No. 12/2003/PL-UBTVQH11 of July 26, 2003 of the National Assembly Standing Committee;

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 Food Hygiene and Safety Ordinance;

Pursuant to the Government's Decree No. 179/2004/ND-CP of October 21, 2004, providing for the state management of quality of goods and products;

At the proposals of the director of the Cultivation Department, the director of the Plant Protection Department and the director of the Science and Technology Department,

DECIDES:

THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

Article 1.- To promulgate the Regulation on management of safe vegetables production and certification.

DECISION No. 04/2007/QD-BNN OF JANUARY 19, 2007, PROMULGATING THE REGULATION ON MANAGEMENT OF SAFE VEGETABLES PRODUCTION AND CERTIFICATION

Article 2.- This Decision takes effect 15 days after its publication in "CONG BAO" and replaces Decision No. 67/1998/QD-BNN-KHCN of April 28, 1998 of the Minister of Agriculture and Rural Development, promulgating the Provisional Regulation on safe vegetables production.

MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

Pursuant to the Government's Decree No. 86/CP of July 18, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to Goods Quality Ordinance No. 18/1999/PL-UBTVQH10 of December 24, 1999 of the National Assembly Standing Committee;

Pursuant to Food Hygiene and Safety Ordinance

Article 3.- The director of the Ministry's Office, the director of the Cultivation Department, the director of the Science and Technology Department, the director of the Plant Protection Department, directors of provincial/municipal Services of Agriculture and Rural Development, relevant organizations and individuals shall implement this Decision.

Minister of
Agriculture and Rural Development
CAO DUC PHAT

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REGULATION ON MANAGEMENT OF SAFE VEGETABLES PRODUCTION AND CERTIFICATION

(Promulgated together with Decision No. 04/2007/QD-BNN of January 19, 2007 of the Minister of Agriculture and Rural Development)

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope and subjects of application

1. This document provides the conditions for production, the inspection, supervision and certification of the conditions for production of safe vegetables and certification of safe vegetables products.

2. This Regulation applies to domestic and foreign organizations and individuals engaged in the production, inspection, certification of conditions for production and certification of safe vegetables in Vietnam.

3. If the contents of this Regulation do not conform to the international treaties which Vietnam has acceded to, such international treaties shall apply.

Article 2.- Interpretation of terms

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

1. Safe vegetables (SV) mean products of fresh vegetables (including all types of edible vegetables: leaf, body, tuber, fruit, seed, assorted edible mushrooms...), which are produced, harvested, preliminarily processed, packaged and preserved in accordance with the technical process to ensure that the microorganism or toxic chemical residues are below the permitted maximum limits as prescribed in Appendices 1, 2, 3 and 4 of this Regulation (not printed herein).

2. SV production conditions mean a system of material and technical foundations meeting the criteria on environmental conditions and production process of production establishments in order to ensure the production of vegetable products reaching the safety standards.

3. Safety threshold means the permitted maximum limits of residues of toxic chemicals (heavy metals, nitrate, plant protection drugs, growth regulators), harmful microorganism allowed for existence on vegetables without affecting human health under the current regulations of the Health Ministry.

4. SV-certifying organizations mean organizations, which satisfy all conditions on material foundations, equipment and personnel, are recognized or designated by competent state bodies for performing the tasks of inspecting, supervising, testing and certifying SV.

Chapter II

CONDITIONS FOR PRODUCTION OF SAFE VEGETABLES

Article 3.- Personnel

1. SV-producing organizations must be staffed with technical personnel or sign contracts to hire personnel specialized in cultivation or plant protection of intermediate or higher level to provide technical guidance on SV production.

2. SV producers must go through courses of technical training on SV production.

Article 4.- Cultivation land

1. Land planned for SV cultivation must satisfy the following conditions:

a/ Its physical, chemical and biological characters

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suit the growth and development of vegetables.

b/ It is not directly affected by industrial wastes, daily-life wastes from population quarters, hospitals, slaughter houses, graveyards, big roads.

c/ It satisfies the cultivation land environment standards under Standards TCVN 5941: 1995, TCVN 7209: 2000, mentioned in Appendices 5 and 6 to this Regulation.

