

Part I. LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 38/2012/ND-CP of April 25, 2012, detailing a number of articles of the Law on Food Safety

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the June 17, 2010 Law on Food Safety;

Pursuant to the June 29, 2006 Law on Standards and Technical Regulations;

Pursuant to the November 21, 2007 Law on Quality of Products and Goods;

At the proposal of the Minister of Health,

The Government promulgates this Decree detailing a number of articles of the Law on Food Safety.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details a number of articles of the Law on Food Safety regarding:

1. Announcement of regulation conformity or announcement of conformity with regulations on food safety.

2. Assurance of safety for genetically modified food.

3. Grant and revocation of certificates of

food safety eligibility for establishments.

4. State inspection of food safety for imported or exported food.

5. Food labeling.

6. Assignment of responsibilities for state management of food safety:

a/ Responsibilities of the Ministry of Health for state management of food safety;

b/ Responsibilities of the Ministry of Agriculture and Rural Development for state management of food safety;

c/ Responsibilities of the Ministry of Industry and Trade for state management of food safety;

d/ Responsibilities of People's Committees at all levels for state management of food safety;

e/ Coordination among line ministries in the state management of food safety.

7. Specialized inspection of food safety.

Article 2. Subjects of application

This Decree applies to Vietnamese agencies, organizations and individuals; foreign organizations and individuals in Vietnam engaged in food production and trading; and organizations and individuals engaged in food safety-related activities in Vietnam (below referred to as organizations and individuals).

Chapter II

ANNOUNCEMENT OF REGULATION CONFORMITY AND ANNOUNCEMENT OF CONFORMITY WITH FOOD SAFETY REGULATIONS

Article 3. Announcement of regulation conformity and announcement of conformity with food safety regulations

1. Packaged processed food; food additives; food processing aids; food-packaging tools and food packages and containers (below referred to as products) that have technical regulations are subject to regulation conformity and must have their written announcements of regulation conformity registered with a competent state agency prior to circulation on the market.

2. Products that have no technical regulations are subject to announcement of conformity with food safety regulations and must have their written announcements of conformity with food safety regulations registered with a competent state agency prior to circulation on the market until relevant technical regulations are promulgated and take effect.

Article 4. Receipt of written announcements of regulation conformity and written announcements of conformity with food safety regulations

1. The Ministry of Health shall organize the receipt of dossiers for registration of written announcements of regulation conformity or written announcements of conformity with food safety regulations from producers and traders of products, including: functional foods; food additives; food processing aids; imported products being packaged processed food, tools and food-packaging tools and food packages and containers.

2. Provincial-level Departments of Health shall organize the receipt of dossiers for registration of written announcements of regulation conformity or written announcements of conformity with food safety regulations for home-made products of producers and traders of such products located in their respective localities other than the products specified in Clause 1 of this Article.

3. Within 7 working days after receiving complete and valid dossiers, competent state agencies shall issue receipts of written announcement of regulation conformity for dossiers for registration of announcement of regulation conformity according to Form No. 01a issued together with this Decree; in case of refusal, competent state agencies shall issue a written reply clearly stating the reason.

4. Within 15 working days after receiving complete and valid dossiers, competent state agencies shall issue certificates of announcement of conformity with food safety regulations for dossiers of announcement of food safety regulations according to Form No. 01b issued together with this Decree; in case of refusal, competent state agencies shall issue a written reply clearly stating the reason.

5. Within 30 working days after receiving complete and valid dossiers, competent state agencies shall issue certificates of announcement of conformity with food safety regulations for dossiers of announcement of conformity with food safety regulations for functional food and micronutrient-fortified food according to Form No. 01B issued together with

this Decree; in case of refusal, competent state agencies shall issue a written reply clearly stating the reason.

6. Agencies receiving dossiers of announcement of regulation conformity or announcement of conformity with food safety regulations shall publicize products that have been granted the receipts of the written announcements of regulation conformity or certificates of announcement of conformity with food safety regulations on their websites and in the mass media upon request.

