

THE MINISTRY OF AGRICULTURE AND  
RURAL DEVELOPMENT

**Circular No. 79/2011/BNNPTNT of  
November 14, 2011, providing the  
certification and announcement of  
plant seed quality conforming with  
technical regulations**

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

*Pursuant to the June 29, 2007 Law on Standards and Technical Regulations;*

*Pursuant to the November 21, 2007 Law on Quality of Products and Goods;*

*Pursuant to the April 5, 2004 Ordinance on Plant Varieties;*

*The Minister of Agriculture and Rural Development stipulates the certification and announcement of plant seed quality conforming with technical regulations as follows:*

Chapter I

GENERAL PROVISIONS

**Article 1.** Scope of regulation and subjects of application

1. This Circular provides the order and procedures for certification and announcement of technical-regulation conformity of plant seeds on the list of products and goods of group 2 promulgated by the Ministry of Agriculture and Rural Development.

2. This Circular applies to domestic and foreign organizations and individuals engaged in the production and trading of plant seeds and certification of plant seed quality conforming with technical regulations.

#### **Article 2.** Interpretation of terms

In this Circular, the terms and expressions below are construed as follows:

1. Plant seeds on the list of products and goods of group 2, which is promulgated together with the Ministry of Agriculture and Rural Development's Circular No. 50/2010/TT-BNNPTNT of August 30, 2010, amending and supplementing the list of products and goods of group 2 promulgated together with Circular No. 50/2009/TT-BNNPTNT of August 18, 2009, include seeds of rice, maize, groundnut, soybean and potato and other plant seeds which are added to the list under regulations of the Ministry of Agriculture and Rural Development;

2. Seed lot code means a code given to a seed lot under regulations for identifying and tracking its origin;

3. Pre-control means the sowing of samples of a seed lot on testing field plots to verify the trueness and purity before a technical-regulation conformity certificate is granted for this seed lot;

4. Post-control means the sowing of samples of a seed lot on testing field plots to verify the trueness and purity after or at the same time with the use of this seed lot;

5. Certification of plant seed quality conforming with technical regulations (below referred to as regulation conformity certification) means the evaluation and certification by a certification organization of the quality of a plant seed to conform with relevant technical regulations;

6. Certified rice seed 1 (XN1) means rice seeds propagated from basic seeds according to the process of certified rice seed production and reaching the quality standards of QCVN 01-54:2011/TTBNNPTNT;

7. Certified rice seed 2 (XN2) means rice seeds propagated from certified seeds 1 according to the process of certified rice seed production and reaching the quality standards of QCVN 01-54:2011/TTBNNPTNT.

#### **Article 3.** Grounds for regulation conformity announcement and regulation conformity marks

1. For pre-basic seeds or parental hybrid seeds of F1 hybrid seeds: Their regulation conformity shall be announced on the basis of results of regulation conformity certification by designated certification organizations.

2. For basic or certified seeds: Their regulation conformity shall be announced on the basis of results of regulation conformity certification by designated certification organizations or results of regulation conformity

self-evaluation by plant seed producers or traders.

3. Regulation conformity marks comply with Clause 2, Article 4 of the Minister of Science and Technology's Decision No. 24/2007/QĐ-BKHCN of August 29, 2007, promulgating the Regulation on regulation conformity certification and announcement of standard conformity and regulation conformity certification.

**Article 4.** Designation and management of operation of plant seed quality certification organizations

1. Conditions, dossiers and procedures for designation and management of operation of certification organizations comply with Circular No. 32/2010/TT-BNNPTNT of June 17, 2010, specifying plant seed and product and fertilizer sample takers, inspectors and quality certification organizations.

2. Evaluators of certification organizations include field inspectors, sample takers and testing staffs.

3. Certification organizations being plant seed producers or traders must have quality control systems and quality certification sections which operate independently from production, business, marketing, financial and organizational sections in the same organization.

