

**CIRCULAR No. 73/2003/TT-BNN OF JULY 1,
2003 GUIDING THE DOMESTIC PLANT
QUARANTINE**

In furtherance of the Ordinance No. 36/2001/PL-
UBTVQH10 on Plant Protection and Quarantine,

promulgated by the State President on August 8, 2001, and the Regulation on Plant Quarantine, issued together with the Government's Decree No. 58/2002/ND-CP of June 3, 2002; in order to carry out the domestic plant quarantine in an effective and uniform manner, the Ministry of Agriculture and Rural Development hereby guides the domestic plant quarantine in provinces and centrally-run cities as follows:

I. GENERAL PROVISIONS

The domestic plant quarantine is a process which cannot be separated from the quarantine of imported and exported plants, aiming to control harmful organisms being Vietnam's plant quarantine objects and useful organisms; to detect and propose measures to ward off epidemic nests involving plant quarantine objects which appear in localities.

II. SCOPE AND SUBJECTS OF APPLICATION

1. *Scope:* This Circular shall be applied in the field of domestic plant quarantine nationwide.

2. *Subjects of application:* Domestic as well as foreign organizations and individuals in Vietnam conducting activities related to domestic plant quarantine shall have to comply with the provisions of this Circular.

III. CONTENTS OF DOMESTIC PLANT QUARANTINE

The domestic plant quarantine shall be carried out by the State agencies having the competence for plant protection and quarantine being the provincial/municipal Plant Protection Sub-Departments according to the following contents:

1. Control of organisms harmful to plant resources used as strains, and useful organisms imported into the country for use in fields, warehouses and nurseries or for strain production at establishments engaged in the production of, research into, and trading in, plant

varieties:

a/ For imported plant varieties and useful organisms: The post-importation monitoring thereof shall comply with Decision No. 89/2002/QD-BNN of October 8, 2002 of the Minister of Agriculture and Rural Development promulgating the Regulation on plant quarantine for imported plant varieties and useful organisms.

b/ For useful organisms and plant resources, which are imported for use as strains or may be used as strains, and are transported from other places to the localities, the local plant quarantine agencies shall carry out the following tasks:

- Inspecting in term of plant quarantine owners of articles carrying useful organisms and plant resources, which are imported for use as strains or may be used as strains, including:

+ Papers on plant quarantine of plant varieties and useful organisms, granted by Vietnamese competent agencies, being the permits for quarantine of imported plant varieties and certificates of quarantine of imported, transited and domestically transported plants.

+ When carrying out the inspection, if the above-stated papers are not yet fully available, the plant quarantine officials shall make written records on the violation and transfer the cases to plant protection and quarantine inspectorate for handling; then carry out the plant quarantine procedures for the lots of articles involved in the above-stated violation.

- Supervising the cultivation sites according to the notices of the border-gate plant quarantine agencies.

- Regularly inspecting and monitoring the development of useful organisms and harmful organisms on exotic plant varieties imported into the localities.

- When detecting harmful organisms being Vietnam's plant quarantine objects on imported plant varieties in the localities and imported useful organisms with abnormal appearance, the provincial/municipal Plant Protection Sub-Departments shall have to report thereon to the regional Plant Quarantine Sub-Departments and the Plant Protection

Department for the latter to promptly work out handling measures. At the same time, they shall directly guide and supervise the article owners in applying such handling measures.

2. Control of harmful organisms for imported agricultural and forestry products preserved in warehouses:

a/ When the imported agricultural and forestry products are transported to localities, the local plant quarantine agencies shall check the goods lots' certificates of quarantine of imported, transited and domestically transported plants. If the above-mentioned certificates are not available, the plant quarantine officials shall make written record on violation and transfer the cases to the plant protection and quarantine inspectorate for handling; then carry out the plant quarantine procedures for the lots of articles involved in the above-stated violation.

b/ The situation of harmful organisms on imported agricultural and forestry products preserved in warehouses and at establishments producing and/or processing plant products must be regularly investigated, monitored and supervised in order to detect harmful organisms being Vietnam's plant quarantine objects.

c/ When detecting harmful organisms being Vietnam's plant quarantine objects and other strange harmful organisms, the local Plant Protection Sub-Departments shall have to report thereon to the regional Plant Quarantine Sub-Departments, the Plant Protection Department and competent authorities for timely handling thereof.

3. Control of articles liable to imported plant quarantine, which are infected with plant quarantine objects and have been disposed at the border-gates:

When the above-stated imported plant quarantine-liable articles are transported to localities for use, they shall continue to be strictly supervised and monitored according to the notices of the border-gate plant quarantine agencies.

