

# Decree No. 94/2012/ND-CP dated November 12, 2012

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Decree No. 94/2012/ND-CP dated November 12, 2012 of the Government on wine production and wine trading

**THE GOVERNMENT**

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No. 94/2012/ND-CP

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, November 12, 2012*

## **DECREE**

### **ON WINE PRODUCTION AND WINE TRADING**

*Pursuant to the Law on Government organization dated December 25<sup>th</sup> 2001;*

*Pursuant to the Law on Commerce dated June 14<sup>th</sup> 2005;*

*Pursuant to the Law of Food safety dated June 17<sup>th</sup> 2010;*

*At the proposal of the Minister of Industry and Trade;*

*The Government promulgates a Decree on wine production and wine trading,*

#### **Chapter 1.**

### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation**

This Decree prescribes the production and sale of wine and drinking alcohol, including: investment, production, import, export, sale, and other activities related to the production and trading of wine and drinking alcohol.

Wine and drinking alcohol (for producing wine) are referred to as wine in this Decree.

#### **Article 2. Subjects of application**

1. This Decree is applicable to the organizations and individuals engaged in the production and trading of wine, and other activities relevant to the production and sale of wine in Vietnam's territory.
2. Foreign traders, foreign-invested enterprises in Vietnam governed by this Decree and other relevant legal documents.

#### **Article 3. Interpretation of terms**

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

1. "Wine" is beverages that contain drinking alcohol. Wine is produced through the process of fermentation (distilled or not distilled) from the starch of cereals, sugar from plants and fruits, or from drinking alcohol (Ethanol)
2. "Drinking alcohol" is an organic compound with molecular formula  $C_2H_5OH$ , and named Ethanol according to IUPAC, that meets the standards of food safety and hygiene.
3. "Small-scale production of wine" is the production of wine using traditional instruments such as copper boilers, pipers, freezers... at a small scale, carried out by households, organizations, or individuals.
4. "Mass production of wine" is the production of wine using industrial equipment and lines of machinery.
5. "Medicinal wine" is the wine that ages together with ingredients derived from animals and/or plants and/or minerals for medical treatment and supporting the body functions, and enhancing human health.
6. "Semi-finished wine" is the unfinished wine that needs to go through some more processes, such as filtration, preparation, bottling, labeling, etc. to become finished wine.
7. "Wine distribution" is purchasing wine from the wine producers or wine importers and sell it to wine wholesalers.
8. "Wine wholesaling" is purchasing wine from the wine distributors and wine producers and sell to wine retailers.
9. "Wine retailing" is purchasing wine from wine wholesalers and sell it directly to consumers.

#### **Article 4. Rules for managing the production and the sale of wine**

1. Wine belongs the articles restricted from trading by the State. Wine producers and wine traders (distributors, wholesalers, retailers) must have licences, except for the small-scale production of wine to sell to the enterprises licensed to produce wine for further processing.
2. The production and sale of wine must be conformable with this Decree and other relevant laws.
3. The State shall uniform the management of the investment, production, export, import, sale, labeling, advertising of wine, food safety and quality, environment, fire and explosion prevention during the production and sale of wine, and other activities relevant to the production and sale of wine.
4. Wine producers and wine traders must comply with relevant regulations apart from that in this Decree.

#### **Article 5. Planning for wine production**

1. The planning for wine production belongs to the Master planning for the development of the beer - wine - beverage industry, made for a 10-year period towards the next 10 years.
2. The Ministry of Industry and Trade shall lead the formulation, appraisal, and approval of the Master planning for the development of the beer - wine - beverage industry, including the Planning for wine production nationwide.
3. Based on the Master planning for the development of the industry of beer - wine – beverages, approved by the Ministry of Industry and Trade, People’s Committees of central-affiliated cities and provinces (hereinafter referred to as provincial People’s Committees) shall formulate, appraise, and approve the local Master planning for the development of the industry of beer - wine – beverages, including the Planning for wine production and wine villages.
4. The formulation, amendment, supplementation of the Master planning for the development of the industry of beer - wine – beverages must comply with current regulations on planning management.

