

THE MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT

**Circular No. 74/2011/TT-BNNPTNT
of October 31, 2011, on traceability,
recall and handling of unsafe
agricultural and forest food**

Pursuant to the Government's Decree No. 01/2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development; the Government's Decree No. 75/2009/ND-CP of September 10, 2009, amending Article 3 of Decree No. 01/2008/ND-CP of January 3, 2008;

Pursuant to June 17, 2010 Law No. 55/2010/QH12 on Food Safety;

Pursuant to November 21, 2007 Law No. 05/2007/QH12 on Product and Goods Quality;

Pursuant to the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing a number of articles of the Law on Product and Goods Quality;

The Ministry of Agriculture and Rural Development provides the traceability, recall and handling of unsafe agricultural and forest food under its management as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides the traceability, recall and handling of unsafe agricultural and forest food; and responsibilities of organizations and persons engaged in agricultural and forest food production and trading, and related agencies.

Article 2. Subjects of application

1. Producers and traders of food of plant origin, including cultivation establishments, preliminary processing establishments attached to cultivation establishments; collection establishments; (independent) preliminary processing establishments; preservation and transportation establishments; processing establishments; and trading establishments (including those trading in imported food) (below collectively referred to as establishments);

2. Producers and traders of food of terrestrial animal origin, including breeding establishments; slaughterhouses; preliminary processing establishments; preservation and transportation establishments; processing establishments; and trading establishments (including those trading in imported food) (below collectively referred to as establishments).

3. This Circular does not apply to:

- a/ Households and persons producing agricultural and forest food on a small scale for domestic needs without market sale;
- b/ Producers and traders of agricultural and forest products not used as food.

Article 3. Interpretation of terms

In this Circular, the following terms are

construed as follows:

1. *Traceability* means the possibility to monitor and locate a product unit through specified stages of the production and trading process.

2. *Product recall* means taking measures to remove a product which fails to meet food quality and safety requirements from the chain of food production and trading.

3. *One step back-one step forward traceability principle* means an establishment's storage of information that guarantees the identification of the previous producer or trader/production stage and the subsequent producer or trader/production stage in the process of producing and trading a traced product.

4. *Production lot (batch)* means a specific quantity of goods produced according to the same technological process and under the same production conditions within an uninterrupted period of time.

5. *Lot of receipt* means a quantity of materials procured and received at a time by an establishment for production.

6. *Lot of delivery* means a quantity of finished products of an establishment delivered at a time.

Article 4. Principles of inspection of traceability systems

Agricultural and forest food traceability systems shall be inspected concurrently during

the inspection and evaluation of agricultural and forest food producers and traders under the Ministry of Agriculture and Rural Development's current regulations.

Article 5. Inspection agencies

1. Agencies inspecting establishments in observing regulations on traceability, recall and handling of unsafe agricultural and forest food include:

a/ At the central level: Directorates and Specialized Departments under the Ministry of Agriculture and Rural Development's assignment and management decentralization.

b/ At the local level: Specialized agencies assigned by provincial-level Agriculture and Rural Development Departments under the Ministry of Agriculture and Rural Development's management decentralization.

2. Agencies inspecting the traceability, recall and handling of agricultural and forest food warned to be unsafe include:

a/ The National Agro-Forestry-Fisheries Quality Assurance Department, which shall assume the prime responsibility for, and coordinate with related agencies in, inspecting the traceability, recall and handling of agricultural and forest food warned to be unsafe by importing countries, the inspection agencies mentioned at Point a, Clause 1 of this Article or other information sources.

b/ Agro-Forestry-Fisheries Quality Assurance Sub-Departments or units assigned by provincial-level Agriculture and Rural

Development Departments, which shall assume the prime responsibility for, and coordinate with related agencies in, inspecting the traceability, recall and handling of agricultural and forest food warned to be unsafe by the inspection agencies mentioned at Point b, Clause 1 of this Article or other local information sources.

Chapter II

TRACEABILITY, RECALL AND HANDLING OF UNSAFE AGRICULTURAL AND FOREST FOOD

Article 6. Traceability principles

1. An establishment shall establish a traceability system on the one step back-one step forward principle to guarantee the identification and tracing of a product unit at specified stages of the process to produce and trade in this product.

2. Through its traceability system, an establishment shall produce to-be-identified information on material suppliers and product recipients, which has been stored throughout the production process at the establishment.

3. After each stage, products must be labeled or identified in an appropriate way to enable easy traceability.

Article 7. Traceability requirements

1. The traceability system of an establishment must be established and operate in compliance with the requirements provided in Sections 1, 2 and 3 of the Appendix to this

Circular (*not printed herein*).

2. An establishment shall trace its agricultural and forest food when:

- a/ It is so requested by an inspection agency;
- b/ It detects its own food fails to meet safety requirements.

Article 8. Recall of agricultural and forest food

1. An establishment provided in Article 2 of this Circular shall recall a lot of delivery in compliance with the requirements provided in Section 4 of the Appendix to this Circular (*not printed herein*).

2. Forms of recall of unsafe agricultural and forest food:

- a/ Voluntary recall by the establishment.
- b/ Compulsory recall at the request of an inspection agency.

3. An establishment shall recall unsafe food at the request of an inspection agency when:

- a/ The food is still placed on the market after its expiry date.
- b/ The food fails to comply with relevant technical regulations, being harmful to consumer health.

c/ The food is the product of a new technology which has not been licensed for application.

d/ The food is spoiled in the course of preservation, transportation or trading, becoming unsafe to consumer health.



e/ The food contains a banned substance or a contaminating agent in excess of prescribed limit.