4. Control of epidemic nests involving Vietnam's plant quarantine objects:

a/ When epidemic nests involving plant quarantine objects appear in the localities, the provincial/municipal Plant Protection Sub-Departments shall have to promptly report thereon to the superior plant quarantine agencies, then decide on handling measures and guide and supervise the article owners to apply such handling measures.

b/ At places where exist many epidemic nests, leading to the danger of spreading into epidemic regions, the provincial/municipal Plant Protection Sub-Departments shall have to immediately report thereon to competent authorities for announcement of epidemics as provided for in Articles 11 and 12 of the Ordinance on Plant Protection and Quarantine.

5. Control of epidemic regions of plant quarantine objects:

a/ The provincial/municipal Plant Protection Sub-Departments shall have to promptly determine the boundary of epidemic regions and report thereon to the agencies competent to announce epidemics; provide for the domestic plant quarantine location, carry out the plant quarantine procedures for articles liable to plant quarantine, which are transported from epidemic regions to non-epidemic regions and notify the plant protection agencies in neighboring regions thereof.

b/ Lots of agricultural and forestry products transported to localities from epidemic regions or through epidemic regions must be inspected and supervised. In cases where such goods lots are not yet quarantined and granted with the certificate of quarantine of imported, transited and domestically transported plants, the Plant Protection Sub-Departments shall carry out the plant quarantine procedures according to provisions.

6. Control and performance of fumigation for preservation in localities:

The provisions on the State management over activities of fumigation of articles liable to plant quarantine, issued together with Decision No. 84/2002/QĐ-BNN of September 24, 2002 of the Minister of Agriculture and Rural Development, shall apply.

7. The quarantine of articles liable to quarantine of exported, imported and transited plants shall be carried out only after obtaining the written authorization of central plant quarantine agency.

IV. IMPLEMENTATION ORGANIZATION

1. The director of the Plant Protection Department shall have to assist the Minister of Agriculture and Rural Development in directing, guiding and inspecting the provincial/municipal Plant Protection Sub-Departments, units under the Department and concerned organizations and individuals in organizing and performing the domestic plant quarantine in strict accordance with the contents of this Circular.

2. The directors of the provincial/municipal Agriculture and Rural Development Services shall, within the ambit of their powers, have to assist the provincial People's Committees in inspecting, supervising and guiding the implementation of the provisions of this Circular.

3. The provincial/municipal Plant Protection Sub-Departments:

a/ Depending on the practical situation of their respective provinces or cities, the directors of the provincial/municipal Plant Protection Sub-Departments shall propose to the provincial/municipal People's Committees and the Agriculture and Rural Development Services the setting up of plant quarantine stations or sections under the Sub-Departments. The plant quarantine stations or sections shall be tasked to assist the directors of the Sub-Departments in organizing and managing the domestic plant quarantine.

b/ Plant quarantine officials, when carrying their tasks, must wear their uniforms, badges and ranks and carry along plant quarantine cards. The regime of allocation and use thereof for plant quarantine officials was issued together with Decision No. 192/ BNN of March 31, 1994 of the Minister of Agriculture and Rural Development, Joint Circular No. 92/TT-LB of the Ministry of Finance and the Ministry of Agriculture and Rural Development of December 13, 1995 guiding the implementation of regime of attire

applicable to plant quarantine officials, animal quarantine officials, plant protection inspectors and veterinary inspectors.

c/ The provincial/municipal Plant Protection Sub-Departments shall be allowed to collect the following plant protection charges and fees:

- When carrying out plant quarantine procedures for lots of articles not yet cleared from plant quarantine procedures at the border-gates (specified in Items b-1 and a-2, Section III of this Circular);

- When transporting the lots of articles out of epidemic regions to other localities without carrying out plant quarantine procedures at the places of departure;

- When disposing problematic articles;

- When supervising the disposal of epidemic-infected articles.

The regime of collection and use of plant quarantine fees and charges shall comply with current regulations.

4. Organizations and individuals that commit acts of violating the provisions on domestic plant quarantine shall, depending on the seriousness of their violations, be handled according to the Government's Decree No. 26/2003/ND-CP of March 19, 2003 prescribing sanctions against administrative violations in the field of plant protection and quarantine.

V. IMPLEMENTATION PROVISIONS

- This Circular takes effect 15 days after its publication in the Official Gazette.

- This Circular replaces Circular No. 63/1999/TT-BNN-BVTV of April 9, 1999 of the Ministry of Agriculture and Rural Development.

- In the course of implementation, any arising problems should be reported promptly to the Ministry of Agriculture and Rural Development.

*Minister of Agriculture and Rural
Development*
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