#### **Article 6. Accreditation of wine villages**

Provincial People’s Committees shall decide the accreditation of local wine villages in accordance with current regulations on accreditation of trade villages, that satisfy the following requirements:

1. The wine villages fall within the local Master planning for the development of the beer - wine - beverage industry.
2. The trade villages must formulate and apply the common process of producing the wine bearing the brand name of those villages.
3. The wine must satisfy the requirements for food safety and quality and goods labels applicable to all people engaged in the production of wine in the village.
4. Comply with the regulations on environment protection, fire and explosion prevention applicable to all people engaged in the production of wine in the village.
5. The accredited wine villages are responsible for developing and preserving their brand names.

#### **Chapter 2.**

### **WINE PRODUCTION**

#### **Article 7. Investment in mass production of wine**

1. The investment in wine production must be congruent with the approved Master planning for the development of the beer - wine - beverage industry.
2. The investor must comply with the laws on investment, construction, food safety and quality, environment protection, fire and explosion prevention, an other relevant laws.

#### **Article 8. Requirements for issuing the License for mass production of wine**

The requirements for issuing the License for mass production of wine comprise:

1. The enterprise has registered the wine production.
2. The mass production of wine must be congruent with the approved Master planning for the development of the beer - wine - beverage industry.
3. Having machinery, equipment, technological lines for wine production. All machinery and equipment used for wine production must have legal origins

4. Satisfying the requirements for labor hygiene and safety, fire and explosion prevention, and environment protection.
5. Having the right to own or to use the brand name of wine in Vietnam.
6. Having technicians proficient in wine production.
7. The people directly participating in wine production must be healthy without suffering from infectious diseases.

#### **Article 9. The License for mass production of wine**

The enterprise may only commence their production or business on the date of issue of the License.

2. The authority to issue the License for mass production of wine:
  - a) The Ministry of Industry and Trade shall issue the Licenses for wine production to the projects of investment in wine production that reach at least 3 million liters per year.
  - b) The Services of Industry and Trade shall issue the Licenses for wine production to the project of investment in wine production that reach under 3 million liters per year.
3. The Ministry of Industry and Trade shall specify the dossier of application for the License for mass production of wine.
4. The procedure for issuing the License for mass production of wine
  - a) Within 20 days as from receiving the complete and valid dossiers, the Ministry of Industry and Trade or the local Service of Industry and Trade shall consider and issue the License for mass production of wine. The refusal must be explained in writing;
  - b) If the dossier is not complete or not valid, within 07 days after receiving it, the licensing agency must request the supplementation in writing.
5. The License for mass production of wine is valid for 15 years. 30 days before the License expires, the wine producer must send a written application for another License to the licensing agency for consideration.
6. The Ministry of Industry and Trade shall specify the cases, the procedures, the dossier of application for reissuing and amending the License for mass production of wine.

#### **Article 10. Rights and obligations of enterprises engaged in mass production of wine**

Apart from the rights and obligations prescribed by law, the enterprises engaged in mass production of wine also have the following rights and obligations:

1. Providing training in the safety and prevention of fire and explosion, environment protection, and food safety for employees as prescribed.
2. Complying with the regulations on food safety, food quality, and goods labels.
3. Providing information about the wine as guided by competent agencies.
4. Making reports on the operation every 6 months and every year as guided by the Ministry of Industry and Trade.
5. Providing health examination every 12 months for employees. The people directly participating in wine production must be healthy without suffering from infectious diseases as prescribed by current regulations.
6. Distributing and selling wholesale the wine they produced; only selling retail the wine at the affiliated stores without applying for the License for wine distribution, wholesaling, and retailing.
7. Distributing the wine they produce (directly or via associate companies or branches) to the enterprises having the Licenses for wine distribution and wine wholesaling.
8. Importing drinking alcohol, semi-finished wine, and additives to produce finished wine, or authorizing enterprises that have the Licenses for mass production of wine to import.
9. Paying the fee for issuing the License for mass production of wine as prescribed by the Ministry of Finance.

#### **Article 11. Small-scale production of wine for sale**

1. The requirements for issuing the License for small-scale production of wine for sale:
  - a) Having registered the small-scale production of wine.
  - b) Comply with the regulations on environment protection, food safety, food quality, and wine labels as prescribed by current laws.

2. The authority to issue the License: the Department of Economics or the Department of Industry and Trade (hereinafter referred to as the Department of Industry and Trade) affiliated to the People's Committee of the district, where the premises of small-scale production of wine for sale is situated, shall issue the License for small-scale production of wine for sale.