Article 9. Forms of handling of violations of food safety regulations

1. **Remedy of labeling fault:** To be applied to improperly labeled food.

2. **Change of use purpose:** To be applied to food after its expiry date which is no longer suitable to its original use purpose but remains safe.

3. **Re-export:** To be applied to cases of import of unsafe food; import of food after its expiry date; and import of unlicensed food into Vietnam under the Ministry of Agriculture and Rural Development's current regulations.

4. **Destruction:** To be applied to degenerated, stale or rotten food; food containing additives or processing aids in excess of prescribed limit; food containing harmful substances or contaminated with banned toxics or chemicals of unknown origin; and food of unknown origin.

Destruction of unsafe agricultural and forest food must comply with law and be examined and certified by food safety inspection agencies or local administrations.

Article 10. Traceability, recall and handling of unsafe agricultural and forest food

1. When detecting an unsafe agricultural or forest food, an establishment shall trace down this product under Section 3 of the Appendix

to this Circular.

2. In case an inspection agency detects or is warned by an importing country or by another information source of an unsafe food, it shall, under the assignment provided in Clause 2, Article 5 of this Circular, process such information and send a notice of request for traceability, recall and handling of the unsafe food to the concerned establishment. A notice contains the following information:

a/ Name of the establishment responsible for traceability, recall and handling of the product;

b/ Information to identify the lot subject to traceability (category; lot identification code; weight; manufacture date; name of producer or trader, if any);

c/ Reason for traceability, recall and handling of the product (if any);

d/ Scope and deadline for traceability, recall and handling of the product (if any);

f/ Agency responsible for inspecting the traceability, recall and handling of the unsafe food.

3. After receiving a notice from an inspection agency, an establishment shall trace, recall and handle products under Sections 3 and 4.2 of the Appendix to this Circular.

4. Inspection agencies as assigned under Clause 2, Article 5 of this Circular shall inspect the traceability, recall and handling of unsafe products and assist establishments when necessary.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 11. The National Agro-Forestry-Fisheries Quality Assurance Department

1. To assume the prime responsibility for, and coordinate with related agencies in, inspecting the traceability, recall and handling of agricultural and forest food warned to be unsafe under Point a, Clause 2, Article 5 of this Circular.

2. Annually or irregularly, to report on inspection of the implementation of regulations on the systems of traceability, recall and handling of unsafe agricultural and forest food nationwide; to propose to the Ministry of Agriculture and Rural Development responsibilities of line management agencies and solutions and measures for agricultural and forest food safety assurance.

Article 12. Directorates and specialized departments

1. To inspect agricultural and forest food producers and traders in observing regulations on traceability, recall and handling of unsafe food under the assignment and management decentralization of the Ministry of Agriculture and Rural Development.

2. To coordinate with the National Agro-Forestry-Fisheries Quality Assurance Department in inspecting the traceability, recall and handling of unsafe agricultural and forest

food under Point a, Clause 2, Article 5 of this Circular.

3. Annually or irregularly (upon request), to submit reports on inspection of the observance of regulations on traceability, recall and handling of unsafe products by establishments under their management to the Ministry of Agriculture and Rural Development (through the National Agro-Forestry-Fisheries Quality Assurance Department).

Article 13. Provincial-level Agriculture and Rural Development Departments

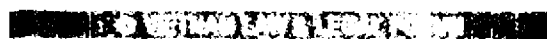
1. To disseminate and guide the implementation of this Circular in their localities.

2. To assign and direct specialized agencies in inspecting the observance of regulations on traceability, recall and handling of unsafe agricultural and forest food in their localities under this Circular.

3. Annually or upon request, to report to the Ministry of Agriculture and Rural Development (through the National Agro Forestry Fisheries Quality Assurance Department) on performance of their assigned tasks under this Circular in their localities.

Article 14. Local inspection agencies

1. To inspect local establishments in observing regulations on traceability, recall and handling of unsafe agricultural and forest food as directed and assigned by provincial-level



Agriculture and Rural Development Departments and under the professional and technical guidance of related directorates and specialized departments.

2. Annually or upon request, to report to provincial-level Agriculture and Rural Development Departments; related directorates and specialized departments as assigned on inspection of the traceability, recall and handling of unsafe agricultural and forest food under their management in the localities.

3. Agro-Forestry-Fisheries Quality Assurance Sub-Departments or units assigned by provincial-level Agriculture and Rural Development Departments shall inspect the traceability, recall and handling of unsafe agricultural and forest food under Point b, Clause 2, Article 5 of this Circular; directly recall and handle unsafe food and request their producers and traders to pay expenses for such recall and handling when food is likely to adversely affect community health or in urgent cases at the request of superior inspection agencies.

Article 15. Agricultural and forest food producers and traders

1. To conduct traceability, identify causes, work out remedies, recall and handle unsafe agricultural and forest food under this Circular and related laws.

2. To publicly notify products to be recalled and take responsibility for the recall and

handling of unsafe agricultural and forest food within the time limit set by inspection agencies.

3. To submit to inspection and take remedies required by inspection agencies under this Circular.

4. To pay all expenses for the recall and handling of unsafe agricultural and forest food.

5. To comply with Articles 6, 7, 8, 9 and 10 of this Circular and report to assigned inspection agencies after completing the traceability, recall and handling of unsafe agricultural and forest food upon request.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 16. Effect

This Circular takes effect 45 days after the date of its signing.

Article 17. Amendment and supplementation

Any problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development (through the National Agro-Forestry-Fisheries Quality Assurance Department) for consideration, amendment and supplementation. -

Minister of
Agriculture and Rural Development
CAO DUC PHAT