Monthly, provincial-level Health Departments shall report to the Ministry of Health on the receipt of dossiers of announcement of regulation conformity or announcement of conformity with food safety regulations

Article 5. Dossiers of announcement of regulation conformity for products having technical regulations

1. For announcement of regulation conformity based on results of certification of regulation conformity by a designated regulation conformity certification organization (third party), a dossier comprises:

a/ A written announcement of regulation conformity, made according to Form No. 02 issued together with this Decree;

b/ A detailed product information sheet, made according to Form No. 03a or Form No. 03c issued together with this Decree (with every adjoining pages bearing a stamp of the third party);

c/ The third party's certificate of conformity (notarized copy or copy with the original for comparison);

d/ A certificate of conformity with HACCP, ISO 22000 or equivalent standards in the case the producer has a quality management system certified as complying with HACCP, ISO 22000 or equivalent standards (notarized copy or copy with the original for comparison).

2. For announcement of regulation conformity based on results of self-assessment of food producers and traders (first party), a dossier comprises:

a/ The written announcement of regulation conformity, made according to Form No. 02 issued together with this Decree;

b/ A detailed product information sheet, made according to Form No. 03a or Form No. 03c issued together with this Decree;

c/ The product testing results within the last 12 months, including the major quality criteria and safety criteria, granted by the following entities: a laboratory designated by a competent state agency or an accredited independent laboratory (original or notarized copy); or a laboratory of the country of origin recognized by a competent agency in Vietnam (original or certified copy or consular legalized).;

d/ A quality control plan, which has been developed and applied according to Form No. 04 issued together with this Decree (the first-party's written confirmation);

e/ A periodical monitoring plan (the first-party's written confirmation);

f/ A report on regulation conformity assessment (the first-party's written confirmation);

g/ A certificate of conformity with HACCP, ISO 22000 or equivalent standards in the case the producer has a quality management system certified as complying with HACCP, ISO 22000 or equivalent standards (notarized copy or copy with the original for comparison).

Article 6. Dossier of announcement of conformity with food safety regulations for products having no technical regulations

1. For imported products (excluding functional food and micronutrient-fortified food), a dossier comprises:

a/ A written announcement of conformity with food safety regulations, made according to Form No. 02 issued together with this Decree;

b/ A detailed product information sheet, made according to Form No. 03a or Form No.03c issued together with this Decree;

c/ The product testing results within the last 12 months, including major quality criteria and safety criteria, granted by the following entities: a laboratory designated by a competent state agency or an accredited independent laboratory (original or notarized copy); or a laboratory of the country of origin recognized by a competent agency in Vietnam (original or certified copy or consularly legalized).

d/ A periodic monitoring plan (certified by the organization or individual);

e/ A model of the product label circulated in the country of origin and auxiliary label in

Vietnamese (certified by the organization or individual);

f/ Samples of complete products, for products imported for first time into Vietnam, for comparison upon filing the dossier;

g/ The business registration certificate with the food business line or the legal entity certificate, for food importers (copy certified by the organization or individual);

h/ A certificate of food safety eligibility, for importers required to have such certificate according to regulations (copy certified by the organization or individual);

i/ A certificate of conformity with HACCP, ISO 22000 or equivalent standards in the case the producer has a quality management system certified as complying with HACCP, ISO 22000 or equivalent standards (notarized copy or copy with the original for comparison).

2. For home-made products (excluding functional food and micronutrient-fortified food), a dossier comprises:

a/ The written announcement of conformity with food safety regulations, made according to Form No. 02 issued together with this Decree;

b/ A detailed product information sheet, made according to Form No. 03a or Form No. 03c issued together with this Decree;

c/ The product testing results within the last 12 months, including major quality criteria and safety criteria granted by a laboratory designated by a competent state agency or an accredited independent laboratory (original or notarized copy);

d/ A quality control plan which has been developed and applied according to Form No. 04 issued together with this Decree (certified by the organization or individual);

c/ A periodic monitoring plan (certified by the organization or individual);

f/ A model of the product label (certified by the organization or individual);

g/ The business registration certificate with the food business line or legal entity certificate for the organization or individual (copy certified by the organization or individual);

h/ A certificate of food safety eligibility, for establishments required to have such certificate according to regulations (copy certified by the organization or individual);

i/ A certificate of conformity with HACCP, ISO 22000 or equivalent standards in the case the producer has a quality management system certified as complying with HACCP, ISO 22000 or equivalent standards (notarized copy or copy with the original for comparison).

