

**DECISION No. 41/2005/QĐ-BYT OF
DECEMBER 8, 2005, PROMULGATING
THE REGULATION ON FOOD SAFETY
AND HYGIENE CONDITIONS FOR FOOD
TRADING AND EATING SERVICE
ESTABLISHMENTS**

THE MINISTER OF HEALTH

Pursuant to the Government's Decree No. 49/2003/ND-CP of May 15, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Health;

Pursuant to July 26, 2003 Ordinance No. 12/2003/PL-UBTVQH11 on Food Safety and Hygiene;

Pursuant to the Government's Decree No. 163/2004/ND-CP of September 7, 2004, detailing the implementation of a number of articles of the Ordinance on Food Safety and Hygiene;

At the proposal of the director of the Food Safety and Hygiene Department, the Ministry of Health,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on food safety and hygiene conditions for food trading and eating service establishments.

Article 2.- This Decision takes effect 15 days after its publication in "CONG BAO". All previous provisions which are contrary to this Decision are annulled.

Article 3.- The director of the Office, the Chief Inspector, the director of the Legal Department, the director of the Food Safety and Hygiene Department, heads of concerned units under the Ministry of Health, directors of provincial/municipal Health Services and heads of health agencies of branches shall implement this Decision.

For the Minister of Health
Vice Minister
TRINH QUAN HUAN

REGULATION ON FOOD SAFETY AND HYGIENE CONDITIONS FOR FOOD TRADING AND EATING SERVICE ESTABLISHMENTS

(Promulgated together with the Health Minister's Decision No. 41/2005/QĐ-BYT of December 8, 2005)

Chapter I

GENERAL PROVISIONS.

Article 1.- Scope of regulation

This Regulation provides for the food safety and hygiene conditions for food traders and eating service providers.

Article 2.- Subjects of application

This Regulation applies to organizations and individuals trading in food and providing eating services in the Vietnamese territory.

Article 3.- Interpretation of terms

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

1. *Fixed food trading and eating service establishment* means any roadside house or building used for food business and is divided into eating service establishment and food trading establishment.

Eating service establishment means an establishment which processes food to serve customers directly at the establishment.

Food trading establishment means an establishment which merely sells food (also called food store) without providing any eating service

at the establishment.

2. *Eating house* means a fixed eating service establishment which can concurrently serve less than 50 customers (popular rice, noodle, vermicelli and porridge shops).

3. *Restaurant* means an eating service establishment which can concurrently serve 50 or more customers.

4. *Eatery* means a semi-mobile small eating service establishment which has only several waiters and is usually located along streets, on sidewalks or in public places.

5. *Canteen* means a refreshment room serving snacks, food and drinks for the staff of an agency.

6. *Market* means a place for trading on particular days and times.

7. *Eating hall or collective kitchen* means a collective eating place where food processed and cooked at the same time.

8. *Supermarket* means a large department store selling food and other commodities.

9. *Fair* means a venue for displaying and introducing goods, and organizing goods quality contests and assessments.

Chapter II

FOOD SAFETY AND HYGIENE CONDITIONS FOR FIXED AND MOBILE FOOD TRADING AND EATING SERVICE ESTABLISHMENTS

Section I. EATING SERVICE ESTABLISHMENTS

Article 4.- Eating houses

1. To have sufficient clean water and ice.
2. To have separate utensils and containers as well as display places for raw and cooked food.
3. Food processing places must be clean and separated from sources of contamination (sewers, garbage, toilets, cattle and poultry selling places) and food must be processed in the one-way direction.
4. Food processors must receive health-checks and have their excrement tested at least once a year.
5. Food processors must possess a certificate of food safety and hygiene training.
6. Persons having direct contact with food must wear safety clothing and caps, remove all jewelries, have their fingernails cut and always keep their hands clean.
7. Raw materials must have a safe origin. Food additives outside the list permitted by the Ministry of Health must not be used.
8. Food for sale must be placed on tables or shelves at least 60 cm above the ground.
9. Food for sale must be placed in glass showcases or hygienic preservation containers which can prevent flies, dust, rain, sunlight and other insects and animals.
10. To have covered tight waste containers and to dispose of waste daily.

Article 5.- Restaurants

1. To have separate places for cooking and serving food.
2. All sources of food supply must have specific and safe origins.
3. Processing facilities, equipment and tools

must meet prescribed general hygienic requirements.

4. Waiters must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygienic training and ensure good personal hygiene practices.

5. To always keep eating rooms, tables and chairs clean and have sufficient toilets, washbasins and a cupboard for keeping food samples for 24 hours.

Article 6.- Eating service establishments in hotels

1. To have contracts on supply of safe food materials and fully carry out the three-step food testing process.

2. To fully satisfy food safety and hygienic conditions on facilities, equipment and utensils and follow the one-way kitchen principle.

