THE NATIONAL ASSEMBLY	SOCIALIST REPUBLIC OF VIET NAM
-------	Independence - Freedom – Happiness

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LAW

ON FOOD SAFETY

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No.
The National Assembly promulgates the Law on Food Safety.

Chapter 1

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for rights and obligations of organizations and individuals in assuring food safety: conditions for assuring safety of foods and food production, trading, import and export; food advertisement and labeling; food testing; food safety risk analysis: prevention, stopping and remedying of food safety incidents; food safety information, education and communication; and responsibilities for state management of food safety.

Article 2. Interpretation of terms

In this Law. the terms below are construed as follows:

1. Food safety means the assurance that food does not cause harm to human health and life.

2. Food-borne disease means a disease caused by eating or drinking a food contaminated with pathogens.

3. Food processing aid means a substance which is intentionally used in the processing of food materials or food ingredients in order to achieve a technological purpose and can be removed from or remains in foods.

4. Food processing means a process of preparing preliminarily processed food or fresh and raw food by an industrial or manual method to create food materials or food products.

5. Catering service establishment means a food-preparing facility, such as shop or stall trading in ready-to-eat food and cooked food restaurant, facility preparing ready-to-eat food portions, canteen or collective kitchen.

6. Conditions for food safety assurance means technical regulations and other regulations applicable to food, food producers and traders and food production and trading activities promulgated by competent state agencies for the purpose of assuring food safety for human health and life.

7. Food testing means the conduct of one or several tests and assessments of the conformity with relevant technical regulations and standards of food, food additives, food processing aids, food fortifiers, packages, tools and food containers.

8. Food trading means the conduct of one, several or all activities of food display, preservation service, transportation service or trading.

8. Food product lot means a specified quantity of a type of products bearing the same name, of the same quality, ingredients and shelf life, and produced by the same producer.

10. Food poisoning means a pathological state caused by absorbing contaminated or poisonous food.

11. Food contamination risk means the possibility that contaminants infiltrate into a food in the course of production or trading.

12. Food contamination means the presence of contaminants in food which are harmful to human health or life.

13. Food additive means a substance with or without nutritious value, which is intentionally added to food in the process of production in order to retain or improve particular characteristics of food.

14. Food production means the conduct of one. several or all activities of cultivation rearing, harvest, fishing, exploitation, preliminary processing, processing, packaging and preservation in order to make food.

15. Primary production means the conduct of one, several or all activities of cultivation, rearing, harvest, fishing and exploitation.

16. Preliminary processing of food means the treatment of cultivated, reared, collected, harvested, fished or exploited products in order to make ready-to-eat fresh and raw food or a food material or semi-finished products for the food processing stage.

17. Food safety incident means a circumstance occurring due to food poisoning, a food-borne disease or another food-induced circumstance which is directly harmful to human health or life.

18. Contaminant means an element which is unwanted and unintentionally added to food and likely to adversely affect food safety.

19. Shelf life means the period before the end of which a food still retains its nutritious value and remains safe under the preservation conditions indicated on its label under the producer's guidance.

20. Food means a product eaten or drunk by humans in fresh and raw, preliminarily processed, processed or preserved form. Food excludes cosmetics, cigarettes and substances used as pharmaceuticals.

21. Fresh and raw food means unprocessed food, including fresh meat, eggs, fish, aquatic products, vegetables, tubers and fruits and other unprocessed foods.

22. Micronutrient-fortified food means food supplemented with vitamins, minerals and trace elements in order to prevent or remedy the harm caused by the deficiency of these substances or elements to the health of the community or a particular group in the community.

23. Functional food means a food used to support a function of the human body, relax the body, boost the immunity against diseases, including supplements, health protection food and medical nutritious food.

24. Genetically modified food means a food containing one or several ingredients which have been genetically engineered.

25. Irradiated food means a food which has been irradiated by a radioactive source to treat the food, preventing it from degeneration.

26. Street food means a food processed for instant consumption and sold by vendors on streets or in public or similar places.

27. Prepackaged food means a food completely packaged and labeled, ready for sale for further processing or instant consumption.

28. Tracing of food origin means the tracking down of the creation and circulation of food.

Article 3. Principles of food safety management

1. To assure food safety is the responsibility of all food producers and traders.

2. Food production and trading are conditional activities; and food producers and traders shall bear responsibility for the safety of food they produce or trade in.

3. Food safety management must be based on relevant technical regulations and regulations promulgated by competent state management agencies and applicable standards announced by producers.

4. Food safety management must be conducted throughout the course of food production and trading on the basis of food safety risk analysis.

5. Food safety management must ensure a clear division of responsibilities and powers and inter-sector coordination.

6. Food safety management must meet requirements of socio-economic development.

Article 4. State policies on food safety

1. To elaborate strategies and master plans on food safety assurance, regarding the planning of zones for safe food production according to the food supply chain as a priority key task.

2. To use state resources and other resources to invest in scientific research and technological application to serve food safety risk analysis; to build new laboratories and upgrade some existing ones up to regional or international standards; to raise the capacity of existing analysis laboratories; to support investment in building zones producing safe food materials, wholesale markets for farm produce and food, and industrial-scale cattle and poultry slaughterhouses.

3. To encourage food producers and traders to renew technologies and expand their production: to produce high-quality and safe food; to fortify food with essential micronutrients: to build their brands and develop their safe food supply systems.

4. To establish a legal framework and realize a roadmap for compulsory application of good manufacturing practices (GMP), good agricultural practices (GAP), good hygiene practices (GHP) and hazard analysis and critical control points (HACCP) and other advanced food safety management systems in food production and trading.

5. To undertake international cooperation, step up the conclusion of treaties and international agreements on accreditation and mutual recognition in the field of food.

6. To promptly commend and reward organizations and individuals that produce or trade in safe foods.

7. To encourage and create conditions for domestic societies, associations, organizations and individuals and foreign organizations and individuals to invest or participate in the elaboration of standards, technical regulations and testing of food safety.

8. To increase investment in and diversify forms and methods of public information and education to raise public awareness about the consumption of safe food, sense of responsibility and business ethics of food producers and traders towards the community.

Article 5. Prohibited acts

1. Using for food processing purposes materials other than those permitted for use in food.

2. Using food materials which have passed their shelf life, arc of unclear origin or unsafe for food production and processing.

3. Using food additives or food processing aids which have passed their shelf life or are outside the list of those permitted for use or using permitted additives or food processing aids in excess of allowable dosages: using chemicals of unclear origins or banned chemicals in food production or trading.

4. Using animals which died of diseases, epidemics or unidentified causes or animal carcasses subject to destruction for food production or trading.

