

**DECREE No. 58/2002/ND-CP OF JUNE 3, 2002
PROMULGATING THE REGULATION ON
PLANT PROTECTION, THE REGULATION
ON PLANT QUARANTINE AND THE
REGULATION ON MANAGEMENT OF PLANT
PROTECTION DRUGS**

THE GOVERNMENT

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

*Pursuant to the July 25, 2001 Ordinance on Plant
Protection and Quarantine;*

*At the proposal of the Minister of Agriculture and
Rural Development,*

DECREES:

Article 1.- To promulgate together with this Decree:

1. The Regulation on Plant Protection;
2. The Regulation on Plant Quarantine;
3. The Regulation on Management of Plant
Protection Drugs

Article 2.- This Decree takes implementation effect
15 days after its signing.

This Decree shall replace Decree No.92/CP of
November 27, 1993 of the Government promulgating
therewith the Regulations on plant protection, plant
quarantine, and on management of plant protection
drugs. The previous stipulations contrary to this Decree
shall all be annulled.

Article 3.- The ministers, the heads of the ministerial-
level agencies, the heads of the agencies attached to
the Government and the presidents of the People's
Committees of the provinces and centrally-run cities
shall have to implement this Decree.

On behalf of Government
Prime Minister
PHAN VAN KHAI

REGULATION ON PLANT PROTECTION

(Issued together with the Government's Decree No. 58/2002/ND-CP of June 3, 2002)

Chapter I

GENERAL PROVISIONS

Article 1.- This Regulation prescribes the prevention and elimination of organisms harmful to plant resources.

Article 2.-

1. The plant resources, which must be protected, include food, foodstuff plants, industrial, fruit, forestial trees, animal feed plants, medicinal herbs, flower trees, ornamental plants and other useful plants as well the products thereof.

2. Organisms harmful to plant resources, which must be prevented and eliminated, include harmful worms, diseases, harmful weeds, harmful wild plants, harmful rats, harmful birds, harmful strange organisms and other harmful organisms (referred collectively to as harmful organisms).

Article 3.- The protection of plant resources must observe the following principles:

1. It is carried out regularly and synchronously, with preventive measures as the key; the detection and elimination must be in time.

2. Combining the immediate benefits with the long-term benefits, the State and collective benefits with personal benefits and ensuring the common benefits of the entire society;

3. The prevention and elimination of harmful organisms must be efficient and at the same time ensure safety for human health, cultivated plants, useful organisms, limit environmental pollution and maintain the ecological balance;

4. Applying the integrated preventive measures, with importance being attached to biological measures and traditional experiences of people. Plant protection chemicals shall be used only when extremely necessary and in compliance with the regulations of the plant protection agencies.

Article 4.-

1. The ministries, branches and People's Committees of all levels shall, within the ambit of their functions, tasks and powers, have to coordinate in

organizing the direction of activities of preventing and eliminating organisms harmful to plant resources.

2. Economic organizations, political organizations, socio-political organizations, social organizations, socio-professional organizations and all individuals shall have to strictly observe the law provisions on prevention and elimination of organisms harmful to plant resources.

3. Vietnam Fatherland Front and its member organizations shall, within the ambit of their tasks and powers, have to propagate and mobilize people to implement, and supervise the implementation of, law provisions on prevention and elimination of organisms harmful to plant resources.

Chapter II

PREVENTION AND ELIMINATION OF ORGANISMS HARMFUL TO PLANT RESOURCES

Article 5.- The prevention and elimination of organisms harmful to plant resources must be carried out regularly, synchronously and timely in the activities of research, experiment, production, exploitation, processing, preservation, trading, use, export, import, temporary import for re-export, temporary export for re-import, transit and other activities related to plant resources.

The measures for preventing and eliminating organisms harmful to plant resources must be widely disseminated, propagated and trained in among people.

Article 6.- The competent plant protection and quarantine State bodies shall have the following responsibilities:

1. To investigate, detect, anticipate, forecast and notify on the possibility and time appearing harmful organisms as well as the scope and extent of harms caused by them;

2. To inspect the situation of harms caused by organisms to plant resources and request plant resource owners to supply documents and create all necessary conditions for the inspection process;

3. To guide measures for preventing and eliminating organisms harmful to plant resources; to make records on acts of violating the regulations on plant protection and report them to competent authorities for handling;

4. To request the People's Committee of the same level or management agencies, production and/or business units to mobilize human and material

resources for the work of prevention and elimination of organisms harmful to plant resources;

5. To conduct surveys, experiments and guide the application of plant protection technologies to production.

Article 7.- The plant resource owners shall have the following responsibilities:

1. To take initiative in inspecting, monitoring, detecting and grasping the development of organisms which cause harms to their plant resources on the fields and in storehouses;

2. To apply such harmful organism-preventing and eliminating measures as: seed treatment, field sanitation, soil preparation, sowing and cultivation of anti-disease varieties, fertilization, rational watering and drainage, sowing and cultivation strictly according to crop seasons;

3. When harmful organisms develop to the extent that they must be eliminated, the plant resource owners shall be obliged to apply every physical, manual and biological measures as well as plant protection drugs under the guidance of the competent plant protection and quarantine State bodies, of organizations and individuals conducting plant protection activities;

4. Upon detecting that harmful organisms may cause serious harms to plant resources, to immediately report such to the competent plant protection and quarantine State bodies or organizations and individuals conducting plant protection activities in the nearest place;

5. To request the competent plant protection and quarantine State bodies and organizations as well as individuals conducting plant protection activities to brief on the situation of harmful organisms in the region and guide the application of preventive and eliminating measures.