2. Land in SV production regions must be regularly or irregularly examined in term of pollution.

Article 5.- Fertilizers

1. Using only fertilizers on the list of fertilizers permitted for production and business in Vietnam, organic fertilizers already treated to ensure that there is no danger of contamination with chemicals and harmful microorganisms.

2. Not using fertilizers of high pollution danger such as barnyard manure, urine, fertilizers processed from daily-life wastes, industrial wastes for direct fertilization of vegetables.

Article 6.- Irrigating water

1. Water irrigating vegetables must be taken from sources not polluted by harmful microorganisms and toxic chemicals and meet the standards of irrigating water under standards TCVN 6773: 2000 (Appendix 7, not printed herein).

2. Industrial wastewater not yet treated, water discharged from hospitals, industrial parks, cattle or poultry farms, slaughter houses, manure water, urine, stagnant pond water should not be used to directly irrigate vegetables.

3. Sources of water irrigating SV-growing areas must be inspected regularly and irregularly.

Article 7.- SV farming techniques

1. Rotation: Encouraging the application of rational rotation between various kinds of vegetable and between vegetables and other crops.

2. Inter-cropping: The inter-cropping between vegetables and other crops does not create conditions for insects and crop diseases to arise and develop.

3. Field sanitation:

a/ SV-growing areas should be regularly cleansed to restrict sources of harmful insects and diseases as well as other pollutants.

b/ For vegetables grown under high technologies, decontamination measures must be taken and reasonable isolation duration between harvests and crops must be ensured.

4. Selection of vegetable varieties: Not using vegetables of genetic modification origin (GMO) when there is no biological safety certificate.

5. Fertilization: Using fertilizers of proper types, with proper doses, fertilizing time and methods according to SV-growing process prescribed for each kind of vegetable; particularly for the nitrogenous fertilizer, the isolation duration of at least ten days or seven days for leaf fertilizer before harvesting must be ensured.

Article 8.- Disease prevention and elimination

1. To apply the integrated pest management (IPM) techniques; encourage the development of vegetable production in the direction of good agricultural practice (GAP).

2. To encourage the construction of insect-isolating net houses, mosquito-net houses suitable to the growth demands of each vegetable species and the ecological conditions of each harvest, each region, especially for vegetables of high economic value and out-of-season vegetables.

3 To regularly inspect the fields and early detect pests for timely prevention and elimination.

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4. To apply manual preventive measures, especially the measures of picking up insects, butterflies and eliminating insect niduses at proper time, destroying diseased plants and plant sections.

5. To use biological insecticides, biological measures, especially for short-term vegetables. To protect, rear and develop natural enemies in vegetable-growing areas.

6. To minimize the use of chemicals for prevention and elimination of vegetable insects and diseases. In case of necessity, the use of chemicals must strictly comply with four principles:

a/ With proper types: To use types of drugs on the list of plant protection drugs permitted for use on vegetables in Vietnam, which is promulgated by the Ministry of Agriculture and Rural Development.

b/ With proper doses: To use them with proper concentrations and doses instructed on packings for each type of drug and each stage of plant growth.

c/ In proper manner: To apply measures of spraying, spreading or top-dressing on soil in strict accordance with instructions for each type of drug in order to ensure efficiency and safety for humans and the environment.

d/ At proper time: To use drugs at proper time under instructions in order to bring into full play the effect of drugs and observe the isolation duration specified for each type of drug and each kind of vegetable.

Article 9.- SV harvesting and preservation

1. Harvesting: Safe vegetables must be harvested according to proper techniques and at proper time to ensure productivity, quality and food hygiene and safety.

2. Preservation: Safe vegetables, after being harvested, must be properly preserved in order to maintain the forms and quality of the products.