## Chapter II

### REGULATION CONFORMITY CERTIFICATION AND SELF-EVALUATION

**Article 5.** Regulation conformity registration

and contracts

1. For producers and traders of pre-basic seeds or parental hybrid seeds or F1 hybrid seeds: Before production or importation, they shall register for regulation conformity certification with a designated certification organization. For other types of seeds, registration for regulation conformity certification or regulation conformity self-evaluation shall be conducted under Article 12 of this Circular.

2. Declarations for regulation conformity certification registration, made according to a form provided in Appendix I or II to this Circular for domestically produced or imported seeds, respectively, shall be sent to certification organizations specified in Clause 1 of this Article.

3. After receiving declarations, certification organizations shall sign regulation conformity certification contracts with registrants.

**Article 6.** Method and process of regulation conformity certification

1. Regulation conformity certification shall be conducted by Method 7: Testing and evaluation of product or goods lots, which is provided in the Minister of Science and Technology's Decision No. 24/2007/QĐ-BKHCN of September 28, 2007, promulgating the Regulation on certification of regulation conformity and announcement of standard conformity and regulation conformity certification.

2. Process of regulation conformity certification

a/ For domestic varieties, this process involves the following steps:

- Inspection of seeding fields;
- Taking of samples of seed lots;
- Testing of samples;
- Pre-control (for lots of maternal 2-line hybrid rice seeds and lots of F1 hybrid rice seeds which are doubted in the course of inspection);

- Grant of a regulation conformity certificate.

b/ For imported seeds, this process involves the following steps:

- Taking of samples of seed lots;
- Testing of samples;
- Grant of a regulation conformity certificate.

#### Article 7. Inspection of seeding fields

1. Seeding fields shall be inspected by inspectors who are designated or possess training certificates of certification organizations or have signed inspection contracts with these organizations.

2. The method of inspection of seeding fields complies with the relevant technical regulation.

3. Only seeding fields already inspected to conform with technical regulations may be allowed for harvest for seeds.

4. Written records of inspection shall be made according to a form provided in Appendix 3, 4 or 5 to this Circular.

**Article 8. Taking and preservation of seed samples**

#### 1. Taking of samples

a/ Samples shall be taken by persons who are designated by or possess training certificates of certification organizations or have signed sample-taking contracts with these organizations;

b/ The sampling method complies with the relevant technical regulation;

Double samples shall be taken from each seed lot, one will be sent to the certification organization while the other will be kept at the production establishment having the seed lot.

c/ For a seed lot subject to pre-control or post-control, an additional sample (weighing at least 250 g) shall be taken for pre-control or post-control.

#### 2. Preservation of seed samples

Seed samples shall be preserved in proper conditions for at least six months after they are received.

#### Article 9. Testing of seed samples

1. Only samples of domestic seed lots accompanied with written records of satisfactory field inspection results or samples of imported seed lots with customs declarations may be tested.

2. Seed samples shall be tested by designated or accredited laboratories.

3. Testing methods comply with relevant technical regulations.

4. Slips of plant seed sample testing results

shall be made according to a form provided in Appendix 6, 7 or 8 to this Circular.

**Article 10.** Pre-control

1. Domestically produced maternal lots of 2-line hybrid rice seeds with satisfactory field inspection results or lots of F1 hybrid rice seeds which are doubted in the course of inspection shall be subjected to pre-control for evaluating their trueness and purity.

2. Pre-control methods comply with relevant technical regulations.

3. Reports on pre-control results shall be made according to a form provided in Appendix 9 to this Circular.

**Article 11.** Grant of regulation conformity certificates

1. A plant seed lot will be granted a regulation conformity certificate, made according to a form provided in Appendix 10 or 11 to this Circular, when satisfying the following requirements:

a/ It is a domestically produced seed lot with satisfactory field inspection results, seed sample testing or pre-control (for maternal 2-line hybrid rice seeds and F1 hybrid rice seeds which are doubted in the course of inspection);

b/ It is an imported seed lot with seed sample testing results in conformity with technical regulations.

2. Each seed lot will be granted a regulation conformity certificate. Copies of the original

regulation conformity certificate already granted by a certification organization to a seed lot shall be issued by this organization or certified by a competent agency.

