AND PROCEDURES FOR PLANT QUARANTINE UPON TRANSIT

Article 11. Dossier of registration for plant quarantine upon transit

1. A written registration for plant quarantine (made according to the form provided in Appendix I to this Circular).

2. The plant quarantine certificate issued by the exporting country or a copy of such certificate.

In case the article owner submits a copy of the plant quarantine certificate, he/she must submit the original before the lot of articles is granted a plant quarantine certificate for import, transit or domestic transportation.

3. The original permit for plant quarantine upon import or a copy of such permit.

Article 12. Order and procedures for plant quarantine upon transit

1. Registration for plant quarantine

An article owner shall submit a dossier of registration for plant quarantine upon import at a plant quarantine agency.

2. Receipt and examination of dossiers

The plant quarantine agency shall receive the dossier and examine its validity according to Clause 2, Article 7 of this Circular.

3. Inspection of articles

Based on dossier examination results, the plant quarantine agency shall decide on the place of quarantine and assign an officer to inspect the lot of articles in the following order:

a/ Preliminary inspection

To inspect the outside of the lot of articles, its packaging and carrier; slits, interstices and places where harmful organisms may hide; to collect insects that fly around, creep on or cling onto the lot of article.

b/ Detailed inspection

To inspect the packaging and intactness of the lot of articles; to analyze and assess collected samples of articles or harmful organisms.

In case the packaging of the lot of articles is unsecure, the article owner shall re-package it.

4. Grant of plant quarantine certificates

a/ Within 24 hours since the quarantine starts, the plant quarantine agency shall grant a plant quarantine certificate for import, transit or domestic transportation, if the lot of articles satisfies plant quarantine requirements upon transit;

b/ If detecting that the lot of articles is infested with Vietnam's plant quarantine objects or control objects or exotic harmful organisms, the plant quarantine agency shall apply plant quarantine handling measures according to regulations.

Chapter V

POST-IMPORT PLANT QUARANTINE

Article 13. Articles subject to post-import plant quarantine

1. Cuttings, seedlings, bulbs, slips and grafts which are subject to post-import plant quarantine according to pest risk analysis results.

2. Useful organisms.

Article 14. Quantity of articles required for post-import plant quarantine

1. Cuttings, scions, trees or bulbs: 30-50 individuals.

2. Slips or grafts: 10-20 branches.

3. Useful organisms: The quantity shall be specified in pest risk analysis reports.

Article 15. Contents of post-import plant quarantine

1. For plant varieties:

To inspect implicit harmful organisms determined in pest risk analysis reports.

2. For useful organisms:

To examine tameness and host-parasite specificity in isolated rearing areas. For useful insects and spiders, the criterion of grade-2 parasites shall be further examined.

Article 16. Process of post-import inspection in isolated rearing areas

1. Initial inspection

To preliminarily inspect the status of the lot of articles; to record related information.

2. Inspection of the lot of articles

a/ For plant varieties

The whole lot of articles shall be sown and grown in an isolated plant quarantine area. Conditions on isolated plant quarantine areas shall comply with relevant national technical regulations issued by the Ministry of Agriculture and Rural Development;

To apply care measures suitable to each type of variety so as to ensure that trees will develop well and create the most favorable conditions for appearance of signs of harmful organisms;

To conduct periodical or unexpected inspection of all trees;

To collect the samples of trees showing abnormal signs, harmful organisms or harmful signs so as to determine disease-causing agents in laboratories.

b/ For useful organisms

To inspect all individuals to assess their tameness;

To inspect and determine the host-parasite specificity of the lot of articles;

For useful insects and spiders, to inspect and supervise the status of the lot of articles every day and collect deceased individuals for inspection of grade-2 parasites.

3. Post-import plant quarantine results

Upon the expiration of the required monitoring period, agencies conducting post-import plant quarantine shall report inspection results to the Plant Protection Department for consideration and decision.

Article 17. Inspection and monitoring period

The period of post-import inspection, monitoring and plant quarantine of each type of plant variety and useful organisms is as follows:

1. Scions, cuttings, slips and grafts: from 1 to 2 years.
2. Trees: from 6 to 12 months.
3. Bulbs: 1 growth cycle.
4. Useful organisms: At least 1 generation.

Chapter VI

ORGANIZATION OF IMPLEMENTATION AND IMPLEMENTATION PROVISIONS

Article 18. Responsibilities of the Plant Protection Department

1. To direct, guide and examine plant quarantine agencies in implementing this Circular.
2. To notify exporting countries of the cases provided in Clause 1, Article 8 of this Circular.
3. To organize public communication and dissemination of this Circular to related organizations and individuals.