Article 10.- Announcement of SV standards

Before proceeding with the SV production, the SV-producing organizations must announce the quality standards in accordance with the regulations on announcement of goods quality standards, promulgated together with Decision No. 03/2006/QD-BKH of January 10, 2006, of the Ministrer of Science and Technology.

Article 11.- SV products before circulation

Before being circulated in the market, SV products must satisfy the following conditions:

1. Being granted SV certificates issued by SV-certifying organizations.

2. Being properly packed to ensure quality and food hygiene and safety; if they cannot be packed, they must be tied up with rope or specialized tools to facilitate the transportation, preservation and consumption thereof.

3. Having goods labels affixed to packages, tying ropes or directly on products (tubers, fruits); the labeling of SV must comply with the Government's Decree No. 89/2006/ND-CP of August 30, 2006 on goods labeling.

Article 12.- Organizing the production, inspection and supervision of SV

1. To encourage organizations to produce SV in proper forms with proper scale such as cooperation groups, cooperatives, enterprises.

2. The SV-producing organizations must make registration and strictly observe the regulation on SV production conditions, submit to inspection and supervision by specialized management bodies under the provisions of this document, take responsibility before law and consumers for the quality and safety of the products they have turned out and supplied.

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Chapter III

PROCEDURES FOR CERTIFICATION OF SV PRODUCTION CONDITIONS

Article 13.- Registering and certifying the SV production conditions

1. The SV-producing organizations file their registration dossiers requesting the recognition of full satisfaction of SV production conditions to the provincial/municipal Services of Agriculture and Rural Development of the localities where they conduct their production activities.

2. A registration dossier comprises:

a/ The written registration of full satisfaction of SV production conditions and the written declaration of the production conditions (not printed herein).

b/ Other relevant documents (if any).

Article 14.- Examination and certification of SV production conditions

a/ Within 20 days after the receipt of valid registration dossiers, the provincial/municipal Services of Agriculture and Rural Development shall organize the examination; if the prescribed conditions are fully met, they shall issue the certificates of full satisfaction of SV production conditions.

b/ If the SV production conditions are not fully met, the provincial/municipal Services of Agriculture and Rural Development shall guide the registration-applying organizations to address the conditions not yet met.

c/ A certificate of full satisfaction of SV production conditions is valid for not more than 3 years. When it expires, re-registration must be made.

Article 15.- Supervision and inspection of SV production conditions

Provincial/municipal Services of Agriculture and Rural Development organize the supervision and inspection of production conditions of organizations granted the certificates. If detecting that the prescribed conditions are not fully met, they issue documents requesting remedies; if past the prescribed time limit, such organizations fail to apply remedies, they shall issue decisions to revoke the certificates.

Article 16.- Charge for grant of certificates of full satisfaction of SV production conditions

SV-producing organizations and individuals shall pay examination charges for the grant of certificates of full satisfaction of SV production conditions according to current regulations.

Chapter IV

PROCEDURES FOR CERTIFICATION OF SAFE VEGETABLES

Article 17.- Conditions on SV-certifying organizations

1. Having adequate personnel of university or higher degree, who are specialized in cultivation or plant protection to supervise and inspect the process of SV production in accordance with corresponding production scale.

2. Having adequate necessary equipment and facilities or having signed contracts with other fully capable organization to perform SV testing.

3. The SV-certifying organizations are held responsible before law for their certification results.

Article 18.- Procedures for recognizing or designating SV-certifying organizations

1. Organizations wishing to conduct SV-certifying activities file their registration dossiers to the provincial/municipal Services of Agriculture and Rural Development of the localities where they are

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headquartered. Such a dossier comprises:

a/ A written registration for recognition to be the SV-certifying organization, made according to the form in Appendix 9 (not printed herein).

b/ An enclosed detailed declaration of the conditions specified in Clauses 1 and 2, Article 17 of this Regulation.

c/ Other relevant documents (if any).