3. The procedure for issuing the License for small-scale production of wine for sale:

a) Within 15 days as from receiving the complete and valid dossier, the Department of Industry and Trade affiliated to the People's Committee of the district, where the premises of small-scale production of wine for sale is situated, shall consider and issue the License for small-scale production of wine for sale according to the form provided by the Ministry of Industry and Trade. The refusal must be explained in writing;

b) If the dossier is not complete or not valid, within 07 days after receiving it, the licensing agency must request the supplementation in writing.

4. The License for small-scale production of wine for sale is valid for 05 years. 30 days before the License expires, the small-scale wine producer must send a written application for another License to the licensing agency for consideration.

5. The Ministry of Industry and Trade shall specify the dossier of application for the License for small-scale production of wine for sale; the procedure and dossier of application for the reissue, the amendment, or the supplement of the License for small-scale production of wine for sale.

6. Rights and obligations of organizations and individuals engaged in small-scale production of wine for sale.

Apart from the rights and obligations prescribed by law, the organizations and individuals engaged in small-scale production of wine also have the following rights and obligations:

a) Joining the local wine village, if any;

b) Distributing and selling wholesale the wine they produced; only selling retail the wine at the affiliated stores without applying for the License for wine distribution, wholesaling, and retailing.

c) Distributing and selling wholesale the wine they produced; only selling retail the wine at the affiliated stores without applying for the License for wine distribution, wholesaling, and retailing.

d) Organizations and individuals engaged in small-scale production of wine must not import wine, semi-finished wine, drinking alcohol, and wine additives for producing finished wine;

dd) Paying the fee for issuing the License for small-scale production of wine for sale as prescribed by the Ministry of Finance.

## **Article 12. The small-scale production of wine for selling to enterprises licensed to produce wine further processing**

1. The organizations and individuals engaged in small-scale production of wine for selling to the enterprises licensed to produce wine for further processing must register with the local authority.

2. The organizations and individuals engaged in small-scale production of wine for selling to the enterprises licensed to produce wine for further processing, shall register at the People's Committee of their commune or ward.

3. After 01 year as from this Decree takes effect, the organizations and individuals engaged in small-scale production of wine to sell to the enterprises licensed to produce wine for further processing must register again with the local authority.

4. The organizations and individuals engaged in small-scale manual production for selling to the enterprises licensed to produce wine for further processing are responsible for the environment protection during the production of wine.

5. The Ministry of Industry and Trade shall specify the procedures and the dossier of application for small-scale production of wine for selling to enterprises licensed to produce wine for further processing.

6. Rights and obligations of the organizations and individuals engaged in small-scale manual production of wine for selling to the enterprises licensed to produce wine for further processing:

Apart from the rights and obligations prescribed by law, the organizations and individuals engaged in small-scale production of wine for selling to enterprise licensed to produced wine for further processing also have the following rights and obligations:

- a) Being exempted from announcing the goods quality, registering the goods labels, and fixing stamps;
- b) Only presenting the wine sale contract to competent agencies when being inspected during the transport to the outlets.
- c) Registering the small-scale production of wine with the local authority, and requesting the local authority to certify the small-scale production of wine for selling to the enterprises licensed to produce wine as prescribed in Clause 1 and Clause 2 this Article;
- d) The organizations and individuals engaged in small-scale production of wine for selling to the enterprises licensed to produce wine for further processing may only the wine they produce to the enterprises licensed to produce wine. If the wine produced is not sold to the enterprises licensed to produce wine, they must apply for the License for wine production as prescribed in Article 11 of this Decree;
- dd) Implementing the regulations on environment protection.

#### **Article 13. The food safety and quality**

- 1. Wine is an article that must apply for a Declaration of Conformity.
- 2. The procedure for applying for the Declaration of Conformity is specified in the Law of Food safety, the Government's Decree No. 38/2012/NĐ-CP dated April 25<sup>th</sup> 2012, detailing the implementation of a number of articles of the Law of Food safety and other relevant legal documents related.

#### **Article 14. Wine labels**

- 1. Only sell wine in Vietnam when they are labeled in accordance with law, except for the case prescribed in Article 12 of this Decree.
- 2. The wine being sold in Vietnam must be labeled as prescribed by laws on food labels.
- 3. The wine for export must be labeled in accordance with the requirements given by the importing countries, as long as such requirements do not change the nature of the goods, do not violate Vietnam's law and those countries' law.