Article 8.- The implementation of information and reporting regime in competent plant protection and quarantine State bodies is prescribed as follows:

1. The competent plant protection and quarantine State bodies of subordinate levels must report on their periodical, extraordinary, seasonal and annual plans for plant protection as well as on the situation of organisms harmful to plant resources and the results of preventing and eliminating harmful organisms according to the regulations of the plant protection service to their immediate managing agencies and the superior specialized plant protection agencies;

2. The competent plant protection and quarantine State bodies of superior levels shall have to notify and

provide guidance on measures to prevent and eliminate organisms harmful to plant resources to the subordinate plant protection bodies as well as organizations and individuals conducting plant protection activities.

Article 9.- Conditions for announcing epidemics:

1. On the provincial/municipal scale:

If organisms harmful to plant resources develop quickly in large areas and threaten to cause serious harms with over 60% of the cultivated area being affected and over 30% of the cultivated area being seriously affected according to the regulations of the Ministry of Agriculture and Rural Development, the plant protection bodies of the provinces or centrally-run cities shall have to conduct the inspection, verification and conclusion.

2. On the national scale:

If organisms harmful to plant resources develop quickly on the scale of two provinces and/or centrally-run cities or more and threaten to cause serious harms with over 30% of the cultivated area of the territory or nation being affected and over 15% of the cultivated area of the territory or nation being seriously affected according to the regulations of the Ministry of Agriculture and Rural Development, the Plant Protection Department shall have to conduct the investigation, verification and conclusion.

Article 10.- Competence to decide on epidemic announcement, to cancel the epidemic announcement:

1. If organisms which cause harms to plant resources on the provincial/municipal scale, meeting the conditions for announcing epidemics according to the provisions in Clause 1, Article 9 of this Regulation, the provincial/municipal People's Committee presidents shall decide to announce epidemics and report thereon to the Minister of Agriculture and Rural Development;

2. If organisms which cause harms to plant resources on the national scale, meeting the conditions for announcing epidemics according to the provisions in Clause 2, Article 9 of this Regulation, the Minister of Agriculture and Rural Development shall decide to announce epidemics and report thereon to the Prime Minister.

3. If after the epidemic announcement the harmful organisms are no longer able to cause serious harms, the decision on no more epidemics must be announced; the persons competent to issue decisions to announce epidemics shall cancel such decisions.

When announcing epidemics, the plant protection agencies of all levels shall have to monitor them, propose measures to stamp out epidemics and not to let them spread, and work out plans to prevent and combat their re-occurrence.

Article 11.- Responsibilities of State agencies, organizations and individuals when decisions to announce epidemics are issued:

1. The Minister of Agriculture and Rural Development shall guide and direct the epidemics-hit localities to quickly stamp out the epidemics, prevent their spread to other regions;

2. The presidents of the People's Committees at all levels in the epidemics-hit localities must direct the concerned agencies to coordinate with social organizations and mobilize people in the epidemic regions to immediately apply effective measures to stamp out the epidemics and prevent their spread to other regions. Depending on the dangerous nature and spreading extent of epidemics, the presidents of the People's Committees in the epidemic localities shall immediately report thereon to their immediate superiors for the application of necessary measures to stamp out the epidemics, overcome the consequences and prevent the re-occurrence of the epidemics.

3. Where epidemics cannot be stamped out in localities though human and material resources have been mobilized to the utmost to combat the epidemics, the provincial/municipal People's Committee presidents shall report the situation to the Prime Minister or to the Minister of Agriculture and Rural Development for further report to the Prime Minister who shall decide on the application of necessary measures to stamp out the epidemics;

4. The plant resource owners and relevant organizations as well as individuals in epidemic localities must apply measures to stamp out the epidemics under the guidance of competent bodies.

Article 12.- The State encourages organizations and individuals who satisfy the conditions prescribed in Article 13 of this Regulation to provide plant protection services with the following contents:

1. Investigating, anticipating, forecasting the situation on organisms harmful to plant resources;

2. Guiding plant resource owners in measures to prevent and eliminate organisms harmful to plant resources;

3. Dealing in plant protection supplies;

4. Applying measures to prevent and eliminate organisms harmful to plant resources.

Article 13.- Those who directly provide plant protection services must satisfy the following conditions:

1. Having professional qualifications for plant protection (diplomas or certificates).

2. Having health certificate granted by medical bodies of the district or higher levels as prescribed;

3. Having lawful and clear transaction addresses.

For activities of providing services on plant protection supplies dealing, the provisions on trading in plant protection drugs prescribed in the Regulation on management of plant protection drugs, issued together with this Decree, must also be complied with.

Article 14.- Organizations and individuals providing plant protection services shall have the following responsibilities:

1. To sign contracts for providing plant protection services with plant resource owners strictly according to the law provisions on economic contracts;

2. To fully observe the provisions of the Ordinance on Plant Protection and Quarantine and the provisions of this Decree.

Article 15.- The following acts shall be strictly prohibited:

1. Using plant protection measures which may cause danger to human beings and useful organisms, such as: using plant protection drugs on the list of those banned from use, plant protection drugs outside the list of those allowed for use; using plant protection drugs not as guided;

2. Putting to trading or use the products already treated with plant protection drugs without ensuring the isolation duration for each type of drug and the permitted volume on farm produce;

3. Importing, exporting, producing, transporting, transiting, stockpiling, trading and/or using plant varieties seriously infected with diseases or plant quarantine objects on Vietnam's list of objects liable to plant quarantine.

On behalf of the Government
Prime Minister
PHAN VAN KHAI

REGULATION ON PLANT QUARANTINE

(Issued together with the Government's Decree No. 58/2002/ND-CP of June 3, 2002)

Chapter I**GENERAL PROVISIONS**

Article 1.- This Regulation prescribes the work of quarantining imported, exported, transited and domestic plants and treating objects subject to plant quarantine by measure of disinfection, vaporization.

