

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law on Plant Protection and Quarantine,

which was passed on November 25, 2013, by the XIIIth National Assembly of the Socialist Republic of Vietnam, at its 6th session.

*President of
the Socialist Republic of Vietnam*
TRUONG TAN SANG

Order No. 16/2013/L-CTN of December 6, 2013, on the promulgation of law

THE PRESIDENT OF THE SOCIALIST
REPUBLIC OF VIETNAM

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Law on Plant Protection and Quarantine

(No. 41/2013/QH13)

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Plant Protection and Quarantine.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides the prevention and control of organisms harmful to vegetation; plant quarantine; and management of pesticides.

Article 2. Subjects of application

This Law applies to domestic and foreign organizations and individuals involved in plant protection and quarantine activities in Vietnam.

Article 3. Interpretation of terms

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

1. *Vegetation* means plants and plant products.

2. *Plant protection* means activities aiming to prevent and control organisms harmful to vegetation.

3. *Plant quarantine* means activities aiming to prevent, detect and control plant quarantine objects, control objects and exotic harmful organisms.

4. *Plant owners* means organizations and individuals that have the right to own or the right to use or directly manage plants.

5. *Beneficial organisms* means organisms of direct or indirect benefit to vegetation, including beneficial microorganisms, beneficial insects and other beneficial animals and organisms.

6. *Harmful organisms* means organisms of direct or indirect harm to vegetation, including pathogenic microorganisms, harmful insects, weeds and other harmful organisms.

7. *Exotic harmful organisms* means harmful organisms whose scientific names are unidentified and which have never been detected in Vietnam.

8. *Plant quarantine objects* means harmful organisms which are of potential serious harm to vegetation and not yet available in Vietnam or are available but narrowly distributed in Vietnam and subject to strict control.

9. *Control objects* means harmful organisms other than plant quarantine objects whose presence on breeding materials is likely to cause great economic damage and which are subject to control in Vietnam.

10. *Articles liable to quarantine* means

plants, means for production, preservation and transportation or other articles which are likely to carry plant quarantine objects.

11. *Owners of articles liable to quarantine* means organizations and individuals that have the right to own or the right to use or directly transport and manage articles liable to quarantine.

12. *Pest risk analysis* means the process of biologically assessing the scientific and economic grounds to decide on phytosanitary measures for a harmful organism species.

13. *Area not contaminated with harmful organisms* means an area with scientific proofs of the non-presence of a specific harmful organism species and the conditions to ensure that none of such species is maintained.

14. *Inspection of articles liable to quarantine* means the observation, sampling and examination of articles liable to quarantine to identify the status of infestation with harmful organisms or the observance of plant quarantine regulations.

15. *Treatment of articles liable to quarantine* means the application of measures to thoroughly deter or exterminate plant quarantine objects, control objects and exotic harmful organisms.

16. *Pesticides* means substances or mixtures of substances or preparations of microorganisms which have the effect of preventing, deterring, repelling, seducing, killing or controlling organisms harmful to vegetation; regulating the growth of plants or insects; preserving plants; and increasing use safety and efficiency.

17. *Technical pesticides* (below referred to as technical products) means products having a high content of active ingredients and satisfying the prescribed quality standards, which are used for the production of finished products.

18. *Active ingredients of pesticides* means substances or effective ingredients which have the biological activity of pesticides.

19. *Finished pesticides* (below referred to as finished products) means products which are produced from technical products with solvents and additives in a certain technological process up to national technical regulations, have labels and are permitted for circulation and use.

20. *Biological pesticides* means products with effective ingredients being alive microorganisms or substances originating from microorganisms, plants or animals.

21. *Production of pesticides* covers production of active ingredients, technical products and finished products and packaging of pesticides.

22. *Isolation period* means the minimum period of time from the date of the final use of pesticides to the date of harvesting products or the minimum period of time from the date of the final use of pesticides during preservation to the time the products are put to use.

Article 4. Principles of plant protection and quarantine activities

1. Ensuring early detection and prompt and accurate conclusion; thoroughly treating and promptly preventing the penetration and spread of plant quarantine objects, control objects and exotic harmful organisms.

2. Preventing and controlling harmful organisms with prevention as the main measure; applying the measure of sustainable integrated management of harmful organisms, prioritizing biological measures, using plant varieties resistant to harmful organisms, technical measures for cultivation and good agricultural practices.

3. Using pesticides with right drugs, prescribed dosage and concentration, timeliness

and proper method; complying with the isolation period; ensuring efficiency and safety for humans and food safety, minimizing environmental pollution, and protecting ecosystem.

4. Applying scientific and technological advances and combining modern sciences and technologies with people's traditional experience.