3. For imported functional food and micronutrient-fortified food, a dossier comprises:

a/ The written announcement of conformity with food safety regulations, made according to Form No. 02 issued together with this Decree;

b/ A detailed product information sheet, made according to Form No. 03b issued together with this Decree (with every two adjoining pages bearing a stamp of the organization or individual);

c/ A certificate of free sale or a health certificate or equivalent certificate issued by competent state authorities of the country of origin which contains a content expressing that the products are safe for consumer health and comply with food law (original or notarized or consularly legalized copy);

d/ The product testing results within the last 12 months, including major quality criteria and safety criteria, granted by the following entities: a laboratory designated by a competent state agency or an accredited independent laboratory (original or notarized copy); or a laboratory of the country of origin recognized by a competent agency in Vietnam (original or certified or consularly legalized copy);

e/ A periodic monitoring plan (certified by the organization or individual);

f/ A model of the product label circulated in the country of origin and auxiliary label in Vietnamese (certified by the organization or individual);

g/ Samples of complete products for comparison when filing the dossier;

h/ The business registration certificate with the food business line or legal entity certificate, for food importers (copy certified by the organization or individual);

i/ A certificate of food safety eligibility, for importing establishments required to have such certificate according to regulations (copy certified by the organization or individual);

j/ A certificate of conformity with HACCP, ISO 22000 or equivalent standards in the case

the producer has a quality management system certified as complying with HACCP, ISO 22000 or equivalent standards (notarized copy or copy with the original for comparison);

k/ Information and scientific documents proving the effect of each component constituting the function announced (certified by the organization or individual).

4. For home-made functional food and micronutrient-fortified food, a dossier comprises:

a/ The written announcement of conformity with food safety regulations, made according to Form No. 02 issued together with this Decree;

b/ A detailed product information sheet, made according to Form No. 03b issued together with this Decree (with every two adjoining pages bearing a stamp of the organization or individual);

c/ The product testing results within last 12 months, including major quality criteria and safety criteria granted by a laboratory designated by a competent state agency or an accredited independent laboratory (original or notarized copy);

d/ A model of the product label (certified by the organization or individual);

e/ Samples of complete products for comparison when filing the dossier;

f/ The business registration certificate with the food business line or legal entity certificate for the organization or individual (copy certified by the organization or individual);

g/ A certificate of food safety eligibility, for

establishments required to have such certificate according to regulations (copy certified by the organization or individual);

h/ A certificate of conformity with HACCP, ISO 22000 or equivalent standards in the case the producer has a quality management system certified as complying with HACCP, ISO 22000 or equivalent standards (notarized copy or copy with the original for comparison);

i/ Information and scientific documents proving the effect of each component constituting the function announced (certified by the organization or individual);

j/ A report on effective testing on effects of food products, for new products firstly marketed (notarized copy or copy with the original for comparison);

k/ A quality control plan which has been developed and applied according to Form No. 04 issued together with this Decree (certified by the organization or individual);

l/ A periodic monitoring plan (certified by the organization or individual).

Article 7. Submission of dossiers of announcement of regulation conformity or announcement of conformity with food safety regulations

1. A dossier of announcement of regulation conformity or announcement of conformity with food safety regulations must be bound as follows:

a/ General legal documents are bound in 1 book, including:

- The business registration certificate with the food business line or legal entity certificate, for the organization or individual (copy certified by the organization or individual);

- A certificate of food safety eligibility, for establishments required to have such certificate according to regulations (copy certified by the organization or individual);

- A certificate of conformity with HACCP, ISO 22000 or equivalent standards in the case the organization or individual has a quality management system certified as complying with HACCP, ISO 22000 or equivalent standards (notarized copy or copy with the original for comparison).

b/ A dossier of announcement of regulation conformity or announcement of conformity with food safety regulations for products shall be made in 2 books, including the documents specified in Articles 5 and 6 of this Decree, excluding the documents specified at Point a, Clause 1 of this Article.

2. Product producers and traders may submit dossiers of announcement of regulation conformity or announcement of conformity with food safety regulations directly or by post to competent state agencies of the Ministry of Health or provincial-level Departments of Health.

3. Product producers and traders announcing regulation conformity or conformity with food safety regulations for products from the second time on shall submit only 1 set of general legal documents.

Article 8. Re-issuance of receipts of written announcements of regulation conformity and certificates of announcement of conformity with food safety regulations

1. If there is no change in food production or processing processes affecting the quality criteria and violating food safety limits compared to their written announcements, food producers and traders shall re-register periodically the written announcements of regulation conformity or written announcements of conformity with food safety regulations:

a/ Five years for products of traders or producers having one of the certificates of advanced quality management systems: HACCP, ISO 22000 or equivalent;

b/ Three years for products of traders and producers having none of the certificates above.