5. Producing or trading in:

a/ Food breaching regulations on goods labeling;

b/ Food unconformable with relevant technical regulations:

c/ Degenerated food;

d/ Food containing toxic or hazardous substances or contaminated with toxins or contaminants in excess of allowable limits;

e/ Food which is contaminated for the reason that their packages or containers are unsafe, broken, torn or deformed in the course of transportation;

f/ Meat or meat products which have not yet gone through veterinary inspection or have gone through veterinary inspection but fail to meet requirements;

g/ Food banned from production or trading for the purpose of epidemic prevention and combat;

h/ Food for which regulation conformity declarations have not yet been registered with competent state agencies in case such food subject to regulation conformity declaration registration;

i/ Food which is of unclear origin or has passed its shelf life.

6. Using vehicles which can cause food contamination or vehicles which have transported toxic or hazardous substances but not yet been cleaned up for transporting food materials or foods.

7. Supplying untruthful or forging food testing results.

8. Covering up. falsifying or obliterating scenes or evidence of food safety incidents or committing other acts of intentionally obstructing the detection and remedy of food safety incidents.

9. Employing persons infected with contagious diseases in food production or trading.

10. Producing or trading in food at establishments without certificates of satisfaction of food safety conditions prescribed by law.

11. Advertising food untruthfully or confusingly to consumers.

12. Publishing or publicly notifying misleading information on food safety, thus causing public disparagement or damage to food production and trading.

13. Using illegally roadbeds, pavements. corridors or common yards, passageways and auxiliary spaces for street food processing, producing or trading.

Article 6. Handling of violations of the law on food safety

1. Food producers and traders that violate the law on food safely shall, depending on the nature and severity of their violations, be administratively handled or examined for penal liability. If causing damage, they shall pay compensations and remedy consequences under law.

2. Persons who abuse their positions and powers to violate this Law or other regulations on food safety shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability. If causing damage, they shall pay compensations under law.

3. Fines for administrative violations specified in Clause 1 of this Article comply with the law on handling of administrative violations In case the highest fine prescribed by the law on handling of administrative violations is lower than 7 times the value of the violating food, a higher fine not exceeding 7 times the value of the violating food may be imposed. Money amounts earned from violations shall be confiscated under law.

4. The Government shall specify administrative violations in the field of food safely mentioned in this Article, and forms and levels of sanctioning of these violations.

Chapter II

RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS IN ASSURING FOOD SAFETY

Article 7. Rights and obligations of food producers

1. Food producers have the following rights:

a/ To decide on and announce standards of products they produce and supply; to decide on application of internal control measures to assure food safety;

b/ To request food traders to cooperate in recalling and disposing of unsafe food;

c/ To select conformity assessment organizations and testing establishments already designated to certify regulation conformity;

d/ To use standard conformity stamps and regulation conformity stamps and other marks for their products under law;

e/ To lodge complaints and denunciations and file lawsuits under law;

f/ To get compensations for damage under law.

2. Food producers have the following obligations:

a/ To comply with conditions for food safety assurance, assure food safety in the process of production, and take responsibility for the safety of food they produce;

b/ To comply with the Government's regulations on fortification of micronutrients the deficiency of which will affect community health;

c/ To provide adequate and accurate information on products on their labels and packages or in documents accompanying food under the law on goods labeling;

d/ To establish a self-inspection process in the course of food production:

e/ To provide truthful information on food safety: to give timely, adequate and accurate warnings about the risk of food to become unsafe and provide preventive methods for sellers and consumers; to notify requirements on the transportation, storage, preservation and use of food:

f/ To promptly suspend food production, notify concerned parties of and take consequence remedies upon detecting unsafe food or food unconformable with announced standards or relevant technical regulations:

g/ To keep dossiers, food samples and necessary information under regulations on tracing of food origin; to comply with regulations on tracing of origins of unsafe foods under Article 54 of this Law;

h/ To recall and dispose of food which has passed their shelf life or are unsafe. In case foods are to be destroyed, the food destruction must comply with the law on environmental protection and other relevant laws and food producers shall bear all expenses for destruction;

i/ To comply with law as well as. inspection or examination decisions of competent state agencies;

j/ To pay sampling and testing expenses as prescribed in Article 48 of this Law;

k/ To pay compensations under law for damage caused by unsafe food they produce.

Article 8. Rights and obligations of food traders

1. Foods traders have the following rights:

a/ To decide on internal control measures to maintain food quality, hygiene and safety;

b/ To request food producers and importers to cooperate in recalling and disposing of unsafe food:

c/ To select testing establishments to inspect food safety; to select testing establishments already designated for certification of regulation conformity for imported food;

d/ To lodge complaints and denunciations and file lawsuits under law;

e/ To get compensations for damage under law.

2. Foods traders have the following obligations:

a/ To comply with conditions for food safety assurance in the course of trading and take responsibility for the safety of food they trade in;

b/ To inspect food origins and labels and documents related to food safety; to keep dossiers on food; to comply with regulations on tracing of origins of unsafe food under Article 54 of this Law;

c/ To supply truthful information of food safety; to notify consumers of safety assurance conditions in the course of food transportation, storage, preservation and use:

d/ To promptly provide information on risks of food to become unsafe and methods of risk prevention to consumers upon receiving warnings of food producers or importers;

e/ To promptly suspend their trading operation and inform food producers or importers and consumers of unsafe food upon detecting such food:

f/ To promptly report to a competent agency on a food poisoning or a disease borne by foods they trade in and promptly remedy its consequences upon detecting it;

g/ To cooperate with food producers and importers and competent state agencies in investigating food poisoning cases in order to remedy consequences, recall or dispose of unsafe food;

h/ To comply with law as well as inspection or examination decisions of competent state agencies;

i/ To pay food sampling and testing expenses as specified in Article 48 of this Law;

j/ To pay compensations under law for damage caused by unsafe food they trade in.

Article 9. Rights and obligations of food consumers

1. Food consumers have the following rights:

a/ To be provided with truthful information on food safety, and appropriate instructions for food use. transportation, storage, preservation, selection and use; to be informed of risks of food to become unsafe and methods of risk prevention upon receiving warnings;

b/ To request food producers and traders to protect their interests under law;

c/ To request consumer interest protection organizations to protect their lawful rights and interests under the law on consumer interest protection:

d/To lodge complaints and denunciations and file lawsuits under law;

e/ To get compensations under law for their damage caused by consumption of unsafe food.

2. Food consumers have the following obligations:

a/ To fully comply with regulations and guidance of food producers and traders on food safety in transportation, storage, preservation and use:

b/ To promptly provide information on risks of food to become unsafe upon detecting these risks, and report food poisonings and food-home diseases to the nearest People's Committee, medical examination and treatment establishments, competent state agencies and food producers and traders:

c/ To comply with the law on environmental protection in the course of food consumption.