#### **Article 15. Wine stamps**

- 1. The wine produced for sale at home and the imported wine for sale in Vietnam must have stamps on their packages as prescribed by the Ministry of Finance (except for the small-scale production of wine for selling to the enterprises licensed to produce wine for further processing).
- 2. On January 01<sup>st</sup> 2014, the wine produced for sale in Vietnam being traded on the market must have stamps.
- 3. The Ministry of Finance shall specify the stamp printing, stamp issuance, and the management of the stamps of wine being sold at home and the stamps of imported wine.
- 4. The stamps of wine produced or imported for sale at home are only issued to the organizations and individuals that have the License for wine production or wine distribution.
- 5. The wine produced for export, offering, or exhibition abroad shall have the stamps required by the importing country.

#### **Article 16. Responsibility to provide information about wine**

- 1. the wine producers and wine traders must provide the information about their wine at the request of competent agencies.
- 2. The information about wine must specify the composition, content, and harm of alcohol abuse.
- 3. The advertising of wine must be conformable with current regulations on advertising.

### **Chapter 3.**

#### **TRADING WINE**

#### **Article 17. The requirements for issuing the License for wine trading**

- 1. The requirements for issuing the License for wine trading include:
  - a) The enterprise is established in accordance with law, and has registered the sale of alcoholic drinks or wine;
  - b) Having fixed business premises with clear addresses; satisfying the requirements for technology and equipment as prescribed;

- c) Having a system of wine distribution on at least 06 provinces (there must be at least 03 wine wholesalers in each province);
- d) Having the letter of introduction and sale contracts of the wine producers or other wine distributors;
- dd) Owning or co-owning warehouses according to joint-venture contracts or contribution contracts; or having warehouse lease contracts that suit the business scale of the enterprise (the minimum area is 300 m<sup>2</sup>, or the minimum volume is 1,000 m<sup>3</sup> ) and satisfy the requirements for preserving the quality of wine while being stored therein.
- e) Owning or co-owning means of transports according to joint-venture contracts or contribution contracts; or having the contracts to hire such vehicles that suit the business model of the enterprise (there must be at least 03 trucks having capacity of at least 500 kg), and satisfy the requirements for preserving the wine quality during the transport;
- g) Being financially capable of ensuring the normal operation of the entire distribution system (having the Certificate of at least 01 billion VND);
- h) Having a commitment made by the enterprise on the compliance with the requirements for fire prevention and fighting, and environment protection as prescribed by law;
- i) Conformable with Article 18 of this Decree.

## 2. The requirements for issuing the License for wine wholesaling:

- a) The enterprise is established in accordance with law, and has registered the sale of alcoholic drinks or wine;
- b) Having fixed business premises with clear addresses; satisfying the requirements for technology and equipment as prescribed;
- c) Having a system of wine wholesaling in the province where its premises are situated (there must be at least 03 wine retailers);
- d) Affiliated to the business system of a wine producers or wine distributor; having the letter of introduction and contracts of the wine producer or wine distributor;
- dd) Owning or co-owning warehouses according to joint-venture contracts or contribution contracts; or having warehouse lease contracts that suit the business scale of the enterprise (the minimum area is 50 m<sup>2</sup>, or the minimum volume is 150 m<sup>3</sup> ) and satisfy the requirements for preserving the quality of wine while being stored therein.
- e) Owning or co-owning means of transports according to joint-venture contracts or contribution contracts; or having the contracts to hire such vehicles that suit the business model of the enterprise (there must be at least 01 trucks having capacity of at least 500 kg), and satisfy the requirements for preserving the wine quality during the transport;
- g) Being financially capable of ensuring the normal operation of the entire distribution system (having the Certificate of at least 300 million VND);
- h) Having a commitment made by the enterprise on the compliance with the requirements for fire prevention and fighting, and environment protection as prescribed by law;
- i) Conformable with Article 18 of this Decree.

## 3. The requirements for issuing the License for wine retailing:

- a) The trader has registered the sale of alcoholic drinks or wine;
- b) Having fixed business premises with clear addresses; satisfying the requirements for technology and equipment as prescribed;
- c) Affiliated to the distribution system of a wine wholesaler; having the letter of introduction and contracts of the wine wholesaler;
- d) Owning or co-owning warehouses according to joint-venture contracts or contribution contracts; or having warehouse lease contracts that suit the business scale of the enterprise and satisfy the requirements for preserving the quality of wine while being stored therein.
- dd) Having a commitment made by the trader on the compliance with the requirements for fire prevention and fighting, and environment protection as prescribed by law;

- e) Congruent with the planning for the wine retail system announced by the Service of Industry and Trade;
- g) Conformable with Article 18 of this Decree.