2. The re-registration of written announcements of regulation conformity or written announcements of conformity with food safety regulations shall be made at competent state agencies that have issued receipts of those announcements for the first time for such products.

3. A dossier of request for re-issuance of a receipt of the written announcement of regulation conformity or certificate of announcement of conformity with food safety regulations comprises:

a/ A written request for re-issuance of a receipt of the written announcement of regulation conformity or certificate of

announcement of conformity with food safety regulations, made according to Form No. 05 issued together with this Decree (certified by the organization or individual);

b/ The last receipt of the written announcement of regulation conformity or certificate of announcement of conformity with food safety regulations (copy);

c/ Results of periodic product tests conducted by an accredited laboratory or a laboratory designated by a competent state agency (notarized copy or copy with the original for comparison):

- One time/year, for establishments having one of the certificates of advanced quality management system: GMP, HACCP, ISO 22000, or equivalent.

- Two times/year, for establishments having none of the certificates mentioned above.

d/ A certificate of conformity with HACCP, ISO 22000 or equivalent standards in case the organization or individual has a quality management system certified as complying with HACCP or ISO 22000 or equivalent (copy notarized or copy with the original for comparison);

4. Within 7 working days after receiving the request, the competent state agency shall issue a receipt of the written announcement of regulation conformity or certificate of announcement of conformity with food safety regulations; in case of refusal, it shall issue a written reply clearly stating the reason.

5. If there is any change in food production

and processing processes affecting the quality criteria and violating food safety limits compared to their written announcements, food producers and traders shall re-register their writtent announcements of regulation conformity or written announcements of conformity with food safety regulations with a competent state management agency under Article 4, 5 or 6 of this Decree.

Article 9. Regulation conformity marks for products

Products specified in Clause 1, Article 3 of this Decree shall be marked regulation conformity under the law on standards and technical regulations after the written announcements of regulation conformity are received by a competent state agency.

The use of regulation conformity marks must comply with Point c, Clause 1, Article 49 of the Law on Standards and Technical Regulations, and Article 15 of Decree No. 127/2007/ND-CP of August 1, 2007, detailing the implementation of a number of articles of the Law on Standards and Technical Regulations.

Chapter III

SAFETY ASSURANCE FOR GENETICALLY MODIFIED FOOD

Article 10. Safety assurance for food with ingredients from genetically modified organisms and products of genetically modified organisms

1. Conditions for granting certificates of

genetically modified organisms eligible for use as food; the order and procedures for granting and revoking certificates of genetically modified organisms eligible for use as food; the list of genetically modified organisms which are granted certificates of genetically modified organisms eligible for use as food comply with Section 1, Chapter VI of Decree No. 69/2010/ND-CP of June 21, 2010, on biosafety for genetically modified organisms, genetic specimens and products of genetically modified organisms.

2. The Minister of Agriculture and Rural Development shall issue and revoke certificates of genetically modified organisms eligible for use as food; prepare and publish a list of genetically modified organisms which are granted certificates of genetically modified organisms eligible for use as food; and set up, and define the functions, tasks and mechanism of operation of, the Safety Council for genetically modified organisms and products of genetically modified organisms used as food.

Article 11. Labeling of goods containing genetically modified organisms and products of genetically modified organisms for use as food

1. Organizations and individuals marketing food containing genetically modified organisms and products of genetically modified organisms at a rate higher than 5% of each component shall, in addition to complying with the law on labeling, also display the information relating to genetically modified organisms on the labels.

2. The Ministry of Agriculture and Rural

Development shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology in, providing detailed guidance for the labeling of foods containing genetically modified organisms and products of genetically modified organisms.

Chapter IV

GRANT AND REVOCATION OF CERTIFICATES OF FOOD SAFETY ELIGIBILITY FOR ESTABLISHMENTS

Article 12. Grant of certificates of food safety eligibility for establishments

1. The grant of certificates of food safety eligibility for establishments applies to each producer or trader and each independent production factory in a location (below referred to as establishment), except the following cases:

a/ Small initial production;

b/ Small food business;

c/ Street vending;

d/ Sale of packaged food requiring no special preservation conditions according to regulations.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall define competence to issue and revoke certificates of food safety eligibility for establishments in their assigned management fields specified in Articles 62, 63 and 64 of the Law on Food Safety, and this Decree and provide management methods for different types of production and trading at

Points a, b, c and d, Clause 1 of this Article.