Article 5. State policies on plant protection and quarantine activities

1. To invest in human resource development; to build and upgrade physical-technical foundations for plant protection and quarantine agencies; to build and develop systems for informing, forecasting and warning harmful organisms; conducting scientific research and applying modern technologies to create biological pesticides, less harmful pesticides, plant varieties resistant to harmful organisms, and applying sustainable measures to manage harmful organisms.

2. To support the building of areas not contaminated with harmful organisms; to build and develop types of plant protection services associated with agricultural technical services toward professionalism to serve large-scale production of agricultural commodities; to control pests, stabilize life and restore production after pest outbreak, causing great damage.

3. To encourage the building of industrial parks producing pesticides and systems for collecting and treating pesticides and used pesticide packagings; to produce pesticide packagings from easily recyclable materials and use such packagings; to disseminate and provide pesticide users with training in safe and effective use of pesticides.

4. To step up international cooperation and ensure resources for the realization of international commitments in the field of plant protection and quarantine; to encourage the recognition and mutual recognition in plant protection and quarantine activities.

Article 6. Information and communication on plant protection and quarantine

1. Information and communication on plant protection and quarantine aim to provide knowledge on organisms harmful to vegetation, measures to prevent and control harmful organisms as well as policies and laws on plant protection and quarantine. The contents of information and communication on plant protection and quarantine must be accurate, timely and understandable.

2. Information and communication on plant protection and quarantine are conducted in the following forms:

a/ On websites of ministries, ministerial-level agencies, government-attached agencies and localities and in the mass media;

b/ Compiling documents of special subjects, magazines and leaflets;

c/ Holding exhibitions, workshops and training courses;

d/ Organizing forums to gather consultations on policies and laws and share information and experience on plant protection and quarantine;

dd/ Other appropriate forms.

3. Responsibilities of state agencies for information and communication on plant protection and quarantine are as follows:

a/ The Ministry of Agriculture and Rural Development shall direct communication and provide accurate and timely information on plant protection and quarantine;

b/ The Ministry of Information and Communications shall direct and guide information and communication on plant protection and quarantine;

c/ Ministries, ministerial-level agencies, government-attached agencies and People's Committees at all levels shall, within the ambit of their tasks and powers, organize information and communication on plant protection and quarantine.

4. Organizations and individuals that conduct information and communication on plant protection and quarantine shall comply with this Law and other relevant laws.

Article 7. State management responsibilities of the Government and ministries

1. The Government shall uniformly perform the state management of plant protection and quarantine nationwide.

2. The Ministry of Agriculture and Rural Development shall take responsibility before the Government for performing the state management of plant protection and quarantine, and has the following responsibilities:

a/ To promulgate according to its competence or submit to competent authorities for promulgation and organize the implementation of policies, legal documents, standards and technical regulations on plant protection and quarantine;

b/ To formulate, and direct the implementation of, strategies, master plans and plans on plant protection and quarantine;

c/ To organize the detection, forecast and warning of organisms harmful to vegetation; to develop information systems and databases on plant protection and quarantine; to direct pest prevention and control;

d/ To organize plant quarantine, covering pest risk analysis, quarantine upon import, temporary import for re-export, temporary export for re-import, border-gate transfer and transfer into bonded warehouses (below collectively referred to as import), export, temporary export and re-export (below collectively referred to as export), transit, quarantine after import, domestic quarantine and treatment of articles liable to quarantine;

dd/ To organize the management of pesticides, covering registration, testing, production, trading, import, export, transportation, preservation, advertising, packaging, labeling, use, recall, destruction, collection and treatment of pesticides and used pesticide packagings;

e/ To set out the contents of guidance on and training in the use of pesticides and grant of practice certificates for treatment of articles liable to quarantine;

g/ To manage and guide the grant, re-grant, extension and revocation of licenses and certificates in the field of plant protection and quarantine;

h/ To organize basic survey, scientific research and professional training and retraining in plant protection and quarantine;

i/ To organize communication, dissemination and education of laws and knowledge on plant protection and quarantine;

k/ To make statistics of plant protection and quarantine;

l/ To carry out international cooperation on plant protection and quarantine and propose the conclusion of and accession to treaties in the field of plant protection and quarantine;

m/ To inspect, examine, settle complaints and denunciations and handle violations of the law on plant protection and quarantine

according to its competence.