Article 2.- In this Regulation, the terms and phrases below shall be construed as follows:

1. *The plant quarantine objects* are harmful organisms having potential to cause serious harms to plant resources in a region where such organisms have not yet appeared or have appeared in narrow distribution;

2. *Articles liable to plant quarantine* are plants, plant products, means of production, preservation or transport or other articles which possibly carry plant quarantine objects;

3. *Plant epidemic infection status* means the extent and nature of the articles' infection with harmful organisms;

4. *Article inspection* covers investigation, observation, monitoring, sampling, expertise and research in order to determine the infection status;

5. *Article treatment* covers the recycle, selection, sorting out, cleaning, sterilization, return to places of origin, or destruction of articles;

6. *Disinfection* means the annihilation of organisms which cause harms to articles liable to plant quarantine;

7. *Epidemic focus* is a place where exist one or several kinds of harmful organisms on the promulgated list of plant quarantine objects;

8. *Epidemic region* is a region infested with epidemic focuses;

9. *Lot of articles* means a given quantity of articles with similar conditions and factors on infection proneness;

10. *Plant quarantine location* is a place where articles liable to plant quarantine are inspected before being removed away.

Article 3.- Articles liable to plant quarantine (also

called articles in this Regulation) shall include:

1. Plants, plant products;
2. Means of production, preservation or transport, earth, storehouses or other articles which may carry plant quarantine objects.

Article 4.- Responsibilities and powers of the plant quarantine bodies and articles owners are prescribed as follows:

1. The articles owners must monitor, prevent and annihilate harmful organisms, treat infected articles and those which fail to meet the import and/or export criteria or transport them out of epidemic regions according to regulation on plant quarantine.

Where the infected articles must be urgently treated while the articles owners are incapable of doing so, the plant quarantine bodies shall effect the treatment.

Where infected articles of various owners must be treated simultaneously while the article owners cannot reach agreement on the treatment thereof, the plant quarantine bodies shall make decisions and the articles owners must implement them.

The articles owners must bear all costs of treatment of the articles. Where the articles owners are not available, the means owners, the transport means operators, the articles preservers must implement the regulations on plant quarantine with regard to the means and the articles they carry, preserve on such means and bear all expenses for the treatment of articles.

2. The competent plant protection and quarantine State bodies (also called plant quarantine bodies in this Regulation) shall have to guide, supervise and certify the application of measures of monitoring, prevention, annihilation and treatment of articles.

Article 5.- The vaporization for disinfection of export, import, transit, domestic articles, the articles infected with plant quarantine objects must be conducted by domestic organizations and/or individuals that meet all conditions prescribed in Article 30 of this Regulation.

Article 6.- Plant quarantine procedures:

1. The articles owners or persons authorized by articles owners shall have to:

a) Make declarations at least 24 hours in advance to the nearest plant quarantine offices;

For hand luggage and luggage accompanied on

transport means, which are articles liable to plant quarantine, they must be declared in the entry/exit declaration form and inspected on spot by the plant quarantine bodies.

For articles liable to plant quarantine, which are exports or imports or being packed together with other exports, imports (except hand luggage, accompanied luggage of passengers on exit, entry), the goods owners, when submitting the customs dossiers for customs clearance, must have the quarantine registration papers of the plant quarantine bodies.

b) To create favorable conditions for plant quarantine officials to inspect and sample articles by opening, closing transport means, storehouses, goods packages; to supply personnel for sampling;

c) To pay plant quarantine charges as prescribed

2. The plant quarantine bodies must inspect, re-inspect and give the results immediately within 24 hours after the articles owners make declarations. Where it is longer than 24 hours, the plant quarantine bodies must notify the articles owners thereof.

Article 7.- In each period, the Minister of Agriculture and Rural Development shall determine and publicize:

1. The list of plant quarantine objects of Vietnam;
2. The list of articles liable to plant quarantine of Vietnam.

Article 8.- The procedures for inspecting articles and compiling dossiers on plant quarantine must be applied uniformly nationwide under the stipulations of the Ministry of Agriculture and Rural Development.

Article 9.- The plant quarantine officials, when performing their tasks:

1. Must wear uniform, badges, rank insignia and plant quarantine card;
2. May enter places where exist articles liable to plant quarantine;
3. For secret security and defense places and other special cases, they must be given conditions and guided in the performance of their tasks by the competent authorities of those establishments in order to satisfy both requirements of confidentiality and plant quarantine.

Article 10.- The coordination among agencies in the work of plant quarantine is prescribed as follows:

1. The customs offices shall have to coordinate with

the plant quarantine bodies in inspecting and supervising articles. The customs procedures shall be completed for articles liable to plant quarantine only after all plant quarantine procedures are carried out. The contents of plant quarantine declaration are reflected in the entry/exit declarations.

For articles which the plant quarantine bodies force to re-export, force to destroy or which, after being quarantined and concluded, are allowed for export or import, the plant quarantine bodies shall have to notify such to the customs offices at the border gates where such articles shall be exported or imported, and at the same time take initiative in coordinating with the customs offices and other relevant agencies in settling and handling relevant matters at the request of the plant quarantine bodies.

2. The concerned State bodies (Port Authority, Customs, Post Office, Police, Border Guard, Market Management, ...) shall, within the ambit of their functions and tasks, have to coordinate with the plant quarantine bodies in inspecting, preventing and/or arresting subjects violating the plant quarantine regulations.

Chapter II

QUARANTINE OF IMPORTED PLANTS

Article 11.- Objects imported into Vietnam must satisfy the following conditions:

1. Being granted plant quarantine certificates by competent plant protection and quarantine State agencies of the exporting countries;
2. Being free from plant quarantine objects and strange harmful organisms; if any, they have already gone through treatment.

The Minister of Agriculture and Rural Development shall prescribe plant quarantine criteria for imported articles.