#### **Article 18. The License for wine trading**

1. The quantity of the Licenses for wine distribution, wine wholesaling, and wine retailing is determined according to the following rules;

- a) The quantity of the Licenses for wine distribution is determined based on the national population: 01 License for wine distribution for 400,000 people;
- b) The quantity of the Licenses for wine wholesaling is determined based on the provincial population: 01 License for wine wholesaling for 100,000 people;
- c) The quantity of the Licenses for wine retailing at local wine stores within a district or a town (hereinafter referred to as district): 01 License for wine retailing for 1,000 people, suitable for the wine retail system.

2. Every year as from this Decree takes effect, depending on the population change in each period, the agency competent to announce the quantity of the License for wine trading (distribution, wholesaling, retailing) must announce the quantity of unexpired licenses and the quantity of unissued licenses (if any) according to the rules provided in Clause 1 this Article:

- a) The Ministry of Industry and Trade shall announce the maximum quantity of Licenses for wine distribution nationwide (the quantity of unexpired licenses and unissued licenses) before December 31<sup>st</sup> every year;
- b) The Service of Industry and Trade shall announce and send reports to the Ministry of Industry and Trade on the maximum quantity of Licenses for wine wholesaling available in the province, the maximum quantity of Licenses for wine retailing in each district in the province (the quantity of unexpired licenses and unissued licenses)
- c) The Department of Industry and Trade or the Department of Infrastructural Economics (hereinafter referred to as the Department of Industry and Trade) of the district shall send reports to the Service of Industry and Trade on the maximum quantity of Licenses for wine retailing in the district (the quantity of unexpired licenses and unissued licenses (if any) before December 31<sup>st</sup> every year.

3. The Licenses for wine distribution, wine wholesaling, and wine retailing are issued in the following order: issue licenses to the wine traders that apply for the reissuance of the license due to its expiry if all requirements are satisfied and laws are complied with; consider to issue licenses to new traders if all requirements are satisfied. The dossiers submitted sooner shall be considered sooner, and the quantity of licenses being issued must not exceed the quantity of licenses announced.

4. The authority to issue Licenses for wine trading

- a) The Ministry of Industry and Trade shall issue the Licenses for wine distribution;
- b) The Services of Industry and Trade and Trade shall issue the Licenses for wine wholesaling;
- b) The Departments of Industry and Trade and Trade shall issue the Licenses for wine retailing;

5. The procedure to issue the License for wine trading

- a) Within 15 days as from receiving the complete and valid dossier, the State management agency in charge of Industry and Trade shall consider and issue the License for wine trading to the trader as guided by the Ministry of Industry and Trade. The refusal must be explained in writing;
- b) If the dossier is not complete or not valid, within 07 days after receiving it, the State management agency in charge of Industry and Trade must request the supplementation in writing.

6. The Licenses for wine distribution, wine wholesaling, and wine retailing are valid for 05 years; 30 days before the License expires, if the trader wishes to continue trading wine, he or she must send a written application for another License to the licensing agency for consideration as prescribed in this Decree.

7. The Ministry of Industry and Trade shall specify the dossier of application for the new issuance, the reissuance, the amendment, and the supplementation of the Licenses for wine distribution, wine wholesaling, and wine retailing.

8. Each trader is only issued with one kind of Licenses for wine trading; The traders being issued with the Licenses for wine trading must pay fees as prescribed by the Ministry of Finance.

#### **Article 19. Rights and obligations of wine traders**

1. Buying wine of legal origins.
2. Organizing the sale of wine on the market in accordance with the issued License for wine trading.
3. Wine distributors, wine wholesalers may only sell wine to traders having the Licenses for wine trading affiliated to their distribution system within the licensed area.
4. Wine distributors may purchase wine from wine producers or other wine distributors or wine importers that directly import wine from foreign traders to sell to wine wholesalers or to sell retail at their affiliated stores within the licensed area.
5. Wine wholesalers may purchase wine from wine producers or wine distributors to sell to wine retailers or to sell retail at their affiliated stores within the province.
6. Wine retailers may purchase wine from wine wholesalers to sell within the licensed area.
7. Wine retailers must not sell wine to people under 18.
8. Wine traders must put up valid copies of the License for wine trading, issued by competent agencies, the categories, and prices of the wine being sold at their head offices, branches, representative offices, and business locations.
9. Wine traders must make written agreements or sale contracts on wine trading.
10. Wine traders are responsible for making reports and register the distribution system with functional agencies.
11. Reporting the business results in accordance with the instructions of competent State management agencies that issued the License for wine trading as prescribed by law.