3. In case a plant seed lot registered for production is basic seeds or certified seeds 1 (for rice seeds) but only reaches lower standards, it shall be granted a certificate of conformity with regulations applicable to such lower level if the seed lot owner so requests in writing.

4. For hybrid rice seeds, if there is a doubt about distinct criteria of other variety seeds, a certification organization may still grant a regulation conformity certificate if the seed lot owner commits in writing to guaranteeing the seed quality and paying compensation for any damage caused by the seed to farmers, and conduct post-control of samples of such seed lot.

5. Pursuant to Articles 5, 6, 7, 8, 9 and 10 and Clauses 1, 2, 3 and 4 of this Article, certification organizations shall guide in detail the order and time limit for dossier submission, evaluation and grant of technical regulation conformity certificates for seed lots.

**Article 12.** Regulation conformity self-evaluation

Seed producers and traders shall conduct regulation conformity self-evaluation for basic seeds and give certification in the following order:

1. Seeding field inspection, which shall be

conducted by inspectors who are designated by or possess training certificates of, or have signed inspection contracts with, seed producers or traders under Clauses 2, 3 and 4, Article 7 of this Circular.

2. Taking of samples of seed lots, which shall be conducted by persons who are designated by or possess training certificates of, or have signed inspection contracts with, seed producers or traders.

3. Seed samples shall be analyzed at designated or accredited laboratories.

4. Only seed lots with inspection and testing results conformable with technical regulations may be traded or exchanged for commercial purposes.

#### Article 13. Post-control

1. Post-control is compulsory for seed samples which are doubted in the course of testing or seed samples requested by competent state management agencies. Post-control is encouraged for other seed samples.

2. Post-control methods comply with relevant technical regulations.

3. In case a seed sample is found, through post-control, not up to quality standards, the post-control unit shall make a written record certified by the post-controlled sample owner and the organization that has granted a regulation conformity certificate for the seed lot. In case the post-controlled sample owner or the certification organization refuses to give

such certification, the written record will still be valid with the signature and seal of the post-control unit and serve as a basis for violation handling under regulations.

4. Within 15 (fifteen) days after the post-control is completed, the post-control unit shall send a report on post-control results, made according to a form provided in Appendix 9 to this Circular, to the Department of Crop Production, the competent state management agency that has requested the post-control, the seed lot owner and the organization or person that has evaluated the regulation conformity of such lot's quality.

#### Article 14. Seed lot codes

1. Each seed lot must have its own code for monitoring and uniform management, which shall be used throughout the course of production, preservation, trading and use of such seed lot.

2. Seed producers and traders shall code their seed lots under Clause 3 of this Article and use these codes for internal management and registration with quality certification organizations.

3. The code of a seed lot consists of 6 fractions arranged in the following order: code of the province (or the centrally run city); code of the seed producer or trader; code of the plant species; code of the seed level; code of the crop season and year of production or year of importation; and code of the seed lot produced or imported in the year.

a/ The code of a province or centrally run city shall be given according to the telephone code provided in Appendix 12 to this Circular;

b/ The code of a seed producer or trader shall be stipulated according to Appendix 13 to this Circular, and notified to the Department of Crop Production by the provincial-level Agriculture and Rural Development Department of the locality in which this producer or trader is granted a business registration certificate;

c/ The codes of plant species, seed level, the crop season and year of production or year of importation shall be given according to Appendix 14 to this Circular;

d/ The code of a seed lot

- For domestic seed lots: the code of a seed lot is the ordinal number of the seeding field plot given by the seed producer according to Appendix 14 to this Circular upon the commencement of the seed production;

- For imported seed lots: the code of a seed lot is the ordinal number of the seed lot given by the seed importer according to Appendix 14 to this Circular, upon the importation of the seed lot.

4. Apart from labeling their goods under regulations, plant seed producers and traders shall print seed lot codes on seed lot packages.

#### **Article 15.** Seed lot dossiers

1. For a seed lot with a regulation conformity certificate granted by a certification organization, a dossier comprises a registration

declaration, a written record of inspection, a customs declaration, a written record of sample taking, a seed sample card, a sample receipt, slips of testing and pre-control results, copies of the regulation conformity certificate made according to a form provided in Appendix 10 or 11 to this Circular, and results of post-control (if any). This dossier shall be kept at the certification organization.