Article 12.- Procedures for quarantine of imported plants:

1. When the imported articles arrive at the first border gate, the articles owners must notify the nearest Vietnamese plant quarantine offices thereof. The plant quarantine bodies shall carry out the procedures at the first border gate. For special cases, the plant quarantine procedures shall be carried out at other places with

isolation conditions;

2. The declaration, inspection, treatment and granting of the certificates of imported plants for imported articles shall comply with Articles 6 and 8 of this Regulation;

3. When water transport means carry articles liable to plant quarantine to buoy No. "0", the means owners shall have to make declaration and the Vietnamese plant quarantine offices shall conduct the inspection; if no plant quarantine objects are found, such means are allowed to enter ports; if plant quarantine objects are detected, they must be treated absolutely.

The inspection of imported articles carried on water transport means shall be conducted at the quarantine locations in Vietnamese ports;

4. Articles temporarily imported for re-export or temporarily exported for re-import must go through plant quarantine procedures like the imported articles.

Article 13.-

1. Organizations and individuals that import plant varieties and useful organisms must satisfy the conditions prescribed in Article 11 of this Regulation.

a) For plant varieties allowed to be imported, they may be only transported to and sown or cultivated at places already registered at the import border gates. When arriving at the above-mentioned locations, the said organizations and individuals must make declaration with the competent plant protection and quarantine State bodies in the localities for further monitoring and inspecting the situation of harmful organisms;

b) For new plant varieties imported for the first time, they may be sown or cultivated only at places prescribed by the plant quarantine bodies in order to monitor the harmful organisms. Only after these bodies conclude that they do not carry plant quarantine objects of Vietnam can they be put into production; the duration of monitoring each plant group shall comply with the stipulations of the Ministry of Agriculture and Rural Development;

c) For useful organisms, when having demands to import them, the articles owners must supply relevant documents to the plant quarantine bodies for consideration and decision by the Ministry of Agriculture and Rural Development.

2. The quarantine of plant varieties and useful organisms must comply with the technical process prescribed by the Ministry of Agriculture and Rural Development.

3. Organizations and individuals that import articles which may be used as strains must also comply with the provisions prescribed for the import of plant varieties.

Article 14.- Responsibilities of plant quarantine bodies and articles owners in the transportation, preservation and use of articles are prescribed as follows:

1. The plant quarantine bodies shall have the right to supervise the plant quarantine of imported articles as from the time such articles are brought into the Vietnamese territory.

2. The articles owners must have the plant quarantine certificates granted by Vietnamese plant quarantine bodies and implement all measures prescribed at such certificates in the course of transportation, preservation and use of the articles.

Article 15.- The plant quarantine bodies are allowed to coordinate with the plant quarantine agencies of the exporting countries in inspecting and treating the to be-imported articles in the exporting countries.

Article 16.- It is strictly forbidden to introduce into Vietnam plant quarantine objects, strange harmful organisms still alive at any growth stage, where they need to be introduced into the country for research, the permission of the Minister of Agriculture and Rural Development is required.

Article 17.-

1. The treatment of articles infected with plant quarantine objects shall be effected as follows:

a) If the articles are infected with plant quarantine objects not yet found in the Vietnamese territory but on Vietnam's list of plant quarantine objects, they shall not be allowed for import and must be returned to their places of origin or be destroyed. Where they can be absolutely treated by other measures, such measures shall be applied.

b) If the articles are infected with plant quarantine objects with narrow distribution in the Vietnamese territory and on Vietnam's list of plant quarantine objects or other strange harmful organisms, absolute treatment measures to be decided by the plant quarantine bodies must be taken before they are brought into the mainland. Where the treatment can not be effected under Vietnamese conditions, they can be returned to their place of origin or destroyed.

2. The treatment of articles adrift, dropped or leaked

into Vietnam from overseas shall fall under the jurisdiction of the plant quarantine bodies in coordination with the local administration and relevant agencies.

Chapter III

QUARANTINE OF EXPORT PLANTS

Article 18.- The plant quarantine bodies shall effect the plant quarantine of export articles in the following cases:

1. It is so requested under sale and purchase contracts, or prescribed by the international treaties which Vietnam has signed or acceded to.

2. The articles owners request plant quarantine.

Article 19.- The procedures for quarantine of export articles shall include:

1. When the export articles arrive at the final border gate or at places where the articles are exported to foreign countries, the article owners must notify in advance the nearest plant quarantine bodies thereof.

2. The plant quarantine bodies shall carry out the quarantine procedures and can issue decisions or accept the requests of the articles owners to conduct the preliminary inspection at the production or preservation establishments lying deep in the mainland and re-inspect at the final border gate; for this case, the inspection and re-inspection must also be conducted to grant the plant quarantine certificates.

3. The declaration, inspection, treatment, granting of plant quarantine certificates for export articles shall comply with the provisions in Articles 6 and 8 of this Regulation.

Article 20.- Responsibilities of plant quarantine bodies and articles owners in the transportation of articles out of Vietnamese territory are prescribed as follows:

1. The plant quarantine bodies shall have the right to supervise the plant quarantine of export articles from the time the articles are inspected, re-inspected, granted plant quarantine certificates to the time they are transported out of Vietnamese territory;

2. The export articles owners must acquire plant quarantine certificates as provided for in Article 18 of this Regulation for the transportation of articles from the places of plant quarantine of export articles to foreign countries and must apply all measures prescribed in

such certificates.

Chapter IV

QUARANTINE OF TRANSIT PLANTS

Article 21.- The transit or storage of articles in warehouses or yards in the Vietnamese territory must be notified in advance to and consented by the Vietnamese plant quarantine bodies; and the articles must be packed according to the commodity specifications in order to avoid the spread of harmful organisms in the process of transportation and storage.