Article 19. Responsibilities of plant quarantine agencies

1. To receive and examine dossiers, inspect lots of articles, grant plant quarantine certificates and perform other plant quarantine operations under this Circular.
2. To preserve, send, transport and destroy samples of articles or harmful organisms; to make and preserve plant quarantine dossiers according to current regulations.

Article 20. Effect

This Circular takes effect on January 1, 2015, and replaces the Minister of Agriculture and Rural Development's Circular No. 65/2012/TT-BNNPTNT of December 26, 2012, providing the order and procedures for grant of plant quarantine certificates. To annul Forms 3, 7, 8, 9, 10 and 11 provided in Appendix I to the Ministry of Agriculture and Rural Development's Circular No. 14/2012/TT-BNNPTNT of March 27, 2012, guiding plant quarantine operation dossiers.

Article 21. Organization of implementation

The Director of the Plant Protection Department, heads of agencies and related organizations and individuals shall implement this Circular.

Any problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development (the Plant Protection Department) for consideration and settlement.-

For the Minister of Agriculture and Rural Development
Deputy Minister
LE QUOC DOANH

**All appendices to this Circular are not translated.*

VĂN BẢN QUY PHẠM PHÁP LUẬT**BỘ NÔNG NGHIỆP VÀ PHÁT TRIỂN NÔNG THÔN****BỘ NÔNG NGHIỆP
VÀ PHÁT TRIỂN NÔNG THÔN****CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc**

Số: 34/2018/TT-BNNPTNT

Hà Nội, ngày 16 tháng 11 năm 2018

THÔNG TƯ

**Sửa đổi, bổ sung một số điều của Thông tư số 33/2014/TT-BNNPTNT
ngày 30 tháng 10 năm 2014 và Thông tư số 20/2017/TT-BNNPTNT
ngày 10 tháng 11 năm 2017 của Bộ trưởng Bộ Nông nghiệp
và Phát triển nông thôn**

Căn cứ Nghị định số 15/2017/NĐ-CP ngày 17 tháng 02 năm 2017 của Chính phủ quy định chức năng, nhiệm vụ, quyền hạn và cơ cấu tổ chức của Bộ Nông nghiệp và Phát triển nông thôn;

Căn cứ Luật Thủy sản ngày 21 tháng 11 năm 2017;

Căn cứ Nghị định số 15/2018/NĐ-CP ngày 02 tháng 02 năm 2018 của Chính phủ quy định chi tiết thi hành một số điều của Luật An toàn thực phẩm;

Căn cứ Nghị định số 39/2017/NĐ-CP ngày 04 tháng 4 năm 2017 của Chính phủ về quản lý thức ăn chăn nuôi, thủy sản;

Theo đề nghị của Cục trưởng Cục Bảo vệ thực vật, Tổng Cục trưởng Tổng cục Thủy sản, Cục trưởng Cục Chăn nuôi;

Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn ban hành Thông tư sửa đổi, bổ sung một số điều của Thông tư số 33/2014/TT-BNNPTNT ngày 30 tháng 10 năm 2014 và Thông tư số 20/2017/TT-BNNPTNT ngày 10 tháng 11 năm 2017 của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn.

Điều 1. Sửa đổi, bổ sung một số điều của Thông tư số 33/2014/TT-BNNPTNT ngày 30 tháng 10 năm 2014 của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn quy định trình tự, thủ tục kiểm dịch thực vật nhập khẩu, xuất khẩu, quá cảnh và sau nhập khẩu vật thể thuộc diện kiểm dịch thực vật

1. Điều 1 được sửa đổi, bổ sung như sau:

“Điều 1. Phạm vi điều chỉnh

Thông tư này quy định về:

1. Trình tự, thủ tục cấp Giấy chứng nhận kiểm dịch thực vật nhập khẩu, xuất khẩu và quá cảnh đối với vật thể thuộc diện kiểm dịch thực vật; kiểm dịch thực vật sau nhập khẩu.

2. Hướng dẫn thực hiện kiểm dịch thực vật và kiểm tra an toàn thực phẩm hàng hóa có nguồn gốc thực vật đối với lô hàng (lô vật thể) nhập khẩu vừa phải kiểm dịch thực vật vừa phải kiểm tra nhà nước về an toàn thực phẩm nhập khẩu (kiểm tra nhà nước đối với thực phẩm nhập khẩu).

3. Hướng dẫn thực hiện kiểm dịch thực vật và kiểm tra nhà nước về chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu trước thông quan đối với lô hàng (lô vật thể) vừa phải kiểm dịch thực vật vừa phải kiểm tra nhà nước về chất lượng”.