Chapter III

FOOD SAFETY ASSURANCE CONDITIONS

Article 10. General conditions on food safety assurance

1. To conform with relevant technical regulations, to meet limit requirements for pathogenic microorganisms, residues of plant protection drugs or veterinary drugs, heavy metals, contaminants and other substances in food that may cause harm to human health and life.

2. Depending on each type of food, in addition to the conditions specified in Clause 1 of this Article, food must comply with one or more of the following regulations:

a/ Regulations on use of food additives and processing aids in food production and trading:

b/ Regulations on food packaging and labeling;

c/ Regulations on food preservation.

Article 11. Safety assurance conditions for fresh and raw food

1. To meet the conditions specified in Article 10 of this Law.

2. To guarantee the origin tracing under Article 54 of this Law.

3. To have veterinary hygiene certificates issued by competent veterinary agencies for fresh and raw food of animal origin under the animal health law.

Article 12. Safety assurance conditions for processed food

1. To meet the conditions specified in Article 10 of this Law.

2. Original materials of food must be safe and retain their inherent properties. Materials forming a food must not interact with one another to create products harmful to human health and life.

3. Prepackaged processed food must have regulation conformity announcements registered with competent state agencies prior to market sale.

The Government shall specify the registration of regulation conformity announcements of prepackaged processed food and their validity term.

Article 13. Safety assurance conditions for micronutrient-fortified food

1. To meet the conditions specified in Article 10 of this Law.

2. Original materials of food must be safe and retain their inherent properties. Materials forming a food must not interact with one another to create products harmful to human health and life.

3. Only micronutrients being vitamins, minerals and trace elements on the Minister of Health's list may be added to food with a content unharmful to human health and life.

Article 14. Safety assurance conditions for functional foods

1. To meet the conditions specified in Article 10 of this Law.

2. To have scientific information and documents proving the effects of their ingredients that create the announced functions.

3. Functional foods which are first put on market sale must have a report on testing of their effect.

4. The Minister of Health shall specify the management of functional foods.

Article 15. Safety assurance conditions for genetically modified food

1. To meet the conditions specified in Article 10 of this Law.

2. To comply with the Government's regulations on safety assurance for human health and the environment.

Article 16. Safety assurance conditions for irradiated food

1. To meet the conditions specified in Article 10 of this Law.

2. To be on the list of food permitted for irradiation.

3. To meet regulations on irradiation doses.

4. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate lists of food permitted for irradiation and allowable irradiation doses for food in their assigned management domains.

Article 17. Safety assurance conditions for food additives and processing aids

1. To conform with relevant technical regulations, to comply with regulations on food additives and processing aids.

2. To have use instructions written on their labels or inserts in each product unit in Vietnamese and another language depending on the origin of products.

3. To be on the Minister of Health's list of food additives and processing aids permitted for use in food production and trading.

4. To register regulation conformity announcements with competent state agencies prior to market sale.

The Government shall specify the registration of regulation conformity announcements and their validity term for food additives and processing aids.

Article 18. Safety assurance conditions for food-packaging tools and food packages and containers

1. To be made of safe materials, guaranteeing that they do not release toxic substances, strange smell or taste into food, and they preserve food quality within the shelf life.

2. To conform with relevant technical regulations, to meet the Ministry of Health's regulations on food-packaging tools and food packages and containers.

3. To register regulation conformity announcements with competent state agencies prior to market sale.

The Government shall specify the registration of regulation conformity announcements and their validity term for food-packaging tools and food packages and containers.

Chapter IV

FOOD SAFETY ASSURANCE CONDITIONS FOR FOOD PRODUCTION AND TRADING

Section I. GENERAL CONDITIONS ON FOOD SAFETY ASSURANCE FOR FOOD PRODUCTION AND TRADING

Article 19. Food safety assurance conditions for food producers and traders

1. Food producers and traders must meet the following conditions:

a/ Having suitable venues with appropriate areas and safety distance from toxic and contaminating sources and other harmful factors;

b/ Having sufficient technically qualified water for food production and trading:

c/ Having adequate appropriate equipment to process materials and process, package, preserve and transport different types of food: having adequate washing and sterilization equipment and tools, disinfecting fluid, and equipment for preventing and controlling insects and harmful animals;

d/ Having a waste treatment system which operates regularly under the law on environmental protection:

e/ Maintaining food safety assurance conditions and keeping records of source and origin of food materials and other documents on the entire food production and trading process;

f/ Complying with regulations on health, knowledge and practices of persons directly engaged in food production and trading.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate national technical regulations and specify food safely assurance conditions for food producers and traders in their assigned management domains.

Article 20. Food safety assurance conditions for food preservation

1. Food producers and traders must meet the following conditions for food preservation:

a/ Having preservation places and means which are large enough to preserve each type of food separately, allow technically safe and precise loading and unloading and guarantee preservation hygiene:

b/ Preventing the effects of temperature, humidity, insects, animals, dust, strange smell and negative environmental effects: guaranteeing sufficient light: having special-use equipment for adjusting temperature, humidity and other climate conditions, ventilation equipment and other special preservation conditions required by each type of food;

c/ Complying with preservation regulations of food producers and traders.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate national technical regulations and specify food safely assurance conditions for food preservation in their assigned management domains.

Article 21. Food safety assurance conditions for food transportation

1. Organizations and individuals transporting food must meet the following conditions:

a/ Means for transporting foods are made of materials which do not contaminate food and food packages and are easy to clean;

b/ Food preservation conditions as required by food producers and traders are maintained throughout the course of transportation;

c/ Food is not transported together with toxic goods or goods which may cause cross-contamination and affect food quality.

2. Competent state management agencies shall provide means for transporting food and routes for transporting fresh and raw food in urban areas.

Article 22. Food safety assurance conditions for small-scale food production and trading

1. Small-scale food producers and traders must meet the following food safety assurance conditions:

a/ Ensuring safely distance from toxic and contaminating sources:

b/ Having sufficient technically qualified water for food production and trading:

c/ Having appropriate equipment for food production and trading which neither harm nor contaminate food;

d/ Using materials, chemicals, food additives, processing aids, food-packaging tools and food packages and containers in preliminary processing, processing and preservation of food;

e/ Complying with regulations on health, knowledge and practices of persons directly engaged in food production and trading:

f/ Collecting and treating waste under the law on environmental protection;

g/ Maintaining food safety assurance conditions and storing trading-related information to ensure the tracing of food origin.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate national technical regulations and specify food safety assurance conditions for small-scale food production and trading in their assigned management domains.

3. People's Committees of provinces and centrally run cities (below referred to as provincial-level People's Committees) shall promulgate local technical regulations and specify food safety assurance conditions for small-scale food production and trading for local particular food.