Article 22.- Procedures for quarantine of export plants shall include:

1. When the articles transit through the first Vietnamese border gate, the articles owners must declare with the nearest plant quarantine offices and produce the plant quarantine certificates of the countries of origin.

2. The Vietnamese plant quarantine bodies shall have the right to supervise such articles, inspect the transport means and the outside of the articles.

Article 23.- If the articles transiting Vietnam are found with Vietnam's plant quarantine objects or packed improperly under the commodity specifications, the articles owners must apply treatment measures or re-pack them according to regulations.

The article owners must bear all expenses for treatment or re-packing.

Chapter V

QUARANTINE OF DOMESTIC PLANTS

Article 24.- Contents of the quarantine of domestic plants:

1. Managing the situation of harmful organisms subject to Vietnam's plant quarantine, and useful organisms;

2. Controlling and applying treatment measures upon the detection of epidemics focuses.

Article 25.- Responsibilities of the competent plant protection and quarantine State bodies:

1. To regularly investigate, monitor and supervise the situation of harmful organisms on imported plant

varieties and plant products kept in storehouses;

2. When plant varieties and/or useful organisms are imported into the localities for sowing, cultivation or use, the local competent plant protection and quarantine State bodies shall have to:

a) Check the papers on plant quarantine of plant varieties and useful organisms;

b) Monitor and supervise places where they are sown, cultivated or used;

c) If the articles owners fail to comply with the imported plant quarantine procedures prescribed in Article 12 of this Regulation, the local competent plant protection and quarantine State bodies shall apply measures as prescribed by law;

3. Determine the boundary of epidemic region, locations for quarantine of domestic plants when articles are transported out of the epidemics region, conduct the inspection, grant certificate of quarantine of domestically transported plants, supervise the transportation of articles out of the epidemic region;

4. Check the plant quarantine certificates and monitor, supervise lots of objects brought from the epidemics region to localities;

5. Decide on measures to treat articles infected with plant quarantine objects, guide, supervise the articles owners in the application of treatment measures;

6. At places where exist may epidemics nests and signs that epidemics nests spread into epidemics region, the competent plant protection and quarantine State bodies shall have to immediately report thereon to the agencies competent to announce epidemics as provided for in Article 11 of the Ordinance on plant protection and quarantine.

Article 26.- Responsibilities of the articles owners:

1. The article owners must regularly follow the situation on organisms harmful to plant resources they have owned or directly managed.

At places where import articles are often gathered, transited or brought from epidemic regions, the above-mentioned monitoring must be effected upon requests and under the guidance of the competent plant protection and quarantine State bodies;

2. Upon detecting or doubting the existence of plant quarantine articles on the promulgated list or strange harmful organisms, the articles owners or the detectors shall have to apply necessary measures to eliminate

and stop their spread, and at the same time to immediately report to the nearest competent plant protection and quarantine State bodies or local administration thereon;

3. To apply article-treating measures decided by the competent plant protection and quarantine State bodies;

4. To create all conditions for the competent plant protection and quarantine State bodies to further monitor and inspect the already-treated articles in the process of sowing and cultivation, use and preservation;

5. To bear all costs of applying the treatment measures, to inspect the granting of certificates of quarantine of domestically transported articles according to the law provisions.

Article 27.- The declaration, inspection, treatment, and granting of certificates of quarantine of domestically transported articles shall comply with the provisions in Articles 6 and 8 of this Regulation.

Article 28.- The transportation of alive plant quarantine objects to epidemic-free regions is strictly forbidden. Where such transportation is carried out for the purpose of research, the permission of the Minister of Agriculture and Rural Development is required.

Chapter VI

TREATING ARTICLES BY MEASURE OF DISINFECTION VAPORIZATION

Article 29.- Disinfection vaporization is a measure of disinfection with toxic chemical vaporization.

Article 30.- Organizations and individuals engaged in disinfection vaporization activities must satisfy the following conditions:

1. Having the disinfection vaporization practice certificate;

2. The contingent of officials and technical workers satisfy the requirements on disinfection vaporization;

3. Having technical process, facilities and equipment in service of disinfection vaporization activities, ensuring safety for human beings, reared animals, environment, fire and explosion prevention and fighting;

4. Working places, equipment and chemicals storehouses must be up to the standards agreed upon by competent functional bodies.

Article 31.- Conditions for granting disinfection steaming practice certificates:

1. The persons who directly manage, run the disinfection vaporization activities must possess:

- a) Professional qualifications in chemicals or plant protection of the university or higher level;
- b) Having worked in this domain for at least 3 years;
- c) Having health certificates granted by health bodies of the district or higher level as provided for.

2. The persons directly conducting the disinfection vaporization:

- a) Must go through a course of training on disinfection vaporization, and be tested on their professional qualifications and skills by the Plant Protection Department;
- b) Having health certificates granted by health bodies of the district or higher level as provided for.

Article 32.- Competence to grant certificates for disinfection vaporization practice is prescribed as follows:

1. The regional Sub-Departments for Plant Quarantine under the Plant Protection Department shall grant certificates for disinfection vaporization practice to organizations engaged in activities of disinfecting domestically preserved objects;

2. The Plant Protection Department shall grant certificates of disinfection vaporization practice to organizations engaged in activities of disinfecting export, import, transit articles and those infected with plant quarantine articles;

3. The appraisal and granting of professional practice certificates must be effected within 15 days as from the date of receiving the valid dossiers; in case of non-granting, the reasons therefor must be notified in writing to the applicants.