2. Khoản 1 Điều 7 được sửa đổi như sau:

“1. Đăng ký kiểm dịch thực vật

Chủ vật thể nộp (gửi) 01 bộ hồ sơ đăng ký kiểm dịch thực vật nhập khẩu tại cơ quan kiểm dịch thực vật hoặc qua bưu chính hoặc qua Cơ chế một cửa Quốc gia (trực tuyến)”.

3. Bổ sung Điều 7a, Điều 7b như sau:

“Điều 7a. Hồ sơ, trình tự, thủ tục kiểm dịch thực vật và kiểm tra an toàn thực phẩm đối với hàng hóa có nguồn gốc thực vật nhập khẩu vừa phải kiểm dịch thực vật vừa phải kiểm tra nhà nước về an toàn thực phẩm

1. Hồ sơ đăng ký kiểm dịch thực vật và kiểm tra an toàn thực phẩm hàng hóa có nguồn gốc thực vật nhập khẩu thực hiện theo quy định tại khoản 2, khoản 3 Điều 6 Thông tư này và khoản 2 Điều 18 Nghị định số 15/2018/NĐ-CP ngày 02 tháng 02 năm 2018 của Chính phủ quy định chi tiết thi hành một số điều của Luật an toàn thực phẩm (sau đây gọi là Nghị định số 15/2018/NĐ-CP).

Giấy đăng ký kiểm dịch thực vật và kiểm tra an toàn thực phẩm hàng hóa có nguồn gốc thực vật nhập khẩu thực hiện theo mẫu quy định tại Phụ lục Ia ban hành kèm theo Thông tư này.

2. Trình tự, thủ tục kiểm dịch thực vật và kiểm tra an toàn thực phẩm hàng hóa có nguồn gốc thực vật nhập khẩu thực hiện theo quy định tại Điều 7 Thông tư này và Điều 19 Nghị định số 15/2018/NĐ-CP.

3. Cấp Giấy chứng nhận kiểm dịch thực vật và kiểm tra an toàn thực phẩm hàng hóa có nguồn gốc thực vật nhập khẩu theo mẫu quy định tại Phụ lục IIa ban hành kèm theo Thông tư này đối với lô hàng không bị nhiễm đối tượng kiểm dịch thực vật hoặc đối tượng phải kiểm soát của Việt Nam hoặc sinh vật gây hại lạ và đạt yêu cầu về an toàn thực phẩm nhập khẩu.

Điều 7b. Hồ sơ, trình tự thủ tục kiểm dịch thực vật và kiểm tra nhà nước về chất lượng đối với lô hàng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu vừa phải kiểm dịch thực vật vừa phải kiểm tra nhà nước về chất lượng

1. Hồ sơ đăng ký kiểm dịch thực vật và kiểm tra nhà nước về chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu thực hiện theo quy định tại khoản 2, khoản 3 Điều 6 Thông tư này và quy định pháp luật về thức ăn chăn nuôi, thức ăn thủy sản.

Giấy đăng ký kiểm dịch thực vật và kiểm tra xác nhận chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu thực hiện theo mẫu quy định tại Phụ lục Ib ban hành kèm theo Thông tư này.

2. Trình tự thủ tục kiểm dịch thực vật và kiểm tra nhà nước về chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu thực hiện theo quy định tại Điều 7 Thông tư này và quy định pháp luật về thức ăn chăn nuôi, thức ăn thủy sản.

Chủ hàng (chủ vật thể) nộp 01 bộ hồ sơ đăng ký kiểm dịch thực vật và kiểm tra xác nhận chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu tại cơ quan kiểm dịch thực vật hoặc qua bưu chính hoặc qua Cơ chế một cửa Quốc gia (trực tuyến)".

4. Bổ sung Điều 18a, Điều 18b như sau:

"Điều 18a. Thẩm quyền kiểm tra nhà nước về chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu

1. Cục Bảo vệ thực vật có trách nhiệm tổ chức thực hiện kiểm tra nhà nước và tiếp nhận, xử lý các thủ tục hành chính có liên quan đến kiểm tra chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu thuộc diện phải kiểm dịch thực vật trước thông quan theo quy định của pháp luật về chất lượng sản phẩm hàng hóa và pháp luật về thức ăn chăn nuôi, thức ăn thủy sản.

2. Đối với thức ăn chăn nuôi, thức ăn thủy sản dạng phối chế vừa có nguồn gốc thực vật, vừa có nguồn gốc động vật nhập khẩu, Cục Bảo vệ thực vật tổ chức thực hiện kiểm tra nhà nước về chất lượng nếu tổ chức, cá nhân (chủ hàng) đề nghị. Trong trường hợp cần thiết, Cục Bảo vệ thực vật thông báo cho Cục Thú y để phối hợp kiểm tra.