2. Within 15 (fifteen) days after the receipt of valid dossiers, the provincial/municipal Services of Agriculture and Rural Development shall examine the conditions of the registered organizations; if they are fully met, they issue decisions to recognize them as the SV-certifying organizations.

3. The provincial/municipal Services of Agriculture and Rural Development designate units to perform the SV certification.

Article 19.- Supervision, inspection

SV-certifying organizations conduct the supervision and inspection throughout the production course according to procedures notified to the SV-producing organizations in advance.

Article 20.- Charge for grant of SV certificates

Organizations and individuals producing SV shall pay examination charge for grant of SV certificates according to current regulations.

Chapter V

STATE MANAGEMENT OF SAFE VEGETABLES

Article 21.- Contents of state management of SV

1. Formulating plans for production and investment in infrastructure development of concentrated SV-producing areas.

2. Promulgating policies to encourage the development of SV production and consumption.

3. Promulgating normative documents, procedures, regulations and quality standards on SV.

4. Managing the registration, examining and granting certificates of full satisfaction of conditions for SV production, announcing SV quality standards, testing and certifying SV.

5. Propagating to raise the awareness of SV producers and consumers.

6. Inspecting, examining and settling complaints and denunciations about SV production and certification.

Article 22.- Division of responsibilities for performing the task of state management of SV

1. The Cultivation Department acts as the coordinator in the performance of the state management, organizes the direction of SV-related implementation, having the responsibilities:

a/ To assume the prime responsibility for formulation of policies and normative documents on SV production.

b/ To direct the formulation of overall planning on concentrated SV-producing areas nationwide; direct the implementation of SV development programs and projects.

c/ To guide and direct the provincial/municipal Services of Agriculture and Rural Development in organizing the certification of full satisfaction of conditions on SV production, the SV production, the inspection and supervision of SV production in their respective localities.

d/ To coordinate with the Ministry's Inspectorate in directing the examination, inspection and settlement of complaints and denunciations about SV production, certification of SV production conditions, SV product

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certification.

2. The Department for Science and Technology:

a/ To assume the prime responsibility for, and coordinate with relevant agencies in revising, proposing the amendment and formulation of standards and technical norms for SV production.

b/ To manage research subjects, projects on trial SV production and preservation.

c/ To coordinate with relevant agencies in organizing, directing, supervising and managing SV production and certification.

3. The Plant Protection Department:

a/ To organize training on, and direct the widespread application of integrated pest management or insect control management (IPM, ICM) process and process on SV production according to GAP.

b/ To provide professional and operational direction and guidance to plant protection systems in localities on the performance of SV production tasks according to assignment of the provincial/ municipal Services of Agriculture and Rural Development.

4. The National Center for Agricultural Extension:

a/ To provide training in, disseminate the SV production technical process to peasants.

b/ To conduct information and propagation contributing to boosting SV production and consumption.

c/ To build up SV demonstration models in key regions in order to recommend the widespread application.

5. The provincial/municipal Services of Agriculture and Rural Development:

a/ To draw up and submit to the provincial/ municipal People's Committees plannings on SV-producing areas and investment projects for development of SV-producing zones in their respective localities;

b/ To propose mechanisms and policies to encourage and support the SV production and consumption;

c/ To manage the registration and organize the inspection, examination and grant of certificates of SV production conditions;

d/ Based on the SV production processes of the Ministry, to formulate and direct the implementation of SV production processes suitable to local conditions;

e/ To organize training in and grant certificates of SV production to producers;

f/ To recognize, designate and manage activities of the SV-certifying organizations in localities;

g/ To inspect, examine and settle complaints and denunciations about SV production and SV quality certification.

Article 23.- Implementation provisions

1. Organizations and individuals involved in SV production, inspection or certification shall implement this Regulation; if violating it, they shall be administratively handled or examined for penal liability according to the provisions of law, depending on the seriousness of their violations.

2. Problems arising in the course of implementation, if any, should be reported to the Ministry of Agriculture and Rural Development for timely settlement.

Minister of Agriculture and Rural Development
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