Article 13. Revocation of certificates of food safety eligibility for establishments

A food producer or trader has its certificate of food safety eligibility revoked in the following cases:

1. The trader or producer does not operate in the registered food business line.

2. There is a decision of a competent state agency on transformation of business line at the old establishment.

3. A food producer or trader is deprived of the right to use the certificate under the law on sanctioning of administrative violations in the field of food safety.

Chapter V

STATE INSPECTION OF FOOD SAFETY FOR IMPORTED AND EXPORTED FOOD

Article 14. Inspection of imported food

1. All food, food materials, food additives, food processing aids, food-packaging tools and food packages and containers imported into Vietnam, must be inspected at competent state inspection agencies designated by line ministries, except the cases specified in Clause 2 of this Article.

2. The following cases are exempt from state inspection of food safety for imported food:

a/ Food brought along upon entry for personal consumption within the import duty-free quota;

b/ Food in diplomatic bags and consular bags;

c/ Food in transit and transshipment;

d/ Food kept at bonded warehouses;

e/ Food as experimental or research sample;

f/ Food as samples displayed in fairs or exhibitions.

3. The Ministry of Health shall inspect and issue notices of inspection results for imported lots of different types of food under the management of two or more ministries.

The Ministry of Agriculture and Rural Development shall inspect and issue notices of inspection results for imported lots of foods under the management of two or more ministries, including fresh food.

Article 15. State inspection of food safety in exporting countries

1. In case of assessment for mutual recognition, competent state management agencies of Vietnam shall elaborate inspection plans, notify and coordinate with competent agencies of the countries of exportation in inspecting the food safety control systems of the countries of exportation and the establishments that produce and trade in goods exported into Vietnam under treaties to which the Socialist Republic of Vietnam is a contracting party:

a/ The competent agency of the country of exportation shall send a registration dossier to the line ministry;

b/ Within 30 working days after receiving a complete dossier of registration of the list of

producers and traders of a competent agency of the country of exportation, the competent agency of the line ministry shall appraise it and inform the competent agency of the country of exportation of the results of appraisal and the inspection plan in case inspection is necessary for the country of exportation.

2. Competent agencies of the countries of exportation shall send 1 set of registration dossier to a competent Vietnamese agency: the Ministry of Health or Ministry of Agriculture and Rural Development or the Ministry of Industry and Trade, comprising:

a/ A list of food producers and traders registering for export into Vietnam, made according to Form No. 06 issued together with this Decree;

b/ Information on the management systems and food safety control capacity of the competent agency of the country of exportation, filled in Form No. 07 issued together with this Decree;

c/ A summary of information on conditions to assure food safety at the food production or trading establishment, made according to Form No. 08 issued together with this Decree.

Article 16. State inspection of food safety for exported food

1. The Health Minister, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall define the competence of state inspection of food safety for exported food under their respective management specified in Articles 62, 63 and

64 of the Law on Food Safety.

2. The Ministry of Agriculture and Rural Development shall inspect exported lots of different food items under the management of 2 or more ministries.

Chapter VI

FOOD LABELING

Article 17. Recording shelf life on food labels

1. Safety shelf life must be recorded as “Expiry date” or “Use by date” for functional foods, supplementary food, health-protecting food, medical nutritional food, micronutrient-fortified food and food likely to be deteriorated by microorganisms. Safety shelf life for other type of food can be recorded as “Best before date” as suitable to each food product.

2. Food recorded with “Expiry date” or “Use by date” may not be sold on the market when its time limit expires.

3. Food recorded with “Best before date” may be still sold on the market after ~~this time~~ if the producers are able to prove to competent state agencies that such food is still safe and must write clearly such food’ shelf life in one of two forms of “Expiry date” or “Use by date”. Only the food manufacturers may prolong the shelf life for their food products and the prolonged shelf life must not exceed the shelf life provided for the first time.

Article 18. Mandatory labeling contents

1. Packaged food must be labeled under the law on food labeling.

2. Depending on each type of packaged food, in addition to Clause 1 of this Article, the mandatory labeling contents must also meet the following provisions:

a/ Information on the label must match the nature of the product, be truthful, accurate, clear and not misleading to users;

b/ For functional food and micronutrient-fortified food, there must be on the label the following contents: nutrients; active ingredients of biological effect; health effects; target users, dosage, usage and warnings, if any;

c/ For medical nutritional food, food supplemented with vitamins, minerals and micronutrients not for general community use, such as formula food for pregnant women, children under 36 months of age and food used through the catheter for patients, the response rate compared with nutritional needs, the use dosage of each target user and instructions of doctors must be publicized;

d/ For functional food, micronutrient-fortified food, food additives, some genetically modified food (subject to labeling under the law on labeling for genetically modified food), the composition and concentration in food must be clearly written;

e/ When use a certain ingredient in a product as the product's name, the content of such ingredient must be clearly written beside the product's name;

f/ The product's name must be the clearest,

of the largest font size at least threefold other font sizes on the label;

g/ A translated label must not be erroneous compared to the original label content.