Article 33.- Powers and obligations of disinfecting organizations when being granted certificates for disinfection vaporization practice:

1. Organizations and individuals engaged in disinfection vaporization activities may conduct the disinfection vaporization activities as from the time they fully meet the conditions prescribed in Article 30 of this Regulation and commit to strictly observe those conditions throughout their operation process;

2. They shall be granted certificates for disinfection

vaporization for articles liable to plant quarantine;

3. When applying the measure of disinfection vaporization for articles infected with plant quarantine objects, they must be designated by the plant quarantine bodies and submit to the latter's supervision;

4. Organizations and individuals engaged in disinfecting activities, when carrying out the procedures for being granted the disinfection vaporization practice certificates or for the extension thereof shall have to pay charges and fees as provided for by law.

On behalf of the Government
Prime Minister
PHAN VAN KHAI

REGULATION ON MANAGEMENT OF PLANT PROTECTION DRUGS

(Issued together with the Government's Decree No. 58/2002/ND-CP of June 3, 2002)

Chapter I

GENERAL PROVISIONS

Article 1.-

1. This Regulation prescribes the production, processing, rebottling, packing, export, import, preservation, reservation, transportation, trading, use, registration, expertise, assay and destruction of plant protection drugs in Vietnam.

2. The plant protection drugs shall include:

- a) Preparations used for prevention and elimination of organisms harmful to plant resources;
- b) Preparations used for regulation of plant growth;
- c) Preparations used for driving away organisms harmful to plant resources or attracting them for annihilation.

Article 2.- In this Regulation, the terms and phrases below shall be construed as follows:

1. Plant protection drugs means preparations

originating from chemicals, plants, animals, micro-organisms and other preparations used for prevention and/or annihilation of organisms harmful to plant resources;

2. *Active substances or effective matters of plant protection drugs* include substances in finished products, which have the effect in doing away with or restricting the growth or development of organisms harmful to plant resources; substances which have the effect in regulating the plant growth, substances which cause disgust to, attract or drive away organisms harmful to plant resources;

3. *Technical drugs* means preparations with high contents of active substances used for processing into finished drugs;

4. *Plant protection drug materials* include technical drugs and additives as well as solvents used for finished drug processing;

5. *Finished drugs* means drugs turned out according to certified technological process, which have their quality standards and trademarks registered at competent functional bodies and are allowed to put to circulation and use;

6. *Drug forms* means the physical state with requirements on the particular physical properties of the finished drugs, demonstrated in various forms;

7. *Isolation duration* means the minimum period of time from the date of final use of plant protection drugs to the date of harvesting products in the cultivation process, or the minimum duration from the time of final use of plant protection drugs to the time of using products in the preservation process;

8. *Residue* means the amount of active substances of plant protection drugs, derivatives and metabolic products of plant protection drugs having toxic elements left in commodity farm produce and environment after the use of plant protection drugs;

9. *The permitted maximum residue* means the maximum amount of a type of plant protection drug permitted to be left in farm produce, foodstuff or animal feeds without causing harms to human beings and reared animals. The permitted maximum residue shall be expressed in milligrams of plant protection drugs in a kilogram of commodity farm produce;

10. *Production of plant protection drugs* means the process of composing, processing active substances or technical drugs;

11. *Processing of plant protection drugs* means the process of mixing technical drugs with solvents, additives according to given formulas and processes in order to create finished drugs in various forms according to their use purposes;

12. *Trading* means purchasing and selling activities covering the wholesale, retail and exchange of goods for plant protection drugs on Vietnamese markets.

Article 3.- Domestic and foreign organizations and individuals that carry out activities of producing, exporting, importing, preserving, storing, transporting, trading and/or using plant protection drugs in Vietnam must abide by Vietnam's legislation on plant protection drug management and the international treaties which Vietnam has signed or acceded to.

Article 4.- Annually, the Minister of Agriculture and Rural Development shall publicize the lists of plant protection drugs allowed for use, plant protection drugs restricted from use, and plant protection drugs banned from use on the Vietnamese territory.

When deeming it necessary, the Minister of Agriculture and Rural Development shall decide on the use restriction or ban on plant protection drugs already named in the lists of those permitted for use in Vietnam. The effective duration for the implementation of such decision shall be stipulated by the Ministry of Agriculture and Rural Development for each type of drug.

Article 5.- The following acts shall be strictly prohibited:

1. Producing, processing, rebottling, packing, importing, storing, transporting, trading and using plant protection drugs on the list of those banned from use; fake plant protection drugs; plant protection drugs with unidentified origins; plant protection drugs with marks incompatible with the regulations on trademarks or infringing upon the trademarks being protected; plant protection drugs outside the lists of those restricted from use, allowed for use in Vietnam, except for cases of import for assay or use in foreign investment projects under the provisions in Clause 3, Article 31 of the Ordinance on Plant Protection and Quarantine;

2. Importing, exporting, trading and/or using expired plant protection drugs;

3. Advertising plant protection drugs which are not on the lists of those allowed for use, those restricted from use and those banned from use on the Vietnamese territory.

Chapter II**PRODUCTION, PROCESSING,
REBOTTLING, PACKING OF PLANT
PROTECTION DRUGS**

Article 6.- Activities of producing, processing, rebottling and packing plant protection drugs include:

1. The production of active substances, technical drugs;
2. The processing of active substances or technical drugs into finished drugs in various forms for use;
3. The rebottling, packing of plant protection drugs from larger amounts or capacities into smaller ones.

Article 7.- Organizations and individuals that produce, process, rebottle and/or pack plant protection drugs must fully satisfy the following conditions:

1. The persons who directly run the production, processing, rebottling and/or packing of plant protection drugs must have professional practice certificates;
2. Their producing, processing, rebottling, packing technological processes are compatible with the regulations and ensure the quality of plant protection drugs;
3. They have locations permitted by competent agencies;
4. They have equipment which ensure labor hygiene and health safety for people, reared animals, environment, the fire and explosion prevention and fighting;
5. They have the waste-treating systems as provided for by competent environment bodies;
6. They have product quality inspection establishments or register with the nearest quality inspection offices for the inspection of drug quality before delivery.