Điều 18b. Trách nhiệm của các đơn vị kiểm tra nhà nước về chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu thuộc diện phải kiểm dịch thực vật.

1. Cục Bảo vệ thực vật có trách nhiệm cung cấp số liệu kết quả kiểm tra nhà nước về chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu vừa phải kiểm dịch thực vật vừa phải kiểm tra nhà nước về chất lượng cho Tổng cục Thủy sản, Cục Chăn nuôi định kỳ hàng tháng hoặc đột xuất khi có yêu cầu.

2. Tổng cục Thủy sản, Cục Chăn nuôi có trách nhiệm thông báo ngay cho Cục Bảo vệ thực vật các trường hợp vi phạm về chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu vừa phải kiểm dịch thực vật vừa phải kiểm tra nhà nước về chất lượng được phát hiện khi lưu thông trên thị trường”.

Điều 2. Sửa đổi, bổ sung Thông tư số 20/2017/TT-BNNPTNT ngày 10 tháng 11 năm 2017 của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn hướng dẫn thực hiện Nghị định số 39/2017/NĐ-CP ngày 04 tháng 4 năm 2017 của Chính phủ về quản lý thức ăn chăn nuôi, thủy sản

1. Bổ sung khoản 2a, khoản 3a Điều 9 như sau:

“2a. Đối với thức ăn chăn nuôi nhập khẩu phải thực hiện đồng thời các thủ tục hành chính kiểm dịch thực vật và kiểm tra nhà nước về chất lượng thức ăn chăn nuôi nhập khẩu:

Khi kết quả kiểm tra chất lượng không đạt yêu cầu, tổ chức được chỉ định kiểm tra báo cáo Cục Bảo vệ thực vật về kết quả kiểm tra, đồng thời thông báo cho cơ sở có sản phẩm được kiểm tra bằng văn bản qua bưu điện, fax hoặc thư điện tử.

Trong thời gian không quá 07 ngày làm việc kể từ ngày nhận được thông báo, nếu cơ sở có sản phẩm thức ăn chăn nuôi được kiểm tra không có ý kiến khiếu nại về kết quả kiểm tra, Cục Bảo vệ thực vật tiến hành xử lý vi phạm theo quy định của pháp luật.

3a. Giải quyết khiếu nại về kết quả kiểm tra đối với thức ăn chăn nuôi nhập khẩu phải thực hiện đồng thời các thủ tục hành chính kiểm dịch thực vật và kiểm tra nhà nước về chất lượng thức ăn chăn nuôi nhập khẩu:

Trường hợp không nhất trí với kết quả kiểm tra chất lượng, cơ sở được kiểm tra có quyền kiến nghị bằng văn bản gửi Cục Bảo vệ thực vật đề nghị kiểm tra, phân tích lại chất lượng.

Cục Bảo vệ thực vật tổ chức thử nghiệm lại hoặc lấy mẫu lại (khi cần thiết) gửi tới 01 phòng thử nghiệm khác được chỉ định để kiểm tra. Kết quả thử nghiệm này là căn cứ để xử lý, kết luận cuối cùng.

Trường hợp chỉ tiêu kiểm tra có khiếu nại mà chỉ có 01 phòng thử nghiệm được chỉ định, Cục Bảo vệ thực vật có thể gửi mẫu thử nghiệm tới các phòng thử nghiệm của nước ngoài được tổ chức công nhận quốc tế, tổ chức công nhận khu vực công nhận hoặc Bộ Nông nghiệp và Phát triển nông thôn chỉ định, thừa nhận.”

2. Bổ sung khoản 4 Điều 11 như sau:

“4. Cục Bảo vệ thực vật có trách nhiệm tổ chức thực hiện kiểm tra nhà nước và tiếp nhận, xử lý các thủ tục hành chính có liên quan đến kiểm tra chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu thuộc diện phải kiểm dịch thực vật trước thông quan theo quy định tại Nghị định số 39/2017/NĐ-CP ngày 04 tháng 4 năm 2017 của Chính phủ về quản lý thức ăn chăn nuôi, thủy sản.”

Điều 3. Hiệu lực thi hành

1. Thông tư này có hiệu lực thi hành từ ngày 01 tháng 01 năm 2019.

2. Bãi bỏ Điều 1 Thông tư số 30/2017/TT-BNNPTNT ngày 29 tháng 12 năm 2017 của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn sửa đổi, bổ sung một số điều của Thông tư số 33/2014/TT-BNNPTNT ngày 30 tháng 10 năm 2014 của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn quy định trình tự, thủ tục kiểm dịch thực vật nhập khẩu, xuất khẩu, quá cảnh và sau nhập khẩu vật thể thuộc diện kiểm dịch thực vật và sửa đổi khoản 3 Điều 2 Thông tư số 18/2016/TT-BNNPTNT ngày 24 tháng 6 năm 2016 về đánh giá môi trường chiến lược, đánh giá tác động môi trường do Bộ Nông nghiệp và Phát triển nông thôn quản lý.