#### **Article 20. Importing wine**

1. Imported wine comprise boxed finished wine for instant use, and semi-finished wine for producing finished wine in Vietnam.
2. Imported wine must have legal import documents as prescribed by current regulations, and be conformable with the regulations on putting stamps on imported wine as prescribed in Article 15 of this Decree.
3. Imported wine must have be labeled as prescribed in Article 14 of this Decree and relevant laws.
4. Only enterprises having Licenses for wine distribution may directly import wine, and must be responsible for the safety and quality of the imported wine. Enterprises importing semi-finished wine and additives for producing finished wine may only sell it to enterprises licensed to produce wine.
5. Enterprises having License for mass production of wine may directly import or authorize other enterprises to import semi-finished wine and additives for producing finished wine.
6. Imported wine must register for the Declaration of Conformity at the competent agency of Vietnam before the import, and each consignment must be issued with the written certification of food eligible for being imported as prescribed by law.
7. Wine is only imported to Vietnam through international border checkpoints. Apart from the papers presented to the customs when following the import procedure as prescribed, the importer must present the written appointment or authorization as an official distributor or importer of the producer or trader, or the agent contract of the producer or trader of those articles.

#### **Article 21. Prevention of smuggling and trade fraud**

1. Fake wine, unsafe wine, and wine of inferior quality shall be confiscated and destroyed. Smuggled wine shall be confiscated and handled as prescribed by other relevant laws.
2. Wine traders are responsible for cooperating with competent agencies in the preventing wine smuggling, production of fake wine, and trade fraud.

#### **Chapter 4.**

### **VIOLATIONS AND HANDLING VIOLATIONS**

#### **Article 22. Violations of regulations on wine production and wine trading**

1. Producing and trading wine without the License issued by competent State agencies.
2. Producing, trading, and consuming smuggled wine, fake wine, wine of inferior quality as prescribed by law.



3. Producing wine exceeding the production stated in the License.
4. The machinery, equipment, technological lines for wine production are of illegal origins
5. Circulating and trading wine without labels or packages as prescribed; not registering for the Declaration of Conformity, not putting on stamps as prescribed by law.
6. Trading wine inconsistently with the subjects, location, and content in the issued License for wine trading.
7. Trading wine when the License for wine trading has expired.
8. Forging, falsifying, lending, renting, transferring, or trading the License for wine production or wine trading.
9. Trading wine at prohibited locations as prescribed by law.
10. Trading without contracts or inconsistently with the commitment in the contract.
11. Sell wine retail through vending machines.
12. Selling wine to people under 18, selling wine on the internet.
13. Wine producers and wine traders not making reports, or making reports that are uncomformable with the regulations of competent State agencies..
14. Advertising or doing sales promotion of wine against the law.
15. Sponsoring the cultural activities, artistic activities, sports, entertainments, health care, and other social activities together with advertising wine.
16. Using wine as rewards in competitions, except for the wine competition.
17. Other acts of violations as prescribed buy law.

**Article 23. Revoking the License for wine production and the License for wine trading**

The License for wine production or the License for wine trading shall be revoked when violations of the requirements for wine production and wine trading, and other violations prescribed by law, are committed.

**Article 24. Handling violations**

Organizations and individuals committing violations of laws on wine production and wine trading, depending on the nature and seriousness of the violations, shall be disciplined, incur administrative penalties, or face criminal prosecution, and pay compensation for any damage as prescribed by law.