Article 8.- Conditions for the granting of professional practice certificates to persons directly running the production, processing, rebottling and/or packing of plant protection drugs:

1. Having professional qualifications in chemistry or plant protection of the university or higher degree;
2. Having health certificates granted by health bodies of the district or higher level as provided for.

The Ministry of Agriculture and Rural Development shall prescribe the procedures for granting of professional practice certificates.

Article 9.- The registration for production, processing, rebottling and/or packing of plant protection drugs shall comply with the following regulations:

The competent State bodies shall only grant *business registration certificates* for activities of producing, processing, rebottling and packing plant protection drugs when the persons directly managing and running these activities have professional practice certificates granted by the plant protection State bodies in the localities.

Organizations and individuals may produce, process, rebottle and/or pack plant protection drugs as from the time they satisfy all the conditions prescribed in Article 7 of this Regulation and commit to strictly observe those conditions throughout the course of operation.

Foreign organizations and individuals operating in the field of producing, processing, rebottling and/or packing plant protection drugs must obtain the written opinions of the Ministry of Agriculture and Rural Development.

Article 10.- Organizations and individuals may produce, process, rebottle and/or pack plant protection drugs of the following types:

1. Drugs being on the lists of those allowed for use, restricted from use in Vietnam, announced by the Minister of Agriculture and Rural Development;
2. Plant protection drugs in the contracts already signed with foreign traders for re-export, for trial use or for use in foreign investment projects in Vietnam.

Article 11.- Organizations and individuals that produce, process, rebottle and/or pack plant protection drugs have the responsibilities:

1. To report on the situation of quarterly, annual production, processing, rebottling and/or packing under the current regulations of the State to the competent plant protection and quarantine State bodies;
2. When discontinuing the production, processing, rebottling and/or packing of plant protection drugs, to report thereon in writing to the State bodies competent to grant business registration certificates and the competent plant protection and quarantine State bodies;
3. The applicants for the granting of professional practice certificates of production, processing, rebottling and/or packing of plant protection drugs shall have to pay fees according to the State's regulations.

Chapter III**EXPORT, IMPORT OF DRUGS AND MATERIALS FOR THE PRODUCTION OF PLANT PROTECTION DRUGS**

Article 12.- Import of finished drugs and materials for production, processing, rebottling and/or packing of plant protection drugs:

1. Organizations and individuals may import finished drugs and materials on the lists of drugs allowed for use or restricted from use in Vietnam for the production, processing, rebottling and/or packing thereof according to the provisions of this Decree;

2. Organizations and individuals that import plant protection finished drugs and plant protection drug materials not on the list of those allowed for use for processing, packing in Vietnam for the purpose of re-export under contracts already signed with foreign countries must obtain import permits from the Ministry of Agriculture and Rural Development and submit to the inspection of such re-export by competent State bodies;

3. Organizations and individuals that import plant protection drugs not yet on the lists of those allowed to use for assay, for use in foreign investment projects in Vietnam, which are allowed to use such types of drugs or import plant protection drugs on the list of those restricted from use must obtain the import permits of the Ministry of Agriculture and Rural Development.

The Ministry of Agriculture and Rural Development shall prescribe the conditions and procedures for granting of permits for import of plant protection drugs.

Article 13.- Organizations and individuals with business registration certificates shall be allowed to export plant protection drugs and/or materials thereof according to the State's regulations on export and import activities.

Chapter IV**TRANSPORTATION, PRESERVATION, TRADING OF PLANT PROTECTION DRUGS AT HOME**

Article 14.- The transportation of plant protection drugs must comply with the technical requirements of each type of drug and must ensure safety for human beings and the protection of the environment and ecological system.

Article 15.- The plant protection drugs must be preserved in storehouses. The storehouses must satisfy the technical requirements to ensure the drug quality, ensure safety for human beings and the protection of the environment and ecological system.

Article 16.- Organizations and individuals that trade in plant protection drugs must fully satisfy the following conditions:

1. Having professional practice certificate of trading in plant protection drugs;

2. Having drug stores and storehouses as prescribed;

3. Having necessary equipment to ensure safety for human beings, environmental hygiene, fire and explosion prevention and fighting according to law provisions.

Article 17.- Conditions for granting professional practice certificates to plant protection drug dealers:

1. Having diplomas of intermediate vocational training in agriculture or forestry, or certificates of completion of professional courses on plant protection drugs, granted by the Sub-Departments for Plant Protection;

2. Having health certificates granted by health bodies of the district or higher levels as provided for.

The Ministry of Agriculture and Rural Development shall prescribe the procedures for granting of professional practice certificates of plant protection drug trading.

Article 18.- The competent State bodies shall only grant the business registration certificates for plant protection drug trading when the drug dealers have the professional practice certificates granted by the provincial/municipal Sub-Departments for Plant Protection.

Organizations and individuals may trade in plant protection drugs as from the time they meet all the conditions prescribed in Article 16 of this Regulation and commit to strictly observe those conditions throughout the course of plant protection drug trading activities.

Article 19.- Scope of plant protection drug dealing:

1. To trade in types of finished drugs on the lists of drugs allowed for use or restricted from use in Vietnam;

2. Not to trade in plant protection drugs in a store together with food, foodstuff, refreshments, human medicines and other consumer goods as well as supplies, except fertilizers.

Article 20.- Transportation, storage, trading and advertisement of plant protection drugs must comply with the following regulations:

1. The transported, stored and traded plant protection drugs and raw materials must bear labels and trademarks which comply with law provisions;

2. Advertisement can be made for drugs on the list of those permitted for use in Vietnam. The advertising contents must be true to the properties and effects of the drugs as already registered with the Ministry of Agriculture and Rural Development and conform with the current regulations on information and advertisement.