3. The Ministry of Health shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade in, detailing the food labeling.

Chapter VII

ASSIGNMENT OF STATE MANAGEMENT RESPONSIBILITIES FOR FOOD SAFETY

Article 19. Principles of assignment of state management responsibilities for food safety

1. On the basis of the Law on Food Safety and ensuring compliance with current legal documents.

2. On the basis of unified state management of food safety.

3. Ensuring management throughout the process of food production and trading.

4. Close coordination among ministries and sectors.

5. Ensuring the principle of a door, a product and a trader or producer subject to the management of only one state management agency.

6. Ensuring scientificity, completion and feasibility.

7. Decentralization of state management

between central and local governments at all levels in the state management of food safety.

8. In the management process, if arise any problems that cannot be clearly defined, the Ministry of Health shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade in, formulating a joint circular providing specific guidance.

Article 20. Responsibilities of the Ministry of Health for state management of food safety

1. The Ministry of Health shall take responsibility before the Government for performing the unified state management on food safety.

2. Within the scope of its tasks and powers, the Ministry of Health shall:

a/ Implement regulations on joint responsibility for state management of food safety provided in Clause 1, Article 62 of the Law on Food Safety;

b/ Report periodically and irregularly to the Government on the food safety management based on monitoring and summarization of reports of line ministries;

c/ Appraise and elaborate plans and schedules for formulation and review of national technical regulations for all food products, food additives, processing aids, food-packaging tools and food packages and containers to meet the management requirements and suit the socio-economic

development in each period;

d/ Assume the prime responsibility for formulating national technical regulations for products under its management provided in Article 62 of the Law on Food Safety; promulgate national technical regulations or provide criteria and safety limits for all food products, food additives, processing aids, food-packaging tools and food packages and containers;

e/ Designate regulation conformity certification organizations for food products, food additives, processing aids, food-packaging tools and food packages and containers that have technical regulations, after consulting line ministries when necessary;

f/ Manage food safety throughout the process of production, preliminary processing, processing, preservation, transportation, export, import and trading for food additives, processing aids, bottled water, natural mineral water, functional food, micronutrient-fortified food, food-packaging tools and food packages and containers;

g/ Specifically provide for the management of functional food, food additives and micronutrient-fortified food,

h/ Organize the grant of receipts of written announcements of regulation conformity and certificates of announcement of conformity with food safety regulations and certificates of food advertising content for types of food under their assigned management;

i/ Organize and decentralize the grant of

certificates of food safety eligibility for establishments to producers and traders of products in the field under its assigned management at Point e, Clause 2 of this Article;

j/ Give medical certification for food; food additives; processing aids; food-packaging tools and food packages and containers at the request of organizations and individuals;

k/ Stipulate conditions on testing establishments, designate units to participate in testing food for state administration under its management; designate units to perform testing as arbitration and to make final conclusions when there are differences in testing results of the food testing units within and outside the health sector;

l/ Stipulate food safety conditions for collective kitchens, hotels, resorts, restaurants and establishments providing catering services;

m/ Designate state inspection agencies for imported food safety for products in the fields assigned at Point e, Clause 2 of this Article and Clause 3 of Article 14 of this Decree.

Article 21. Responsibilities of the Ministry of Agriculture and Rural Development for state management of food safety

1. To coordinate in formulating national technical regulations for food products.

2. To manage food safety for primary production of agricultural, forest, fishery and salt products covering the process of planting, rearing, harvesting and fishing agricultural, forest and fishery products and producing salt.

3. To manage food safety throughout the process of production, collection, slaughter, preliminary processing, processing, preservation, transport, export, import and trading of cereals; meat and products from meat; seafood and aquatic products; vegetables, tubers, fruits and products of vegetables, tubers and fruits; eggs and egg products; raw milk; honey and honey products; genetically modified food; salt; spice; sugar; tea; coffee; cocoa; pepper; cashew and agricultural products; food-packaging tools and food packages and containers in the field assigned for management.