2. For a seed lot subject to regulation conformity self-evaluation conducted by the seed producer or trader, a dossier comprises a written record of inspection, a written record of sample taking and a slip of testing results, and shall be kept by the seed producer or trader.

#### **Article 16.** Regulation conformity certification charge

A regulation conformity certification charge shall be paid by quality certification registrants under the law on charges and fees. In case there is no regulation prescribing this charge, parties shall agree on this charge under contracts.

### Chapter III

#### RECEIPT OF PLANT SEED REGULATION CONFORMITY ANNOUNCEMENTS

#### **Article 17.** Order of receiving regulation conformity announcements

1. An organization or individual wishing to announce regulation conformity shall send 1 (one) dossier set for regulation conformity announcement by post or directly to the

provincial-level Agriculture and Rural Development of the locality in which it/he/she has registered the plant seed production or trading operation.

a/ In case the regulation conformity announcement is based on results of regulation conformity certification of a certification organization, a dossier comprises:

- A written regulation conformity announcement, made according to a form provided in Appendix 15 to this Circular;

- A certified copy of the regulation conformity certificate granted by a designated certification organization for a seed lot representing each type of produced or traded seeds, in case the dossier is filed by post, or a copy enclosed with the original of such regulation conformity certificate for comparison, in case the dossier is directly filed;

- A concise description of each produced or traded plant seed (name, origin, major characteristics, use instructions and technical requirements).

b/ In case the regulation conformity announcement is based on results of regulation conformity self-evaluation of the plant seed producer or trader, a dossier comprises:

- A written regulation conformity announcement, made according to a form provided in Appendix 15 to this Circular;

- The originals of the written record of field inspection, made according to a form provided in Appendix 5 to this Circular, and the testing result slip of samples of a seed lot representing

each produced or traded seed granted by an accredited or designated testing laboratory;

- A concise description of each produced or traded plant seed (name, origin, major characteristics, use instructions and technical requirements);

- The process of seed production and a quality control plan, which is elaborated and applied according to a form provided in Appendix 11 to the Minister of Agriculture and Rural Development's Decision No. 83/2009/TT-BNNPTNT of December 25, 2009, guiding regulation conformity certification and announcement activities in the sectors managed by the Ministry of Agriculture and Rural Development, or a copy of the certificate of conformity with standard ISO 9001 in case the organization or individual wishing to announce regulation conformity has a certified quality management system conformable with standard ISO 9001.

2. Time limit for acceptance of regulation conformity announcements

a/ For incomplete dossiers:

- For dossiers sent by post: Within 3 (three) working days after receiving an incomplete dossier, the provincial-level Agriculture and Rural Development Department shall notify in writing the organization or individual wishing to announce regulation conformity of inappropriate points and contents for completion of the dossier;

- For directly submitted dossiers: The officer receiving an incomplete dossier shall return it

and guide the organization or individual wishing to announce regulation conformity in supplementing and completing it.

b/ For complete dossiers: Within 5 (five) working days after receiving a complete dossier, the provincial-level Agriculture and Rural Development Department shall notify in writing the organization or individual wishing to announce regulation conformity of its acceptance of the announcement, according to a form provided in Appendix 16 to this Circular.

c/ The duration for organizations and individuals to complete their dossiers is not counted into the time limit for processing these dossiers.

**Article 18.** Responsibilities of organizations and individuals announcing regulation conformity

Responsibilities of organizations and individuals announcing regulation conformity are specified in Article 13 of Circular No. 83/2009/TT-BNNPTNT of December 25, 2009.