Section 2. FOOD SAFETY ASSURANCE CONDITIONS FOR PRODUCTION AND TRADING IN FRESH AND RAW FOOD

Article 23. Food safety assurance conditions for producers of fresh and raw food

1. Producers of fresh and raw food must meet the following conditions:

a/ Meeting requirements on cultivation land, water sources and production places for producing safe food;

b/ Complying with the laws on use of plant varieties and livestock breeds; fertilizer, animal feed, plant protection drugs, veterinary drugs, growth, weight and sexual maturity stimulants, food preservatives and other food safety-related substances;

c/ Complying with regulations on animal quarantine and hygiene in animal slaughtering; and plant quarantine for crop products;

d/ Treating waste under the law on environmental protection:

e/ Using detergents, disinfectants and antidotes which are safe for humans and the environment;

f/ Maintaining food safety assurance conditions, keeping records of source and origin of food materials and other documents on the entire process to produce fresh and raw food.

2. The Minister of Agriculture and Rural Development shall provide specific food safety assurance conditions for producers of fresh and raw food.

Article 24. Food safety assurance conditions for traders of fresh and raw food

1. Traders of fresh and raw food must meet the following conditions:

a/ Meeting safety assurance conditions for food-packaging tools and food packages and containers and for food preservation and transportation specified in Articles 18. 20 and 21 of this Law;

b/ Ensuring and maintaining hygiene in business places.

2. The Minister of Agriculture and Rural Development shall provide specific food safety assurance conditions for traders of fresh and raw food.

Section 3. FOOD SAFETY ASSURANCE CONDITIONS FOR PRELIMINARY PROCESSING AND PROCESSING OF FOOD AND TRADING IN PROCESSED FOOD

Article 25. Food safety assurance conditions for preliminary processors and processors of food

1. To meet the conditions specified in Article 19 of this Law.

2. The preliminary processing or processing of food must ensure that food is neither contaminated nor in contact with contaminants or toxic elements.

Article 26. Food safety assurance conditions for food materials and additives, processing aids and micronutrients for food processing

1. Materials used for food processing must be within their shelf life, of clear origin and safe and retain their inherent properties. Materials forming a food must not interact with one another to create products harmful to human health and life.

2. The use of micronutrients. food additives and processing aids must comply with Articles 13 and 17 of this Law.

Article 27. Food safety assurance conditions for traders of processed food

1. Traders of prepackaged processed food must meet the following conditions:

a/ Complying with regulations on food labeling:

b/ Meeting the safety assurance conditions for food-packaging tools and food packages and containers and for food preservation specified in Articles 18 and 20 of this Law:

c/ Ensuring and maintaining hygiene in business places;

d/ Preserving food as required by producers.

2. Traders of non-prepackaged processed food must meet the following conditions:

a/ Adopting measures to ensure that food is neither spoiled, moldy nor in contact with insects, animals, dust and other contaminants;

b/ Washing or sterilizing the tableware and food containers before use of instant food;

c/ Obtaining information on the origin and production date of food.

Section 4. FOOD SAFETY ASSURANCE CONDITIONS FOR COMMERCIAL PROVISION OF CATERING SERVICES

Article 28. Food safety assurance conditions for food processing places and commercial provision of catering services

1. Kitchens are arranged in a way to ensure that unprocessed and processed food is not cross-contaminated.

2. Having sufficient technically qualified water for food processing and trading.

3. Having hygienic devices for collecting and containing garbage and waste.

4. Sewers in the areas of shops and kitchens must be drained without any stagnancy.

5. Eating rooms must be airy. cool, sufficiently lit and kept clean and have equipment to prevent insects and harmful animals.

6. Having food preservation equipment and toilets and collecting waste and garbage daily.

7. Heads of units having collective kitchens shall take responsibility for food safety.

Article 29. Food safety assurance conditions for food processors and catering services providers

1. To have separate utensils and containers for raw and cooked food.

2. To ensure safety and hygiene of cooking and processing utensils.

3. The tableware must be made of safe materials and kept clean and dry.

4. To comply with regulations on health, knowledge and practices of persons directly engaged in food production and trading.

Article 30. Food safety assurance conditions for food processing and preservation

1. To use safe food and food materials of clear origin and keep food samples.

2. To process food safely and hygienically.

3. Food on sale must be placed in glass showcases or hygienic preservation containers on tables or shelves above the ground, which can prevent dust, rain, sunshine, insects and harmful animals.

Section 5. FOOD SAFETY ASSURANCE CONDITIONS FOR STREET FOOD SALE

Article 31. Food safety assurance conditions for street food display places

1. To be separated from toxic and contaminating sources.

2. To display food on tables, shelves or means which meet requirements on food hygiene and safety and street landscape.

Article 32. Food safety assurance conditions for food materials and containers, eating utensils, food containers and street vendors

1. Materials for processing street food must meet food safety requirements and have clear source and origin.

2. Eating utensils and food containers must be hygienically safe.

3. Packages and materials in direct contact with food must neither contaminate nor release contaminants into food.

4. To have devices to prevent sunshine, rain, dust, insects and harmful animals.

5. To sufficiently have technically qualified water for food processing and trading.

6. To comply with regulations on health, knowledge and practices of persons directly engaged in food production and trading.

Article 33. Responsibilities for management of street food sale

1. The Minister of Health shall specify food safety assurance conditions for street food sale.

2. People's Committees at all levels shall manage street food sale in their localities.

Chapter V

CERTIFICATION OF FOOD SAFETY ELIGIBILITY FOR ESTABLISHMENTS IN FOOD PRODUCTION AND TRADING

Article 34. Establishments and conditions for the grant and withdrawal of certificates of food safety eligibility

1. An establishment shall be granted a certificate of food safety eligibility when it fully meets the following conditions:

a/ Having adequate conditions for assuring food safety suitable to each type of food production and trading as prescribed in Chapter IV of this Law;

b/ Having registered for food production and trading as indicated in its business registration certificate.

2. An organization or individual shall have its/his/her certificate of food safety eligibility withdrawn when it/he/she no longer satisfies all conditions prescribed in Clause 1 of this Article.

3. The Government shall specify establishments not subject to the grant of certificates of food safety eligibility.

Article 35. Competence to grant and withdraw certificates of food safety eligibility

The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall specify the competence to grant and withdraw certificates of food safety eligibility in their assigned management domains.

Article 36. Dossiers, order and procedures for the grant of certificates of food safety eligibility

1. A dossier of application for a certificate of food safety eligibility comprises:

a/ An application for a certificate of food safety eligibility:

b/ A copy of the business registration certificate:

c/ Written explanations about the satisfaction of food safety and hygiene conditions of physical foundations, equipment and tools as prescribed by competent state management agencies:

d/ Health certificates of the establishments owner and persons directly engaged in food production and trading, issued by a district- or higher-level health establishment:

e/ Certificates of training in knowledge about food safety and hygiene of the establishment's owner and persons directly engaged in food production and trading as prescribed by line ministers.