4. To organize the grant of certificates of food advertisement content for food in the field assigned for management. In case of certifying food advertising content with announcements of health effects, the Ministry of Health must be consulted.

5. To organize and decentralize the grant of certificates of food safety eligibility for establishments to producers and traders of products under its assigned fields in Clauses 2, 3 and 7 of this Article.

6. To develop and promulgate regulations on food safety assurance conditions for establishments producing, preliminarily processing, processing and trading products under its assigned field specified in Clause 3 of this Article on the basis of the Health Ministry's regulations on general food safety assurance conditions for food producers and traders.

7. To manage food safety for wholesale markets and markets of auction for agricultural

products.

8. To stipulate conditions on testing establishments; to designate testing units and proof-testing units; to announce testing results for food under the area assigned for management.

9. To designate state inspection agencies for imported food safety for products in the field assigned for management in Clause 3 of this Article and Clause 3, Article 14 of this Decree.

Article 22. Responsibilities of the Ministry of Industry and Trade for state management of food safety

1. To coordinate in the formulation of national technical regulations for food products.

2. To manage food safety throughout the process of production, processing, preservation, transport, export, import and trading for spirits, beer, drinks, processed milk, vegetable oil, products processed from flour, starch, bread, jams and candies, and packages under its management.

3. To organize the grant of certificates of food advertising content for food in the field assigned for management. In case of certifying food advertising contents with announcement of health effects, the Ministry of Health must be consulted.

4. To organize and decentralize the grant of certificates of food safety eligibility for establishments to producers and traders of products in the field assigned for management

in Clauses 2 and 5 of this Article.

5. To manage food safety for markets, supermarkets and establishments within the food reservation and distribution system.

6. To conduct inspection to prevent and combat fake foods, commercial frauds on the markets for all kinds of food, food additives, food processing aids, food-packaging tools and food packages and containers.

7. To stipulate conditions on testing establishments; to designate testing units and proof-testing units; to announce testing results for food in the field assigned for management.

8. To designate state inspection agencies for imported food safety for the products under the areas assigned for management in Clause 2 of this Article.

Article 23. Responsibilities of People's Committees at all levels for state management of food safety

1. Provincial-level People's Committees shall perform the state management of food safety in their localities and take responsibility before the Government for food safety within their localities.

a/ To organize and administer the interdisciplinary steering committees on hygiene and food safety in their provinces or centrally run cities;

b/ To direct the implementation of regulations of the Government, ministries and sectors on food safety.

2. To promulgate local technical regulations on food safety for local unique food products.

3. Provincial-level Health Departments shall take responsibility before provincial-level People's Committees for performing the state management of food safety within their localities; act as the standing bodies of the interdisciplinary steering committees on food safety in their localities.

a/ To act as a focal point to review and report on the food safety situation in the localities to provincial-level People's Committees and the Ministry of Health;

b/ To annually inspect the food safety situation in the localities; to act as a focal point to monitor the risks of food contamination in the areas;

c/ To inspect, examine products and producers and traders of food additives, processing aids, bottled water, natural mineral water, functional food and micronutrient-fortified food in the localities as decentralized by the Ministry of Health, establishments providing catering services, street food;

d/ To assume the prime responsibility for, and coordinate with provincial-level specialized departments in, conducting irregular inspection and examination of the entire process of food production and trading under the management of other sectors when having an instruction of provincial-level People's Committees, heads of the interdisciplinary steering committees on hygiene and food safety of their provinces or centrally run cities or the Ministry of Health; when detecting violating food, food additives,

food processing aids, food-packaging tools and food packages and containers circulated in the localities likely to cause serious effects on consumer health; when there is a difference in the inspection conclusions of provincial-level specialized departments; and at the proposal of provincial-level specialized departments;

e/ To organize the receipt of written announcements of regulation conformity and certificates of announcement of conformity with food safety regulations; to certify food advertising content as assigned in Clause 2, Article 4 of this Decree; to issue certificates of food safety eligibility for producers and traders of types of products as assigned by the Ministry of Health;

f/ To manage food safety in the localities; to manage safety assurance conditions for small food producers and traders, street food, establishments providing catering services, food safety in the markets in the localities and objects as assigned for management.