#### Chapter IV

#### ORGANIZATION OF IMPLEMENTATION

**Article 19.** Responsibilities of organizations and individuals

1. The Department of Crop Production shall:

a/ Submit legal documents, technical regulations and processes of variety production relevant to the regulation conformity certification to the Ministry of Agriculture and

Rural Development for promulgation and direct their implementation;

b/ Guide accredited or designated certification organizations in performing additional functions and tasks and improving their management systems and capability under regulations. Designate, and manage the operation of, plant variety testing laboratories and quality certification organizations nationwide;

c/ Direct the National Center for Plant and Fertilizer Testing in providing professional training for staffs of certification organizations, persons taking samples or conducting inspection, testing or post-control of plant seeds; assume the prime responsibility for professional guidance and supervision; and summarize inspection, testing and regulation conformity certification results nationwide;

d/ Inspect and handle violations, and settle complaints and denunciations in the domain of regulation conformity certification nationwide;

e/ Direct plant variety regulation conformity certification activities; annually report results of these activities to the Ministry of Agriculture and Rural Development.

2. Provincial-level Agriculture and Rural Development Departments shall:

a/ Assign codes to plant seed producers and traders in their localities and notify these codes to the Department of Crop Production under Point b, Clause 3, Article 14 of this Circular;

b/ Examine, inspect and settle complaints and denunciations about activities of certifying

quality of plant seeds to conform with technical regulations in their localities;

c/ Receive and notify the receipt of regulation conformity announcements of plant seed producers and traders in their localities;

d/ Quarterly summarize and report on results of receipt of regulation conformity announcements to the Department of Crop Production.

3. Plant seed quality certification organizations shall:

a/ Conduct regulation conformity certification:

- For pre-basic pure rice seeds or the parental hybrid rice seeds: The National Center for Plant and Fertilizer Testing;

- For domestically produced F1 hybrid rice seeds: The National Center for Plant and Fertilizer Testing and certification organizations not engaged in plant seed production or trading;

- For other seeds: All designated certification organizations.

b/ Conduct post-control under Article 13 of this Circular;

c/ Send biannual reports on results of plant seed regulation conformity certification, made according to a form provided in Appendix 17 to this Circular, to the Department of Crop Production.

4. Plant seed producers and traders

a/ Producers and traders of plant seeds for commercial purposes shall:

- Register for regulation conformity

certification or conduct regulation conformity self-evaluation under this Circular;

- Preserve seed lot dossiers under this Circular;

- Announce regulation conformity under this Circular;

- Pay a regulation conformity certification charge under Article 16 of this Circular.

b/ Cooperatives, cooperative groups, clubs and farmer households that receive state investment and supports for production of certified seeds and use these seeds for exchange under plans of local administrations or agricultural extension agencies for non-commercial purposes are:

- Subject to seeding field inspection under this Circular;

- Encouraged to take samples, conduct testing, announce regulation conformity and use regulation conformity marks under this Circular;

- Encouraged to make labels with adequate contents as required or at least indicate on product packages the name of the seed, the name of the cooperative, cooperative group, club or household producing the seed; and the phrase "certified seed" or "rice seed XN1" or "rice seed XN2" and date of packaging.

c/ Plant seed sellers shall possess originals or copies of the notice of receipt of regulation conformity announcement, certificate of technical regulation conformity of seed lot or written record of seeding field inspection and

slip of results of testing of seed or seedling tuber samples (in case of regulation conformity self-evaluation) of each seed lot.

**Article 20.** Implementation provisions

1. This Circular takes effect 45 days after its signing and replaces the Ministry of Agriculture and Rural Development's Decision No. 41/2007/QĐ-BNN of May 15, 2007, stipulating the certification of plant seed quality conforming with standards; and supersedes Clause 4, Article 3 and Article 5 of the Ministry of Agriculture and Rural Development's Circular No. 42/2009/TT-BNNPTNT of July 10, 2009, stipulating the management of production, trading and use of pre-basic, basic or certified rice seeds, parental hybrid rice seeds and F1 hybrid seeds.

2. The Department of Crop Production shall assume the prime responsibility for organizing and monitoring the implementation of this Circular. Any problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development (the Department of Crop Production) for timely settlement.-

*For the Minister of  
Agriculture and Rural Development*  
Deputy Minister  
BUI BA BONG

*\* Note: All the appendices to this Circular  
are not printed herein.*