2. The order of and procedures for the grant of certificates of food safety eligibility

a/ Food producers and traders shall submit dossiers of application for certificates of food safety eligibility to a competent state manage-ment agency defined in Article 35 of this Law;

b/ Within 15 days after the receipt of a complete and valid dossier, the competent state agency shall conduct field inspection of food safety assurance conditions at the producer's or trader's establishment. If all conditions are met. it shall grant a certificate of food safety eligibility; in case of refusing to grant a certificate, it shall issue a written reply clearly stating the reason.

Article 37. Validity duration of certificates of food safety eligibility

1. A certificate of food safety eligibility is valid for 3 years.

2. At least 6 months before the expiration date of a certificate of food safety eligibility, if the food producer or trader wishes to continue its/ his/her production or trading activities, it/he/she shall submit a dossier of application for the re-grant of a certificate of food safety eligibility. Dossiers of application and the order of and procedures for re-grant of certificates comply with Article 36 of this Law.

Chapter VI

FOOD IMPORT AND EXPORT

Section I. SAFETY ASSURANCE CONDITIONS FOR IMPORTED FOOD

Article 38. Safety assurance conditions for imported food

1. Imported food, food additives, processing aids and imported food-packaging tools, food packages and containers must satisfy relevant conditions prescribed in Chapter III of this Law and the following conditions:

a/ Having their technical regulation-conformity announcements registered at a competent state agency before import;

b/ Having obtained a notice of satisfaction of import requirements issued by a designated inspection agency for each goods lot as prescribed by line ministers.

2. In addition to the conditions prescribed in Clause 1 of this Article, functional food, micronutrient-fortified food, genetically modified food and irradiated food must obtain a certificate of free sale or health certificate as prescribed by the Government.

3. In case Vietnam has not yet promulgated relevant technical regulations applicable to imported food, food additives and processing aids and imported food- packaging tools, food packages and containers, international agreements or treaties to which the Socialist Republic of Vietnam is a contracting party will apply.

Article 39. State inspection of food safety with regard to imported food

1. Imported food, food additives and processing aids and imported food-packaging tools, food packages and containers arc subject to state inspection of food safety, except for some kinds of food which are exempted from state inspection of food safety as prescribed by the Government.

2. Food imported from countries which have concluded with Vietnam treaties on mutual recognition of food safety certification is eligible for reduced inspection, except for cases in which signs of violation of Vietnam's law on food safely are warned or have been detected.

3. The Government shall specify the exemption from state inspection of food safety for some kinds of imported food; the order of and procedures for state inspection of food safety in countries from which food will be exported to Vietnam under treaties to which Vietnam is a contracting party.

Article 40. Order, procedures and methods of state inspection of food safety with regard to imported food

1. The order of and procedures for state inspection of food safety with regard to imported food, food additives, processing aids, food-packaging tools, food packages and containers comply with the law on product and goods quality and the following provisions:

a/ Food may be transported to warehouses for preservation pending customs clearance only when they have a registration for food safety inspection:

b/ Customs clearance shall only be effected when there is a written certification of satisfaction of import requirements.

2. Modes of state inspection of food safety for imported food, food additives, processing aids, food-packaging tools, food packages and containers:

a/ Tightened inspection:

b/ Normal inspection;

c/ Reduced inspection.

3. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall specify agencies in charge of conducting state inspection of food safety and the application of modes of slate inspection of food safety with regard to imported food, food additives, processing aids, food-packaging tools, food packages and containers.

Section 2. SAFETY ASSURANCE CONDITIONS FOR EXPORTED FOOD

Article 41. Safety assurance conditions for exported food

1. Meeting Vietnam's food assurance safety conditions.

2. Being conformable with food safety regulations of countries of importation as provided in contracts or treaties and international agreements on mutual recognition of results of conformity evaluation signed with concerned countries or territories.

Article 42. Certification of exported food

1. Competent Vietnamese state agencies shall grant certificates of free sale, health certificates, certificates of origin or other certificates for exported food, if so requested by countries of importation.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall provide for dossiers and procedures for the grant of certificates specified in Clause 1 of this Article in their assigned management domains.

Chapter VII.

FOOD ADVERTISEMENT AND LABELING

Article 43. Food advertisement

1. Food advertisement shall be carried out by food producers and traders or advertisement service providers under the law on advertisement.

2. Before registering for food advertisement, organizations and individuals that have food to be advertised shall send dossiers to competent state management agencies for certification of advertisement contents.

3. Advertisement makers, advertisement service providers and organizations and individuals with to-be-advertised food may only make advertisement after the advertisement contents are appraised, and must strictly comply with certified contents.

The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall specify kinds of food of which advertisement must be registered: and the competence, order and procedures for certification of contents of food advertisements under their assigned management domains.

Article 44. Food labeling

1. Producers and importers of food, food additives and processing aids in Vietnam shall label food under the law on goods labeling.

The shelf life of food shown on their labels shall, depending on the type of food, be written as "expiry date", "use by" or "best before".

2. For functional food, food additives, irradiated food and genetically modified food.in addition to the provisions of Clause 1 of this Article, the following provisions must be complied with:

a/ For functional food, the phrase "thucpham chucnang" (functional food) must be shown and the effect of substituting curative medicines must not be expressed in any form;

b/ For food additives, the phrase "pint gia thuc pham" (food additives) and information on the scope of use. dosage and use instructions must be shown;

c/ For irradiated food, the phrase "time pham da qua chieu xa" (irradiated food) must be shown:

d/ For certain kinds of genetically modified food, the phrase "thuc pham bien dot gen" (genetically modified food) must be shown.

3. Based on socio-economic conditions in each period, the Government shall issue specific regulations on food labeling and shelf life: and kinds of genetically modified foods and the composition percentage of food with modified genes to be indicated on their labels.

Chapter VIII

FOOD TESTING. ANALYSIS OF FOOD SAFETY RISKS, PREVENTION AND REMEDY OF FOOD SAFETY INCIDENTS

Section I. FOOD TESTING

Article 45. Requirements on food testing

1. Food testing shall be conducted in the following cases:

a/ At the request of food producers and traders or other concerned organizations and individuals:

b/ For the state management of food safety.

Food testing for state management work shall be conducted by food testing establishments designated by line ministers.

2. Food testing must:

a/ Ensure objectivity and accuracy:

b/ Observe professional and technical regulations.