Điều 4. Điều khoản chuyển tiếp

1. Trong thời gian chưa hoàn thiện xong phần mềm để thực hiện đồng thời thủ tục kiểm dịch thực vật và kiểm tra chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu trên Cơ chế một cửa Quốc gia, Tổng cục Thủy sản, Cục Chăn nuôi tiếp tục thực hiện thủ tục hành chính có liên quan đến kiểm tra nhà nước về chất lượng thức ăn chăn nuôi, thức ăn thủy sản qua Cơ chế một cửa Quốc gia trong thời hạn tối đa là 06 tháng kể từ ngày Thông tư này có hiệu lực thi hành.

2. Các trường hợp đã có văn bản đồng ý áp dụng chế độ miễn kiểm tra có thời hạn, kiểm tra giảm có thời hạn của Tổng cục Thủy sản, Cục Chăn nuôi trước ngày thực hiện đồng thời thủ tục kiểm dịch thực vật và kiểm tra chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu trên Cơ chế một cửa Quốc gia thì được tiếp tục áp dụng chế độ kiểm tra này đến khi văn bản hết hiệu lực.

3. Hồ sơ đăng ký kiểm tra chất lượng, hồ sơ đề nghị áp dụng chế độ miễn kiểm tra có thời hạn, kiểm tra giảm có thời hạn thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu thuộc diện phải kiểm dịch thực vật nộp tại Tổng cục Thủy sản, Cục Chăn nuôi trước ngày thực hiện đồng thời thủ tục kiểm dịch thực vật và kiểm tra chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu trên Cơ chế một cửa Quốc gia thì Tổng cục Thủy sản, Cục Chăn nuôi tiếp tục thực hiện theo quy định pháp luật.

4. Trong thời gian chưa có quy chuẩn kỹ thuật quốc gia về thức ăn chăn nuôi, thức ăn thủy sản, căn cứ kiểm tra chất lượng thức ăn chăn nuôi, thức ăn thủy sản có nguồn gốc thực vật nhập khẩu là các tiêu chuẩn công bố áp dụng.

Tổng cục Thủy sản, Cục Chăn nuôi có trách nhiệm xây dựng, trình ban hành quy chuẩn kỹ thuật quốc gia về thức ăn chăn nuôi, thức ăn thủy sản theo quy định của pháp luật và phải có hiệu lực thi hành kể từ ngày 01/01/2020.

Điều 5. Tổ chức thực hiện

1. Cục trưởng Cục Bảo vệ thực vật, Tổng cục trưởng Tổng cục Thủy sản, Cục trưởng Cục Chăn nuôi và Thủ trưởng các đơn vị, tổ chức, cá nhân có liên quan chịu trách nhiệm thi hành Thông tư này.

2. Trong quá trình thực hiện Thông tư này, nếu có khó khăn, vướng mắc, đề nghị cơ quan, tổ chức, cá nhân phản ánh về Bộ Nông nghiệp và Phát triển nông thôn để xem xét, sửa đổi, bổ sung./.

**KT. BỘ TRƯỞNG
THỨ TRƯỞNG**

Lê Quốc Doanh

Phụ lục Ia

**MẪU GIẤY ĐĂNG KÝ KIỂM DỊCH THỰC VẬT VÀ KIỂM TRA AN TOÀN
THỰC PHẨM HÀNG HÓA CÓ NGUỒN GỐC THỰC VẬT NHẬP KHẨU**
(Ban hành kèm theo Thông tư số 34/2018/TT-BNNPTNT ngày 16 tháng 11 năm 2018
của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn)

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc

GIẤY ĐĂNG KÝ
KIỂM DỊCH THỰC VẬT VÀ KIỂM TRA AN TOÀN THỰC PHẨM
HÀNG HÓA CÓ NGUỒN GỐC THỰC VẬT NHẬP KHẨU⁽¹⁾

Kính gửi:⁽²⁾

Tên tổ chức, cá nhân đăng ký:

Địa chỉ:

Số CMND/căn cước (đối với cá nhân):, ngày cấp, nơi cấp

Điện thoại: Fax/E-mail:

Đề nghị quý cơ quan kiểm dịch và kiểm tra an toàn thực phẩm (ATTP) lô hàng nhập khẩu sau: ⁽³⁾

1. Tên, địa chỉ, điện thoại của tổ chức, cá nhân nhập khẩu:

2. Tên, địa chỉ, điện thoại của thương nhân chịu trách nhiệm về chất lượng hàng hóa:

.....