Chapter V

USE OF PLANT PROTECTION DRUGS

Article 21.- Organizations and individuals are allowed to use plant protection drugs on the lists of those permitted for use or those restricted from use to prevent and annihilate organisms harmful to plant resources under the guidance of professional personnel or strictly according to the instructions on drug labels, using the right drugs, on the right objects, with the right doses and the right concentration, at the right time, according to the right methods, within the permitted scope, with the right isolation duration, and ensuring safety for human beings, cultivated plants, reared animals, food and environmental hygiene and safety.

Article 22.-

1. The destruction of plant protection drugs and packages thereof must ensure safety for human beings, the environment and ecological system.

2. The destruction of plant protection drugs and packages thereof must comply with the technical process promulgated by the Ministry of Science, Technology and Environment.

3. The competent plant protection and quarantine State bodies of all levels, the competent agencies of the People's Committees of the provinces or centrally-run cities where plant protection drugs are destroyed shall have to coordinate with the concerned functional bodies in organizing and supervising the destruction.

4. The destruction of plant protection drugs and empty packages thereof must ensure that the maximum residue in soil, water and air does not exceed Vietnam's prescribed limits or the World Health Organization's prescribed limits if the prescribed limits of Vietnam are not available. The destruction of plant protection drugs

and packages thereof must comply with the law provisions on management of noxious wastes.

5. The destroyers must be fully equipped with anti-poison and labor protection means.

6. Organizations and/or individuals that have drugs in stock shall have to organize the destruction thereof. The drug users shall have to gather the empty packages of plant protection drugs and request the local plant protection and quarantine offices to organize the destruction thereof according to regulations.

7. The provincial/municipal plant protection and quarantine agencies shall assume the prime responsibility for organizing the destruction, coordinating with the environmental protection agencies and the concerned local offices in supervising the destruction.

8. All expenses for the destruction must be paid by owners of the destroyed objects.

9. Where owners of the to be destroyed plant protection drugs and packages thereof cannot be identified, the provincial/municipal People's Committees shall direct the concerned branches to effect the destruction strictly according to regulations and deduct their local budgets for the destruction thereof.

Chapter VI

REGISTRATION, EXPERTISE, ASSAY OF PLANT PROTECTION DRUGS

Article 23.- Domestic or foreign organizations and/or individuals that produce active substances or plant protection drug materials may register under their own names or authorize other organizations or individuals to register under the latter's names the use of their products in Vietnam.

Article 24.- Types of plant protection drugs which must be registered for use in Vietnam:

1. Drugs without active substances named on the list of plant protection drugs permitted for use in Vietnam;

2. Drugs with names on the list of plant protection drugs permitted for use but bearing the names of other merchandises, with changes in their using scopes, drug forms, contents of active substances, or mixed together into new drugs.

Article 25.- Plant protection drugs originating from plants, animals, micro-organisms and less harmful bio-preparations under the classification by the World Health Organization (WHO) or other international organizations

shall be given priority in carrying out the registration procedures according to the regulations of the Ministry of Agriculture and Rural Development.

Article 26.- The Ministry of Agriculture and Rural Development shall prescribe:

1. The conditions and procedures for granting of permits for assay of new plant protection drugs;
2. The conditions, registration procedures, the granting of certificates of registration of plant protection drugs in Vietnam;
3. The expertise of quality and superfluous volumes of plant protection drugs and the test of new plant protection drugs being in the process of carrying out the procedures for registration in Vietnam.

Article 27.- The plant protection drugs-expertising and -assaying body of the Ministry of Agriculture and Rural Development shall effect the expertise of the quality of plant protection drug materials and finished products to be exported or imported; the finished products of plant protection drugs in storehouses, production, processing, rebottling and/or packing workshops, on sale or in use; expertise the residue of plant protection drugs in agricultural, forestial products, foodstuff, agricultural environment; manage, organize and effect the assay of new plant protection drugs. This agency is entitled to inspect and take sample for expertise of quality and residue of plant protection drugs regularly or irregularly at the requests of goods owners. The results of expertise and assay conducted by this body shall serve as a legal basis for the State management over plant protection drugs. The plant protection drugs-expertising and -assaying body must be answerable to law for the results of its expertise and assay.

Article 28.- Organizations and individuals that are granted permits to assay new plant protection drugs or certificates of registration of plant protection drugs must pay fees according to law provisions.

Domestic and foreign organizations and individuals must comply with the regulations on inspection and sampling and pay charges according to the State's regulations on expertise and assay of plant protection drugs.

Chapter VII

REGIME OF MANAGING, USING PLANT PROTECTION DRUG RESERVES

Article 29.- The establishment of plant protection

drug reserves, the regime of managing and using the national reserves of plant protection drugs at the central level are prescribed as follows:

1. The Ministry of Planning and Investment shall assume the prime responsibility and coordinate with the Ministry of Agriculture and Rural Development and the Ministry of Finance in drawing up the annual plans on plant protection drug reserve and submit them to the Prime Minister for approval;

2. The Ministry of Agriculture and Rural Development shall manage the national plant protection drug reserve;

3. In cases of natural calamities, the widespread development of organisms harmful to plant resources into epidemics, causing serious damage, which are beyond the localities' capability to prevent and combat them, the presidents of the provincial/municipal People's Committees and the Minister of Agriculture and Rural Development shall ask for the Prime Minister's permission to use the national reserve. The volume and method of delivering the national plant protection drug reserve shall be decided by the Prime Minister on a case-by-case basis.

Article 30.- The establishment of local reserves on plant protection drugs, the regime of management and the mode of use of the provincial/municipal plant protection drug reserves shall be stipulated by the provincial/municipal People's Committees under the guidance of the Ministry of Agriculture and Rural Development and the Ministry of Finance.

On behalf of the Government
Prime Minister
PHAN VAN KHAI