Article 46. Food testing establishments

1. A food testing establishment must satisfy the following conditions:

a/ Having an organizational apparatus and technical capacity meeting the requirements of national or international standards applicable to testing establishments;

b/ Establishing and maintaining a managerial system meeting the requirements of national or international standards:

c/ Registering the operation of assessment of conformity with standards or technical regulations with a competent state agency when engaged in certification of standard or regulation conformity.

2. Food testing establishments may provide testing services, collect testing charges and take responsibility before law for the results of tests they perform.

3. Line ministers shall specify conditions for testing establishments defined in Clause 1 of this Article.

Article 47. Testing for the settlement of food safety-related disputes

1. Agencies with dispute settlement competence shall designate testing-verification establishments to test foods involved in disputes. Testing results of these establishments shall be used as a basis for the settlement of food safety-related disputes.

2. Testing establishments designated to conduct verification are state-run ones which satisfy all the conditions specified in Clause 1. Article 46 of this Law.

3. Line ministers shall specify conditions for testing-verification establishments and a list of eligible testing-verification establishments.

Article 48. Expenses for food sampling and testing

1. Expenses for food sampling and testing to serve food safety examination and inspection shall be paid by agencies that decide on such examination and inspection.

2. Based on testing results, if agencies that decide on food safety examination and inspection conclude that food producers or traders violate the law on food safety, the violators shall refund food sampling and testing expenses to the examination and inspection agencies.

3. Organizations and individuals that request food sampling and testing shall themselves pay expenses for food sampling and testing.

4. Expenses for food sampling and testing in food safety-related disputes or complaints shall be paid by petitioners or complainants. When testing results affirm that food producers or traders

violate regulations on food safety, the violators shall refund expenses for sampling and testing of foods involved in disputes to the petitioners or complainants.

Section 2. ANALYSIS OF FOOD SAFETY RISKS

Article 49. Objects subject to analysis of food safety risks

1. Foods of high poisoning rate.

2. Foods with samples taken for surveillance showing high rate of violating technical regulations on food safety.

3. Food production or trading environment or establishments which are suspected of causing pollution.

4. Foods or food production or trading establishments which are subject to risk analysis to meet management requirements.

Article 50. Analysis of food safety risks

1. Analysis of food safety risks covers assessment, management and communication of risks to food safety.

2. Assessment of food safety risks covers:

a/ Investigating and testing to identify hazards to food safety which belong to groups of microbiological, chemical and physical agents;

b/ Identifying risks of health hazards to food safety, extent and scope of impacts of hazards on the community health.

3. Management of food safety risks covers:

a/ Implementing solutions to limiting food safety risks in each stage of the food supply chain;

b/ Controlling and coordinating to limit food safety risks in providing catering services and conducting other food production or trading activities.

4. Communication on food safety risks covers:

a/ Providing information on preventive measures in cases of food poisoning or unsafe food-borne diseases to raise public awareness about and responsibility for food safety risks;

b/ Notifying or forecasting food safety risks; building an information system for warning food safety risks and food-borne diseases.

Article 51. Responsibility to analyze food safety risks

The Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade shall analyze food safety risks in their assigned management domains under Articles 49 and 50 of this Law.

Section 3. PREVENTION AND REMEDY OF FOOD SAFETY INCIDENTS

Article 52. Prevention of food safety incidents

1. Organizations and individuals that detect signs of a food safety incident shall immediately notify it to the nearest health establishment or People's Committee or a competent state agency for taking prompt preventive measures.

2. Measures to prevent food safety incidents include:

a/ Ensuring safety in the process of food production, trading and consumption;

b/ Educating, propagating and disseminating food safety-related knowledge and practices to producers, traders and consumers;

c/ Examining and inspecting food safety in food production and trading;

d/ Analyzing food contamination risks;

e/ Investigating, surveying and storing data on food safety:

f/ Storing food samples.

3. People's Committees at all levels shall implement measures to prevent food safety incidents in their localities.

4. The Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade shall organize the implementation of programs on surveillance and prevention of food safety incidents and the application of measures to prevent food safety incidents occurring overseas which are likely to affect Vietnam in their assigned management domains.

5. The Ministry of Health shall assume the prime responsibility for. and coordinate with concerned ministries and sectors in. establishing a system for warning food safety incidents.

Article 53. Remedy of food safety incidents

1. Organizations and individuals that detect a food safety incident occurring at home or overseas which affects Vietnam shall declare it to the nearest health establishment or People's Committee or to the Ministry of Health, the Ministry of Agriculture and Rural Development or the Ministry of Industry and Trade for taking prompt remedies.

2. Remedies for food safety incidents include:

a/ Promptly detecting, and giving first aid and medical treatment to. poisoned persons or persons infected with food-borne diseases or in other food-induced circumstances harmful to human health or life:

b/ Investigating cases of food poisoning, identifying causes of poisoning and food-borne diseases and tracing the origin of poisoning or disease-transmitting food;

c/ Suspending production or trading activities:

recalling and disposing of poisoning or disease-transmitting food being marketed;

d/ Notifying food poisoning and food-borne diseases to concerned organizations and individuals:

e/ Taking measures to prevent risks of food poisoning and food-borne diseases.

3. People’s Committees at all levels shall take remedies for food safety incidents in their localities.

4. The Minister of Health shall:

a/ Specify the declaration of food safety incidents:

b/ Assume the prime responsibility for. and coordinate with concerned ministries and sectors in. taking measures to prevent food safety incidents occurring overseas which are likely to affect Vietnam.

5. Suppliers of poisoning foods shall pay all medical treatment expenses for poisoned persons and pay compensations under the civil law.

Section 4. TRACING OF THE ORIGIN AND RECALL AND DISPOSAL OF UNSAFE FOODS

Article 54. Tracing of the origin of unsafe foods

1. Food producers and traders shall trace the origin of unsafe foods in the following cases:

a/ At the request of competent state agencies;

b/ When detecting that food products they produce or trade in are unsafe.

2. Food producers and traders that trace the origin of unsafe foods shall:

a/ Identify and notify lots of unsafe food products:

b/ Request food trading agents to report on the quantity of products of unsafe food lots, actual quantities of products left in stock and being marketed:

c/ Summarize, and report to competent state agencies on. recall plans and disposal measures.

3. Competent state agencies shall inspect and supervise the tracing of the origin of unsafe foods.

Article 55. Recall and disposal of unsafe foods

1. The following foods shall be recalled:

a/ Foods which are still marketed after their shelf life:

b/ Foods unconformable with relevant technical regulations;

c/ Foods being new technological products not yet been permitted for circulation;

d/ Foods which are degenerated during preservation, transportation or trading;

e/ Foods which contain substances banned from use or in which appear contaminants in excess of allowable limits;

f/ Imported foods which are notified by a competent authority of the exporting country or another country or an international organization to contain contaminants harmful to human health and life.