3. Thông tin chi tiết lô hàng:

TT	Tên mặt hàng	Tên khoa học	Nhóm sản phẩm	Tên và địa chỉ nhà sản xuất (Mã số nếu có)	Phương thức kiểm tra	Số văn bản xác nhận phương thức kiểm tra ⁽⁴⁾
(1)	(2)		(3)	(4)	(5)	(6)

4. Số lượng và loại bao bì:

5. Trọng lượng tịnh: Trọng lượng cả bì:

6. Số hợp đồng hoặc số chứng từ thanh toán (L/C, TTtr.): Số Bill:

7. Tên, địa chỉ, điện thoại của thương nhân xuất khẩu:

8. Xuất xứ hàng hóa:

9. Nước xuất khẩu:

10. Thời gian nhập khẩu dự kiến:

11. Cửa khẩu đi (cửa khẩu xuất):

12. Cửa khẩu đến (cửa khẩu nhập):.....
13. Thời gian kiểm tra:.....
14. Địa điểm kiểm tra:.....
15. Phương tiện vận chuyển:.....
16. Mục đích sử dụng:.....
17. Giấy phép kiểm dịch thực vật nhập khẩu (nếu có):.....
18. Số bản giấy chứng nhận kiểm dịch thực vật và kiểm tra ATTP cần cấp:.....
19. Nơi hàng đến:.....

Chúng tôi xin cam kết: Bảo đảm nguyên trạng hàng hóa nhập khẩu, đưa về đúng địa điểm, đúng thời gian được đăng ký và chỉ đưa hàng hóa ra lưu thông/sử dụng sau khi được quý cơ quan cấp Giấy chứng nhận kiểm dịch và kiểm tra ATTP theo quy định⁽⁵⁾.

Đại diện tổ chức, cá nhân đăng ký
(Ký, đóng dấu, ghi rõ họ tên)

Xác nhận của Cơ quan Kiểm dịch thực vật và kiểm tra an toàn thực phẩm

Đồng ý đưa hàng hóa về địa điểm:.....
để làm thủ tục kiểm dịch thực vật và kiểm tra ATTP (đối với phương thức kiểm tra chặt) vào hồi..... giờ, ngày..... tháng..... năm.....

Vào số số....., ngày..... tháng..... năm.....

Đại diện cơ quan kiểm tra⁽²⁾
(Ký, đóng dấu, ghi rõ họ tên)

Xác nhận của Cơ quan Hải quan

(Trong trường hợp lô hàng không được nhập khẩu)

Lô hàng không được nhập khẩu vào Việt Nam vì lý do:.....
....., ngày..... tháng..... năm.....

Hải quan cửa khẩu.....
(Ký, đóng dấu, ghi rõ họ tên)

⁽¹⁾ Đăng ký theo mẫu này được thể hiện trên 2 mặt giấy khổ A4;

⁽²⁾ Tên cơ quan kiểm dịch thực vật và kiểm tra an toàn thực phẩm;

⁽³⁾ Phải có đủ các tiêu chí theo đúng thứ tự và khai các tiêu chí thích hợp đối với lô hàng;

⁽⁴⁾ Là số thông báo của cơ quan có thẩm quyền thông báo mặt hàng được kiểm tra theo phương thức kiểm tra ATTP;

⁽⁵⁾ Cam kết này chỉ ghi khi đăng ký kiểm dịch thực vật và kiểm tra an toàn thực phẩm đối với hàng hóa nhập khẩu.

Lưu ý: Cá nhân đăng ký không có dấu phải ghi rõ thông tin số CMND/căn cước.

Phụ lục Ib

**MẪU GIẤY ĐĂNG KÝ KIỂM DỊCH THỰC VẬT VÀ KIỂM TRA XÁC NHẬN
CHẤT LƯỢNG THỨC ĂN CHĂN NUÔI, THỨC ĂN THỦY SẢN
CÓ NGUỒN GỐC THỰC VẬT NHẬP KHẨU**

*(Ban hành kèm theo Thông tư số 34/2018/TT-BNNPTNT ngày 16 tháng 11 năm 2018
của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn)*

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập - Tự do - Hạnh phúc

GIẤY ĐĂNG KÝ

**KIỂM DỊCH THỰC VẬT VÀ KIỂM TRA XÁC NHẬN CHẤT LƯỢNG THỨC ĂN
CHĂN NUÔI, THỨC ĂN THỦY SẢN CÓ NGUỒN GỐC THỰC VẬT NHẬP KHẨU**