3. Waiters must receive health-checks and have their excrement tested at least once a year; possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

4. To always keep eating rooms, tables and chairs clean and have sufficient toilets, washbasins and a cupboard for keeping food samples for 24 hours.

5. Places for food display for sale or self-service must be kept away from flies, breath or saliva of eaters. To have food taking utensils.

Article 7.- Eateries

1. To have sufficient clean water for food processing and washing up and a hygienic waste treatment system.

2. Food materials must have a safe origin and not contain food additives outside the list permitted by the Ministry of Health.

3. To process and display food on a place at least 60 cm above the ground.

4. To cover food to prevent flies, dust, rain and wind.

5. Waiters must receive health-checks and have their excrement tested at least once a year; possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

Article 8.- Canteens

1. To ensure a clean surrounding environment for canteens in order not to contaminate the food hygiene environment.

2. To fully meet food safety and hygiene requirements on facilities, equipment and utensils and maintain daily cleaning.

3. All food for sale in canteens must have a safe origin and full be labeled according to regulations. Absolutely not to sell food with expired use duration and use food additives outside the list permitted by the Ministry of Health.

4. Service staff must receive health-checks and have their excrement tested at least once a year; possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

5. To fully carry out the three-step food testing process and keep food samples for 24 hours.

Article 9.- Eating hall or collective kitchen

1. To have contracts on safe food supply, fully

carry out the three-step food testing process and keep food samples for 24 hours.

2. Service staff must receive health-checks and have their excrement tested at least once a year; possess a certificate of food safety and hygiene training and ensure good personal hygiene practices

3. To meet food safety and hygiene requirements on facilities, equipment and tools and observe the one-way food processing and cooking principle

4. Eating rooms must be airy, cool and sufficiently lit, have equipment to prevent flies, mosquitoes, insects, rats and animals, and be kept clean.

5. To have systems of food preservation equipment and toilets and to collect waste and garbage daily.

Article 10.- Cafes and tea shops

1. To ensure safe origins of raw materials.

2. Not to use tea or coffee having residues of pesticides and toxic mildew.

3. To meet food safety and hygiene conditions on facilities, equipment and tools, especially those for tea and coffee making.

4. Service staff must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

5. To only use labeled additives and sugar within their use duration. To only use chemical additives and sweeteners in the list permitted by the Ministry of Health.

Article 11.- Bars selling wines, beer and soft drinks

1. To sell only alcohol, beer and soft drinks having a safe origin and meeting food safety and hygiene standards.

2. The shops must be clean, airy and fly-, insect- and animal-free. Places for displaying beverage must be at least 60 cm above the ground. To have sufficient toilets and washbasins for customers.

3. Glasses and cups must be safe for use, clean and dried before use.

4. Snacks must meet food safety and hygiene requirements. Not to use chemical sugar for making drinks. If using such, to have a regulation on use.

5. Service staff must receive medical examination and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

**Section 2. FOOD TRADING
ESTABLISHMENTS**

Article 12.- Cake shops (selling dumplings, breads, cakes, *banh su se* (wedding cake with greenbean and coconut filling), *banh com* (green rice cake with green bean fillings), *banh gai* (glutinous rice cake dyed in black leaves) and *banh dau xanh* (green bean cake).

1. Facilities, equipment and tools for processing, preservation and storage must meet food safety and hygiene conditions prescribed by the Ministry of Health.

2. Raw materials for production and processing must have a safe origin. Not to use musty and poor quality materials.

3. To sell only cakes which are within their expiry dates, not musty or spoiled. To use only allowable additives. Not to use toxic synthetic colors and borax in processing and preservation.

4. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

5. Not to use dirty paper, leaves and other wrapping materials which do not meet food safety and hygiene requirements.

Article 13.- Cooked food shops

1. Food for sale must be placed in glass showcases or hygienic containers which can prevent flies, dust, rain, sunlight, insects and other animals. Not to sell stale food or those with expired use duration or unclear origin.

2. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

3. Not to use additives and synthetic colors outside the list permitted by the Ministry of Health.

4. To have food taking utensils.

5. Packaging materials must be clean and specially used for food.

Article 14.- Confectionery shops

1. To sell only confectionery labeled according to regulations within their expiry dates. Absolutely

not to display and sell fake food or those with unclear origin or failing to meet food safety and hygiene requirements.

2. To have racks, showcases, shelves to airily display food and prevent dust, rain, sunlight, wind and harmful insects and animals.

3. To regularly check labels and food safety and hygiene quality of food for sale and promptly remove degenerated and spoiled food or those with expired use duration.

4. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

5. To have special-use equipment suitable for preserving different kinds of food.

Article 15.- Shops selling pickled vegetables and egg-plants, soya sauce, fish sauce, spices and cooking oil

1. Places for selling and storing goods must be high, airy, clean and free from flies and harmful insects and animals.

2. Containers must satisfy food safety and hygiene requirements of the Ministry of Health.

3. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices. Raw materials and products for sale must have a safe origin.

4. Not to use additives and preservatives outside the list permitted by the Ministry of Health.

5. Packaging must meet prescribed food safety and hygiene requirements

Article 16.- Milk and sugar shops

1. To fully satisfy food safety and hygiene requirements on facilities, equipment and tools. To have racks, showcases and shelves for food display.

2. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

3. Goods for sale must have a safe origin and be labeled according to regulations. Not to display and sell fake food or those with expired use duration of poor quality with respect to food safety and hygiene.

4. To regular check labels and food safety and hygiene quality of goods to promptly dispose of spoiled and deteriorated food or those with expired use duration.

5. To have food preservation equipment suitable to different kinds of food.

Article 17.- Butcher's shops

1. All meat for sale must have a safe origin and quarantine certificates issued by an animal health agency.

2. Meat for sale must be placed on tables at least 60 cm above the floor and protected from flies and other harmful insects and animals.

3. Not to display stale, infected or contaminated meat.

4. Not to preserve meat with toxic preservatives.

5. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

Article 18.- Seafood shops

1. To meet prescribed food safety and hygiene conditions on facilities, equipment, tools and containers for storing and preserving aquatic products.

2. Aquatic products for sale must have a safe origin. Not to display and sell infected, contaminated or rotten aquatic products.

3. Absolutely not to preserve aquatic products with toxic chemicals (borax, urea....).

4. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

5. Water for cleaning and preserving aquatic products must be clean.

Article 19.- Greengrocery shops

1. Vegetables and fruits for sale must have a safe origin.

2. Places for selling and storing goods, sale and preservation equipment and menus of, transportation must satisfy food safety and hygiene requirements.

3. Not to spray, steep or soak chemicals in vegetables and fruits for preservation. Not to display and sell wilted, crushed or contaminated vegetables and fruits or those preserved with toxic chemicals.

4. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

5. Not to mix “clean” and “unclean” vegetables and fruits for sale.

Article 20.- Rice, starchy food and cereal shops

1. All rice and cereals for sale must have a safe origin.

2. To meet food safety and hygiene conditions on facilities, storage and containers. To have devices to prevent mice, insects and cockroaches.

3. Not to preserve rice and cereals with chemicals.

4. Not to sell rice and cereals having residues of pesticides, heavy metals, mildew and those being musty, spoiled or gritty.

5. Sellers must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

Section 3. FOOD PEDDLING SERVICES

Article 21.- Food safety and hygiene conditions for high risk food peddling services

1. Only to peddle safe and hygienic food.

2. To have means to ensure food safety and hygiene (pushcarts, bicycles, automobiles, shoulder poles or baskets), which must be tight and capable of preventing rain, sunlight, wind, dust, flies, mosquitoes, insects and keeping food

clean and uncontaminated.

3. Food containers, packaging and eating utensils such as chopsticks, bowls, spoons and glasses must meet food safety and hygiene requirements:

a/ Or to use disposable utensils.

b/ Or to wash them three times. To put remaining food in one container before cleaning, to clean with cleansing liquid for the first time in a bucket of clean water the second and third times in two different buckets of clean water. After that, to dry the wash-up with clean cloth or paper.

4. Raw materials for processing food for peddling must be selected, not be musty and contaminated and have a safe origin.

5. The order of processing food for peddling must meet food safety and hygiene requirements. Not to use unsafe processing technologies and toxic additives and preservatives.

6. Street vendors must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

7. To meet the requirement on safety duration for food, not to sell spoiled, stale or contaminated food.

8. Not to take food by hand.

9. To possess a food safety and hygiene certificate issued by the People's Committee of the urban district, rural district or town which manages the civil status of the sellers or the People's Committee of the commune, wards or township

(if being authorized by the People's Committee of the urban district, rural district or town).

10. To have covered tight waste containers and dispose of waste after each time of peddling.

Chapter III

FOOD SAFETY AND HYGIENE CONDITIONS FOR FOOD TRADING AND EATING SERVICE ESTABLISHMENTS DURING ANNIVERSARIES AND FESTIVALS AND IN MARKETS, FAIRS, SUPERMARKETS AND TOURIST SITES

Article 22.- Food safety and hygiene conditions during anniversaries and festivals

1. Before organizing an anniversary or festival, the organizer must register with a health agency on the time, scale and mode of organizing eating services during the anniversary or festival.

2. Establishments trading in high-risk food during an anniversary or festival must produce a food safety and hygiene certificate issued by a competent state agency.