2. Recall of unsafe foods takes the following forms:

a/ Voluntary recall by food producers or traders themselves:

b/ Compulsory recall by food producers and traders at the request of competent state agencies.

3. Unsafe foods shall be disposed of through:

a/ Correction of product flaws or labeling errors:

b/ Change of use purposes;

c/ Re-ex port:

d/ Destruction.

4. Unsafe food producers and traders shall publish information on recalled products, recall and dispose of unsafe foods within the time limit decided by a competent state agency, and pay all recall and disposal expenses.

Past the prescribed time limit, food producers and traders that fail to recall foods shall be coerced to do so under law.

5. Competent state agencies shall:

a/ Based on the severity of violations of safety assurance conditions, decide on the recall and disposal of unsafe foods as well as the time limit for completing such recall and disposal;

b/ Inspect the recall of unsafe foods:

c/ Handle violations of the law on food safety according to their competence as defined by law:

d/ For food products which are likely to seriously affect the community health or in other emergency cases, directly recall and dispose of them and request their producers and traders to pay recall and disposal expenses.

6. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall specify the recall and disposal of unsafe foods in their assigned management domains.

Chapter IX

INFORMATION, EDUCATION AND COMMUNICATION ON FOOD SAFETY

Article 56. Purposes and requirements of information, education and communication on food safety

1. Information, education and communication on food safety aims to raise public awareness about food safety, and change backward behaviors, customs and practices in production, trading and living which cause food unsafely, contributing to protecting human health and life; and about business ethics and responsibility of food producers and traders towards consumer health and life.

2. Information, education and communication on food safety must be:

a/ Accurate, prompt, explicit, simple and practical;

b/ Suitable to the nation's traditions, culture and identity, religions, social ethics, beliefs, customs and practices;

c/ Suitable to each category of targeted subjects.

Article 57. Contents of information, education and communication on food safety

1. Providing, propagating and disseminating knowledge and law on food safety.

2. Providing information on causes and ways of identifying food poisoning risks, food-borne diseases and measures to prevent and remedy food safety incidents.

3. Providing information on exemplary models of safe food production or trading; recall of unsafe foods, and handling of establishments that seriously violate the law on food safety.

Article 58. Entities eligible to access information, education and communication on food safety

1. All organizations and individuals have the right to access information, education and communication on food safety.

2. Priority will be given to the following entities in accessing information, education and communication on food safety:

a/ Food consumers;

b/ Managers and executive officers of food production or trading establishments; food producers and traders;

c/ Fresh and raw food producers and traders and small-scale food producers and traders; inhabitants in extreme socio-economic difficulty-hit areas.

Article 59. Forms of information, education and communication on food safety

1. Through competent state agencies in charge of food safety.

2. In the mass media.

3. Integration in teaching and learning activities at educational institutions of the national education system.

4. Through cultural and community activities and activities of mass organizations and social organizations, and other forms of public cultural activities.

5. Through food safety-related inquiry points at line ministries.

Article 60. Responsibilities in information, education and communication on food safety

1. Agencies, organizations and units shall, within the ambit of their tasks and powers, conduct information, education and communication on food safety.

2. The Minister of Health, line ministers and heads of concerned ministerial-level agencies shall direct concerned agencies in providing accurate and scientific information on food safety; and promptly give responses to untruthful information on food safety.

3. The Minister of Information and Communications shall direct mass media agencies in regularly providing information and communication on food safety and integrating programs on information and communication on food safety into other information and communication programs.

4. The Minister of Education and Training shall assume the prime responsibility for, and coordinate with the Minister of Health, line ministers and heads of concerned ministerial-level agencies in. combining education about food safety with other educational contents.

5. People's Committees at all levels shall organize the provision of information, education and communication on food safety to local people.

6. Mass media agencies shall prioritize in terms of schedule and length of broadcasts to provide information, education and communication on food safety on radios and televisions: and reserve appropriate spaces for articles and broadcasts on food safety in printed newspapers, televisions or online newspapers under regulations of the Minister of Information and Communications. Information, education and communication on food safety in the mass media is free of charge,

unless it is provided under separate contracts with programs or projects or financed by domestic or foreign organizations or individuals.

7. The Vietnam Fatherland Front, mass organizations and social organizations shall, within the ambit of their responsibilities, conduct the work of information, education and communication on food safety.

Chapter X

STATE MANAGEMENT OF FOOD SAFETY

Section I. RESPONSIBILITIES FOR STATE MANAGEMENT OF FOOD SAFETY

Article 61. Responsibilities for state management of food safety

1. The Government shall perform the unified state management of food safety.

2. The Ministry of Health is answerable to the Government for performing the state management of food safety.

3. Ministries and ministerial-level agencies shall, within the ambit of their respective tasks and powers, coordinate with the Ministry of Health in performing the stale management of food safety.

4. People's Committees at all levels shall perform the sate management of food safety in their respective localities-

Article 62. Responsibilities of the Ministry of Health for state management of food safety

1. General responsibilities:

a/ To assume the prime responsibility for formulating and submitting national strategies and master plans on food safety to competent state agencies for promulgation, and organize the implementation thereof

b/ To promulgate national technical regulations on safety criteria and limits on food products; food-packaging tools and food packages and containers.

c/ To request ministries, sectors and provincial-level People's Committees to make regular and irregular reports on food safety management;

d/ To prescribe general conditions on food safety assurance for food producers and traders;

e/ To assume the prime responsibility for organizing the propagation and education about the taw on food safety: to warn food poisoning incidents.

f/ To unexpectedly inspect and examine all stages in the process of food production, import and trading under the scope of management of other ministries when necessary.

2. Responsibilities in sectoral management:

a/ To assume the prime responsibility for formulating and promulgating or submitting strategies, policies, master plans, plans and legal documents on food safety to competent state agencies for promulgation, and organize the implementation thereof in its assigned management domain;

b/ To manage food safety throughout the process of production, preliminary processing, processing, preservation, transportation, export, import and trading of food additives, food

processing aids, bottled drinking water, natural mineral water, functional food and other foods under the Government's regulations:

c/ To manage food safety with regard to food-packaging tools and food packages and containers in the process of food production, processing and trading in its assigned management domain;

d/ To inspect, examine, and handle violations of the law on food safety in the process of food production, export, import and trading in its assigned management domains.

Article 63. Responsibilities of the Ministry of Agriculture and Rural Development

1. To assume the prime responsibility for formulating and promulgating or submitting policies, strategies, master plans, plans and legal documents on food safety in its assigned management domain to competent state agencies for promulgation, and organize the implementation thereof.