Số/No:.....
(Dành cho tổ chức, cá nhân đăng ký kiểm tra ghi)

Số/No:
(Dành cho cơ quan kiểm tra ghi)

Kính gửi:

1. Bên bán hàng/Seller: (hãng, nước)	
2. Địa chỉ, Điện thoại, Fax/Address, Phone:	
3. Nơi xuất hàng/Port of departure:	
4. Bên mua hàng/Buyer:	
Số CMND/căn cước (đối với cá nhân):	, ngày cấp , nơi cấp
5. Địa chỉ, Điện thoại, Fax/Address, Phone:	
6. Nơi nhận hàng/Port of Destination:	
7. Thời gian nhập khẩu dự kiến/Importing date:	
MÔ TẢ HÀNG HÓA/DESCRIPTION OF GOODS	
8. Tên hàng hóa/Name of goods:	
Tên khoa học (nếu có):	
9. Số lượng, khối lượng/Quantity, Volume:	
Số lượng và loại bao bì:	
Trọng lượng tịnh:	Trọng lượng cả bì:
10. Xuất xứ hàng hóa:	
11. Mục đích sử dụng:	
12. Mã số công nhận thức ăn chăn nuôi, thủy sản được cấp phép lưu hành tại Việt Nam/ Registration number:	
13. Giấy phép kiểm dịch thực vật nhập khẩu (nếu có):	

14. Cơ sở sản xuất/ <i>Manufacturer (hãng, nước sản xuất):</i>
15. Địa điểm tập kết hàng/ <i>Location of storage:</i>
16. Thời gian đăng ký lấy mẫu kiểm tra/ <i>Date for sampling:</i>
17. Địa điểm đăng ký lấy mẫu kiểm tra/ <i>Location for sampling:</i>
18. Thông tin người liên hệ/ <i>Contact person:</i>
19. Hợp đồng mua bán/ <i>Contract:</i> Số ngày
20. Hóa đơn mua bán/ <i>Invoice:</i> Số ngày
21. Phiếu đóng gói/ <i>Packing list:</i> Số ngày
DÀNH CHO CƠ QUAN KIỂM TRA
22. Yêu cầu kiểm tra chỉ tiêu/ <i>Analytical parameters required:</i>
23. Chế độ kiểm tra chất lượng: (Số văn bản xác nhận chế độ kiểm tra chất lượng trường hợp miễn/giảm/chặt)
24. Thời gian kiểm tra/ <i>Date of testing:</i>
25. Đơn vị thực hiện kiểm tra:
Đối với hàng nhập khẩu, Giấy này có giá trị để làm thủ tục hải quan. Sau đó doanh nghiệp phải xuất trình toàn bộ hồ sơ và hàng hóa đã hoàn thành thủ tục hải quan cho cơ quan kiểm tra để được kiểm tra chất lượng theo quy định/ <i>This registration is used for customs clearance in term of imported goods. Consigner is required to submit to the inspection body, afterward, all related document of the imported goods</i>
Chúng tôi xin cam kết: Bảo đảm nguyên trạng hàng hóa nhập khẩu, đưa về đúng địa điểm, đúng thời gian được đăng ký và chỉ đưa hàng hóa ra lưu thông/sử dụng sau khi được quý cơ quan cấp Giấy chứng nhận kiểm dịch và Giấy xác nhận chất lượng.

..... ngày/date:

Đại diện tổ chức, cá nhân
(Ký tên, đóng dấu)

Xác nhận của Cơ quan kiểm dịch và kiểm tra chất lượng

Đồng ý đưa hàng hóa về địa điểm:..... để làm thủ tục kiểm dịch và kiểm tra chất lượng (đối với chế độ kiểm tra giảm có thời hạn) vào hồi.... giờ, ngày.... tháng... năm.... Sau khi có Giấy tạm cấp kết quả kiểm dịch thực vật hoặc Giấy chứng nhận kiểm dịch thực vật lô hàng có thể được đưa về kho bảo quản để kiểm tra chất lượng thức ăn chăn nuôi, thủy sản có nguồn gốc thực vật nhập khẩu theo quy định của pháp luật (đối với chế độ kiểm tra thông thường, kiểm tra chặt).

Lô hàng chỉ được phép thông quan sau khi có Giấy chứng nhận kiểm dịch thực vật và Giấy xác nhận chất lượng.

....., ngày..... tháng..... năm.....

Đại diện cơ quan kiểm tra

(Ký, đóng dấu, ghi rõ họ tên)

Xác nhận của Cơ quan Hải quan

(Trong trường hợp lô hàng không được nhập khẩu)

Lô hàng không được nhập khẩu vào Việt Nam vì lý do:.....