4. Provincial-level Departments of Agriculture and Rural Developments shall:

a/ Inspect and examine products and food producers and traders as assigned by the Ministry of Agriculture and Rural Development;

b/ Organize the grant of certificates of food safety eligibility for producers and traders of types of products as assigned by the Ministry of Agriculture and Rural Development;

c/ Organize the issuance of certificates of food advertising content as assigned by the

Ministry of Agriculture and Rural Development;

d/ Periodically and irregularly report to the standing bodies of the interdisciplinary steering committees (provincial-level Health Departments) for summarization and reporting to provincial-level People's Committees, the Ministry of Health and line ministries.

5. Provincial-level Departments of Industry and Trade shall:

a/ Inspect and examine products and food producers and traders as assigned by the Ministry of Industry and Trade;

b/ Organize the grant of certificates of food safety eligibility producers and traders of types of products as assigned by the Ministry of Industry and Trade;

c/ Organize the issuance of certificates of food advertising content as assigned by the Ministry of Industry and Trade;

d/ Conduct inspection to prevent and combat fake foods, trade frauds on the market for all kinds of food, food additives, food processing aids, food-packaging tools and food packages and containers;

e/ Periodically and irregularly report to the standing bodies of the interdisciplinary steering committees (provincial-level Health Departments) for summarization and reporting to provincial-level People's Committees, the Ministry of Health and line ministries.

6. District-level People's Committees take responsibility before provincial-level People's

Committees for food safety in their localities for:

a/ Organizing and administering the interdisciplinary steering committees on hygiene and food safety in their districts;

b/ Directing and implementing the food safety regulations of the Government, ministries, sectors and provincial-level People's Committees;

c/ Managing the business of street food, restaurants and hotels in their districts as decentralized.

7. Commune-level People's Committees shall take responsibility before district-level People's Committees for food safety in their respective localities for:

a/ Organizing and administering commune/ward interdisciplinary steering committees on hygiene and food safety;

b/ Implementing the food safety regulations of the Government, ministries, branches and superior People's Committees;

c/ Taking responsibility before district-level People's Committees for the management of the business of street food, restaurants and hotels in the communes and wards as decentralized.

Article 24. Coordination among line ministries in the state management of food safety

Line ministries shall, within the scope of their respective state management, coordinate with the Ministry of Health in carrying out state

management activities to ensure unified state management of food safety effectively.

1. The Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade shall organize the implementation of the programs of monitoring and prevention of food safety incidents as provided in Article 52 of the Law on Food Safety in their assigned fields.

2. When food poisoning occurs, the Ministry of Health shall organize timely treatment for poisoning victims. Line ministries shall provide complete documents and information relating to the origin of food suspected of causing poisoning under their management; and coordinate with the Ministry of Health in investigating the cause and monitoring the root cause investigation, trace the origin and handle poisoning food.

Chapter VIII

SPECIALIZED INSPECTION OF FOOD SAFETY

Article 25. Agencies assigned with the function of food safety inspection

Inspection of food safety is specialized inspection conducted by the sector of health, the sector of agriculture and rural development and the sector of industry and trade. The assignment of agencies to perform the function of specialized inspection of food safety complies with the Government's regulations on the agencies assigned to perform specialized inspection.

Article 26. Coordination among ministries, branches and other forces in food safety inspection

1. The Ministries of: Health; Agriculture and Rural Development, and Industry and Trade shall take responsibility for the inspection of food safety throughout the process of production, processing, preservation, transportation, export and import and trading of food in the fields assigned for management in Articles 62, 63, 64, 65, 67 of the Law on Food Safety.

2. The Ministry of Health, the standing body of the central interdisciplinary steering committee on hygiene and food safety, shall assume the prime responsibility for, and coordinate with the line ministries and other related forces in organizing and assigning the implementation of interdisciplinary inspection.

3. The Ministry of Health shall inspect and examine irregularly the entire process of production, export, import and trading of food under the management of other ministries in the following cases:

a/ Under the direction of the Prime Minister or head of the central interdisciplinary steering committee on hygiene and food safety;

b/ Upon detection of violating food, food additives, food processing aids, food-packaging tools and food packages and containers that may seriously affect consumer health;

c/ There is a difference in the inspection conclusions of the line ministries;

d/ At the request of a line ministry.

Chapter IX

IMPLEMENTATION PROVISIONS

Article 27. Effect

This Decree takes effect on June 11, 2012.

Article 28. Implementation responsibility

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and other related organizations and individuals shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG

(Note: All the forms issued together with this Circular are not translated into English)