2. To manage food safely in the primary production of agricultural, forest, aquatic and salt products.

3. To manage food safety throughout the process of production, collection, slaughter, preliminary processing, processing, preservation. transportation, import, export and trading of cereals, meat and products thereof, aquatic animals and products thereof, vegetables, tubers and fruits and products thereof, eggs and products thereof, fresh milk, honey and products thereof, genetically modified food, salt and other farm products under the Government's regulations.

4. To manage food safety with regard to food-packaging tools and food packages and containers in the process of food production, processing and trading in its assigned management domain.

5. To make regular and irregular reports on the management of food safety in its assigned management domain.

6. To inspect, examine, and handle violations of the law on food safety in the process of food production, export, import and trading in its assigned management domain.

Article 64. Responsibilities of the Ministry of Industry and Trade

1. To assume the prime responsibility for formulating, promulgating or submitting policies, strategies, master plans, plans and legal documents on food safety in its assigned management domain to competent stale agencies for promulgation and organize the implementation thereof.

2. To manage food safety in the process of production, processing, preservation, transportation, import, export and trading of liquor, beer, beverage, processed milk, vegetable oil, powder and starch processed products and other products under the Government's regulations.

3. To manage food safety with regard to food-packaging tools and food packages and containers in the process of food production, processing and trading in its assigned management domain.

4. To promulgate policies and master plans on markets and supermarkets and regulations on food trading at markets and supermarkets.

5. To assume the prime responsibility for preventing and controlling fake food, and trade fraud in food circulation and trading.

6. To make regular and irregular reports on the management of food safety in its assigned management domain.

7. To inspect, examine, and handle violations of the law on food safety in the process of food production, import, export, and trading in its assigned management domain.

Article 65. State management responsibilities of People's Committees at all levels

1. To promulgate according to their competence or submit local legal documents and technical regulations to competent state agencies for promulgation; to formulate and implement master plans on safe food production zones and establishments so as to ensure management in the entire food supply chain.

2. To be responsible for managing food safety in their respective localities: to manage food safety assurance conditions for small-scale food production and trading establishments, street food, catering establishments, and food safety at local markets and subjects in their assigned management domain.

3. To make regular and irregular reports on the management of food safety in their respective localities.

4. To arrange human resources, train and improve qualifications of human resources for the work of food safety assurance in their respective localities.

5. To organize the work of information, education and communication to raise awareness about food safety, the sense of observing the law on food safety management, the sense of responsibility of food producers and traders toward the community and the awareness of consumers about food safety.

6. To inspect, examine and handle violations of the law on food safety in their respective localities.

Section 2. FOOD SAFETY INSPECTION

Article 66. Food safety inspection

1. Food safety inspection is specialized inspection. Food safety inspection shall be conducted by the health; agriculture and rural development; and industry and trade sectors under the law on inspection.

2. The Government shall specify the coordination among food safety inspectorates of ministries and ministerial-level agencies with other forces in ensuring food safety.

Article 67, Contents of food safety inspection

1. Compliance with technical standards and regulations on food safety applicable to food production and trading and food products promulgated by competent state agencies.

2. Compliance with relevant food safety standards announced by food producers for application to food production and trading and food products.

3. Advertising and labeling of food within the scope of management.

4. Regulation conformity certification and food safety testing.

5. Compliance with other legal provisions on food safety.

Section 3. FOOD SAFETY EXAMINATION

Article 68. Responsibilities for food safety examination

1. Food safety management agencies under line ministries shall conduct food safety examination in food production and trading under Articles 61 thru 64 of this Law.

2. Food safety management agencies under provincial-level People's Committees shall conduct food safety examination in their respective localities under regulations of line ministries and the assignment by provincial-level People's Committees.

3. In case an inter-sector examination of food safety is related to the management scopes of many sectors or localities, the agency in charge of the examination shall coordinate with concerned agencies under related ministries, ministerial-level agencies and provincial-level People's Committees in conducting the examination.

4. Food safety examination must ensure the following principles:

a/ Objectivity, accuracy, publicity, transparency and non-discrimination.

b/ Keeping confidential information, documents and results of examination related to inspected agencies and food producers and traders pending the availability of official conclusions;

c/ Causing no troubles to food producers and traders.

d/ Taking responsibility before law for relevant examination results and conclusions.

5. Line ministers shall specify food safety examination activities in their assigned management domains.

Article 69. Powers and tasks of food safety management agencies in food safety examination

I. Within the ambit of their respective tasks and powers, food safety management agencies have following powers in food safety examination:

a/ To decide to form examination teams to conduct planned or unexpected examinations.

b/ To warn food unsafely risks:

c/ To handle violations in the course of examination under Articles 30, 36 and 40 of the Law on Product and Goods Quality:

d/ To settle complaints and denunciations about decisions of examination teams, and acts of inspection team members under the Law on complaints and denunciations.

2. The food safety management agencies, within the ambit of their tasks and powers, have the following tasks:

a/ To draw up annual examination plans and submit them to competent state agencies for decision;

b/ To receive registration dossiers of registration for testing of the safety of imported food: to certify food safety assurance conditions for imported food;

c/ To issue handling decisions within 3 working days from the date of receiving reports of inspection teams regarding suspending food production, and trading activities, scaling up food and suspending advertisement of unsafe food.

Article 70. Examination team

1. An examination team shall be formed under a decision of the head of a food safety management agency on the basis of an examination program or plan approved by a competent state agency or in case of unexpected examination.

2. In the course of food safety examination, examination teams has the following powers and tasks:

a/ To request food producers and traders to present related documents, and handle violations in the course of examination under Articles 30 and 40 of the Law on Products and Goods Quality, to supply copies of the documents mentioned in this Clause, when necessary;

b/ To take samples for testing when necessary;

c/ To seal food, suspend the sale of unsuitable food, suspend food advertisements containing improper contents in the course of market examination and report to the food safety management agency within 24 hours after so doing:

d/ To request organizations and individuals producing and trading in food which is unconformable with announced applicable standards, technical regulations and regulations or relevant conditions to take remedies;

e/ To propose the food safety management agency to handle violations according to its competence specified in Article 69 of this Law;

f/ To ensure the examination principles provided in Clause 4. Article 68 of this Law during examination;

g/ To accurately and timely report examination results to the food safety management agency.

Chapter XI

IMPLEMENTATION PROVISIONS

Article 71. Effect

This Law takes effect on July 1., 2011.

The Ordinance No. 12/2003/PL-UBTVQH11 on Food Hygiene and Safety ceases to be effective on the effective date of this Law.

Article 72. Implementation detailing and guidance

The Government shall detail and guide the implementation of articles and clauses as assigned in this Law; and guide other necessary provisions of this Law to meet state management requirements.

This Law was passed on June 17, 2010, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 7th session. -

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Phu Trong