....., ngày..... tháng..... năm.....

Hải quan cửa khẩu.....

(Ký, đóng dấu, ghi rõ họ tên)

Phụ lục IIa
MẪU GIẤY CHỨNG NHẬN
KIỂM DỊCH THỰC VẬT VÀ KIỂM TRA AN TOÀN THỰC PHẨM
HÀNG HÓA CÓ NGUỒN GỐC THỰC VẬT NHẬP KHẨU
(Ban hành kèm theo Thông tư số 34/2018/TT-BNNPTNT ngày 16 tháng 11 năm 2018
của Bộ trưởng Bộ Nông nghiệp và Phát triển nông thôn)

TÊN CƠ QUAN CHỦ QUẢN **CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM**
(TÊN CƠ QUAN KIỂM TRA) **Độc lập - Tự do - Hạnh phúc**

GIẤY CHỨNG NHẬN
KIỂM DỊCH THỰC VẬT VÀ KIỂM TRA AN TOÀN THỰC PHẨM
HÀNG HÓA CÓ NGUỒN GỐC THỰC VẬT NHẬP KHẨU

Số...../20...../GCNNK

1. Tên, địa chỉ, điện thoại của tổ chức, cá nhân nhập khẩu:
2. Tên, địa chỉ, điện thoại của thương nhân chịu trách nhiệm về chất lượng hàng hóa:
3. Tên, địa chỉ, điện thoại của thương nhân xuất khẩu:
4. Số tờ khai hải quan (nếu có):
5. Nước xuất khẩu:
6. Tên, địa chỉ nhà sản xuất: Mã số (nếu có)
7. Cửa khẩu đi (cửa khẩu xuất):
8. Cửa khẩu đến (cửa khẩu nhập):
9. Thời gian kiểm tra:
10. Địa điểm kiểm tra:
11. Phương thức kiểm tra an toàn thực phẩm (ATTP):
12. Thông tin chi tiết lô hàng:

TT	Tên mặt hàng	Tên khoa học	Nhóm sản phẩm	Số lượng/ trọng lượng	Phương tiện vận chuyển	Nơi đi	Nơi đến

CHỨNG NHẬN

☐ Lô hàng trên đã được kiểm tra và chưa phát hiện đối tượng kiểm dịch thực vật, đối tượng phải kiểm soát của Việt Nam hoặc sinh vật gây hại lạ.

☐ Lô hàng đã được kiểm tra và phát hiện loài..... là đối tượng kiểm dịch thực vật, đối tượng phải kiểm soát của Việt Nam. Lô hàng đã được xử lý đảm bảo tiêu diệt triệt để sinh vật gây hại trên.

☐ Lô hàng trên đã được kiểm tra và phát hiện sinh vật gây hại lạ. Lô hàng đã được xử lý đảm bảo tiêu diệt triệt để sinh vật gây hại.

☐ Lô hàng trên đáp ứng yêu cầu về an toàn thực phẩm (ATTP).

QUY ĐỊNH MỘT SỐ ĐIỀU KIỆN TRONG KHI GỬI VÀ NHẬN HÀNG:

☐ Lô hàng được phép sử dụng tại địa điểm quy định trên;

☐ Báo ngay cho cơ quan kiểm dịch thực vật (KDTV)/bảo vệ thực vật (BVTV) nơi gần nhất khi phát hiện đối tượng KDTV, đối tượng phải kiểm soát của Việt Nam (*trong quá trình bốc dỡ, vận chuyển, sử dụng...*)

☐ Điều kiện khác:

Giấy này được cấp căn cứ vào:

☐ Giấy phép KDTV nhập khẩu số..... ngày...../...../.....

☐ Giấy đăng ký kiểm dịch thực vật và kiểm tra ATTP hàng hóa có nguồn gốc thực vật nhập khẩu;

☐ Giấy chứng nhận KDTV của nước xuất khẩu;

☐ Kết quả kiểm tra, phân tích giám định trong phòng thí nghiệm KDTV;

☐ Kết quả phân tích chỉ tiêu ATTP của tổ chức đánh giá sự phù hợp được chỉ định (trường hợp kiểm tra chặt);

☐ Dấu xử lý vật liệu đóng gói của nước xuất khẩu;

☐ Căn cứ khác:

Nơi nhận:

- Chủ hàng:.....;
- Hải quan cửa khẩu:.....;
- Lưu hồ sơ kiểm tra.

Ngày.... tháng... năm...

Đại diện cơ quan kiểm tra
(Ký tên, đóng dấu)

Ghi chú: Nghiêm cấm chở hàng đến địa điểm khác nếu không được phép của cơ quan kiểm dịch thực vật và kiểm tra ATTP.