**Chapter 5.**

**STATE MANAGEMENT RESPONSIBILITY**

**Article 25. Responsibility of the Ministry of Industry and Trade**

1. Requesting the Government and the Prime Minister to promulgate, or promulgate, the legal documents on wine production and wine trading.
2. Leading and cooperating with Ministries and local authorities in controlling and managing the wine production and wine trading through the Master planning for the development of the beer - wine – beverage industry.
3. Fulfilling the State management responsibility for the investment and development of the wine industry as prescribed by law and this Decree.
4. Managing the food safety of wine in accordance with the Law of Food safety.
5. Specify the authority to issue, the procedure for issuing, reissuing, amending, supplementing, and revoking the License for mass production of wine, the License for small-scale production of wine for sale, the Certificate of small-scale production of wine for selling to premises licensed to produce wine for further processing, the Licenses for wine distribution, the License for wine wholesaling, and the License for wine retailing.
6. Inspecting the adherence to the Planning for wine production, the product quality, food safety, and environment protection at the premises producing and trading wine; settling the complaints, denunciations, and handle the violations during the wine production and wine trading.
7. Leading and cooperating with relevant competent agencies in inspecting, discovering, and handling other violations of wine production.
8. Leading or cooperating with competent agencies of the State in confiscating and handling smuggled wine, fake wine, unsafe wine, wine of inferior quality, expired wine, or wine bearing illegal labels, without labels, or without

stamps.

9. Leading and cooperating with other Ministries and sectors in making the regulations on the management of the production and trading of medicinal wine.

10. Leading and cooperating in the inspection and dissemination of the implementation of this Decree.

#### **Article 26. Responsibility of the Ministry of Finance**

1. Leading and cooperating with relevant Ministries and sectors in stamp printing, stamp issuance, and the management of the stamps for wine being sold at home and imported wine.

2. Leading and cooperating with the Ministry of Industry and Trade and relevant Ministries in issuing regulations on fees and charges for issuing the License for wine production and the License for wine trading.

#### **Article 27. Responsibility of the Ministry of Health**

1. Compiling and requesting the Government and the Prime Minister to promulgate the legal documents on the food safety and the prevention of the harm of alcohol abuse.

2. Inspecting the implementation of the regulations on food safety and the prevention of the harm of alcohol abuse.

3. Cooperating with relevant agencies in discovering, inspecting, and handling the premises that produce fake wine, smuggled wine, and unsafe wine.

#### **Article 28. Responsibility of other Ministries, ministerial-level agencies, and Governmental agencies**

The Ministries, ministerial-level agencies, Governmental agencies, within the ambit of their authority, according to the assignment of the Government, shall cooperate with the Ministry of Industry and Trade in the State management of the wine production and wine trading, in the propagation and dissemination of the Decree on wine production and wine trading.

#### **Article 29. responsibility of provincial People's Committees**

1. Performing the State management of the wine industry locally. Being responsible for managing and settling the issues intra vires.

2. Making, appraising, and approving the local Master planning for the development of the beer - wine - beverage industry the Planning for wine production, including the Planning for wine production, wine villages; appraising and accrediting wine villages.

3. Directing Services of Industry and Trade to develop the planning for the wine retail system within the province, according to the guidance of the Ministry of Industry and Trade.

4. Directing the local wine producers to comply with the Planning approved by competent authorities, following the target and the development orientation.

5. Inspecting the production, import, circulation, and sale of wine locally.

6. Inspecting and supervising the implementation of the Planning, product quality, food safety, tax liability, labor safety, environment protection at the premises producing wine, and handling the violations committed locally as prescribed by law.

7. Disseminating the wine production through the Master planning for the development of the beer - wine – beverage industry, and this Decree.

8. Raising the awareness of the harm of alcohol abuse and the use of wine with high toxin content; encouraging people to use safe wine and wine of high quality.

9. Directing local authorities to investigate and handle the local alcohol poisoning.

#### **Chapter 6.**

### **IMPLEMENTATION PROVISIONS**

#### **Article 30. Transitional provisions**

1. The organizations and individuals having the unexpired Licenses for wine production and Licenses for wine trading are exempted from applying for new Licenses, and shall apply for the new licenses as prescribed by this Decree when the old one expire.

2. The organizations and individuals not being issued with Licenses for wine production and Licenses for wine trading must apply for the licenses as prescribed by this Decree.

**Article 31. Effects**

1. This Decree takes effect on January 01<sup>st</sup> 2013.
2. Within 06 months as from this Decree takes effect, the competent agencies prescribed in Clause 2 Article 18 must finish announcing the quantity of License for wine trading.
3. The Government's Decree No. 40/2008/NĐ-CP dated April 07<sup>th</sup> 2008 on the wine production and wine trading is annulled.

**Article 32. Implementation organization and implementation responsibilities**

1. The Ministry of Industry and Trade shall lead and cooperating with relevant Ministries and sectors in guiding the implementation of this Decree.
2. The Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the Presidents of People's Committees of central-affiliated cities and provinces are responsible for the implementation of this Decree./

**FOR THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Tan Dung**

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