3. All raw materials and food must have a safe origin.

4. Places for cooking and eating must be high, clean and separated from sources of contamination. To have dining tables at least 60 cm above the ground.

5. Tools and utensils for food processing, cooking and eating must meet food safety and hygiene requirements and be cleaned before use.

6. Persons directly involved in eating services during an anniversary or festival must be free from infectious diseases and well observe personal

hygiene regulations.

7. After being cooked, food must be covered and kept away from flies, dust and eaten within 2 hours.

8. To have covered tight waste containers and to collect waste daily.

9. To have sufficient toilets and washbasins which must be kept clean.

10. To have sufficient clean water and ice.

Article 23.- Food safety and hygiene conditions in markets

1. All food for sale in markets must have a safe origin. Cattle, poultry and meat must be certified by animal health agencies.

2. In markets, to separate areas for selling cattle and poultry, meat, fish, vegetables and fruits, dry stuff, fresh products, cereals, processed food, confectionery, beverage and eating services.

3. The sewage system must be closed, well drained and not pollute surrounding areas. Waste containers must be tight and covered and waste must be collected and treated daily to avoid pollution.

4. To have sufficient toilets and washbasins which must be kept clean.

5. All food for sale must be displayed on tables, racks, shelves and showcases separated from the ground.

6. Eating service establishments in markets must meet hygiene conditions specified in Article 4 of this Regulation.

7. To ensure sufficient clean water for use in markets.

8. To have a slaughtering area separated from

food selling areas.

9. Not to display and sell fake or poor quality food or those with expired use duration or infected meat, cattle and poultry.

10. Not to use and sell additives outside the list permitted by the Ministry of Health.

Article 24.- Food safety and hygiene conditions in supermarkets

1. All food for sale in supermarkets must have a safe origin.

2. All food for sale in supermarkets must be labeled according to regulations. Not to display and sell fake food, those with expired use duration or poor quality with respect to food safety and hygiene or contaminated, spoiled or deteriorated food.

3. To meet food safety and hygiene conditions on facilities, equipment and tools for food processing and trading in supermarkets.

4. Food service staff in supermarkets must receive health-checks and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

5. Not to use additives and preservatives outside the list permitted by the Ministry of Health.

6. To have sufficient preservation equipment and strictly meet food preservation requirements.

7. To have sufficient toilets and washbasins for customers.

8. To plan and arrange commodities in supermarkets according to industries and types of commodities and to separate between food and non-food areas, food processing and display areas,

cooked and raw food areas and eating service and other areas.

9. Eating service areas must meet hygienic conditions specified in Article 4 of this Regulation.

10. To have sufficient clean water for use in supermarkets.

Article 25.- Food safety and hygiene conditions in fairs

1. Food commodities to be displayed in fairs must have been announced for food safety and hygiene quality standards.

2. To keep separate eating service, goods display, toilet and garbage collection areas.

3. To satisfy food safety and hygiene conditions on facilities, equipment, tools for goods display and equipment of food preservation.

4. Eating service areas must meet hygienic conditions specified in Article 4 of this Regulation.

5. Not to display and sell food which are fake, spoiled, deteriorated, contaminated, have poor quality or expired use duration, or do not have sufficient labels or origin.

6. To provide regular garbage collection and treatment services and always keep goods display and eating service areas clean.

7. To have sufficient toilets and washbasins which must be always kept clean.

8. To have hygienic wastewater collection and treatment systems to avoid environmental pollution and food contamination.

9. To have sufficient clean water for use in fairs.

10. Fair organization boards must set up an inter-branch team for food safety and hygiene

examination which is capable of evaluating food safety and hygiene quality and maintaining activities to ensure food safety and hygiene in fairs.

Article 26.- Food safety and hygiene conditions in tourist sites

1. To plan, organize and arrange eateries, eating houses and kiosks in a separate area convenient for customers and ensuring food safety and hygiene.

2. Eating service staff must receive medical examination and have their excrement tested at least once a year, possess a certificate of food safety and hygiene training and ensure good personal hygiene practices.

3. To satisfy basic food safety and hygiene conditions such as clean water supply, showcases, tables and chairs, eating utensils, preservation and transportation and devices preventing flies, harmful insects and animal.

4. Food processing tools must be washed and kept clean to meet food safety and hygiene requirements.

5. To have sufficient toilets in separate areas which must be always kept clean.

6. To provide daily waste collection and treatment services.

7. Places for food processing and display and dining tables must be at least 60 high above the ground.

8. To have sufficient clean water and washbasins for visitors.

9. All food must have a safe origin. To prohibit the trading of fake or contaminated food or those with poor safety and hygiene.

10. High risk food traders in tourist sites must

produce a certificate of food safety and hygiene granted by a competent state agency.

For the Minister of Health

Vice Minister

TRINH QUAN HUAN