3. Ministries shall, within the ambit of their tasks and powers, perform the state management of plant protection and quarantine, and have the following responsibilities:

a/ The Ministry of Health shall coordinate with the Ministry of Agriculture and Rural Development in stipulating measures to prevent and stop food safety incidents caused by the use of pesticides in agri-food production;

b/ The Ministry of Industry and Trade shall assume the prime responsibility for preventing and fighting smuggling, counterfeit goods and trade fraud with respect to pesticides and quarantine-liable plants; and coordinate with the Ministry of Agriculture and Rural Development in managing the production, trading, export and import of pesticides and articles liable to quarantine;

c/ The Ministry of Science and Technology shall coordinate with the Ministry of Agriculture and Rural Development in planning and deciding on scientific research and technological development in the field of plant protection and quarantine;

d/ The Ministry of Natural Resources and Environment shall guide the destruction of pesticides and disposal of used pesticide packaging; and coordinate with the Ministry of Agriculture and Rural Development in promulgating or submit to competent agencies for promulgation regulations on biodiversity conservation related to the field of plant protection, plant quarantine and pesticide management; and guide the collection of used pesticide packaging;

dd/ The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural

Development in, promulgating regulations on conditions for completion of customs procedures, coordination between customs offices and specialized plant protection and quarantine agencies in carrying out customs procedures, examining and supervising articles liable to quarantine and pesticides upon export and import; and prescribe contents of plant quarantine declaration in the contents to be declared by passengers on exit or entry;

e/ The Ministry of National Defense and the Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, promulgating regulations on plant protection and quarantine for ensuring national defense and security.

Article 8. Responsibilities of People's Committees at all levels

1. People's Committees of provinces or centrally run cities (below collectively referred to as provincial-level People's Committees) and People's Committees of districts, towns and provincial cities (below collectively referred to as district-level People's Committees) shall:

a/ Promulgate according to their competence or submit to competent authorities for promulgation legal documents on plant protection and quarantine; elaborate, and organize the implementation of, master plans on areas not contaminated with harmful organisms in localities;

b/ Decide on the allocation, management and use of funds and mobilize resources of localities for prevention and control of organisms harmful to vegetation in accordance with law;

c/ Direct and organize pest control and application of production protection measures upon the occurrence of plant pests; make

statistics of and assess damage caused by pests in localities; and implement support policies to stabilize life and restore production;

d/ Organize training and retraining in plant protection, plant quarantine and pesticide use; conduct communication, dissemination and education to improve the sense of observance of the law on plant protection and quarantine as well as the sense and responsibilities of plant owners in prevention and control of harmful organisms, and of pesticide users toward the community and environment;

dd/ Provincial-level People's Committees shall allocate funds for, and direct district-level People's Committees to organize, the collection and disposal of used pesticide packaging and destruction of derelict pesticides in localities;

e/ Inspect, examine, settle complaints and denunciations and handle violations of the law on plant protection and quarantine according to their competence.

2. People's Committees of communes, wards and townships (below collectively referred to as commune-level People's Committees) shall:

a/ Conduct communication, dissemination and education to improve the sense of observance of the law on plant protection and quarantine as well as the sense and responsibilities of plant owners in prevention and control of harmful organisms, and of pesticide users toward the community and environment;

b/ Prescribe places for and organize and guide the collection of used pesticide packaging;

c/ Coordinate with specialized plant protection and quarantine agencies in localities in investigating, supervising and managing plant pests to protect production; guide people in safely and effectively using pesticides; examine and manage plant protection service

activities and trading and use of pesticides in localities;

d/ Organize plant protection and quarantine; control pests and make statistics of and assess damage caused by plant pests; implement pest control support policies for farmers, and apply production protection measures upon pest outbreak in order to minimize damage, stabilize life and restore production;

dd/ Examine, settle complaints and denunciations and handle violations of the law on plant protection and quarantine according to their competence.

Article 9. System of specialized plant protection and quarantine agencies

The system of specialized plant protection and quarantine agencies is organized from the central level to district level.

The Government shall stipulate the organization of the system of specialized plant protection and quarantine agencies.

Article 10. Role of socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations

Socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations shall give comments on the elaboration of legal documents on plant protection and quarantine; disseminate legal knowledge on plant protection and quarantine for raising people's sense in prevention and control of harmful organisms, plant quarantine and pesticide use.

Article 11. International cooperation on plant protection and quarantine

1. International cooperation on plant

protection and quarantine focuses on scientific research, technology transfer, technical training, experience sharing and information exchange in prevention and control of harmful organisms, plant quarantine and pesticides.

2. The central-level specialized plant protection and quarantine agency acts as the focal point in exchanging information on plant protection, plant quarantine and pesticides in international cooperation activities.

Article 12. Plant protection and quarantine charges and fees

Organizations and individuals carrying out plant protection and quarantine activities shall pay charges and fees in accordance with the law on charges and fees.

Article 13. Prohibited acts

1. Applying plant protection and quarantine measures in contravention of this Law.

2. Failing to apply or intentionally applying pest control measures in an improper manner.

3. Importing, producing, transporting, storing or trading in plants infested with harmful organisms or using plant varieties infested with harmful organisms on the list of plant quarantine objects or the list of control objects, which have not yet been treated.

4. Dispersing harmful organisms.

5. Carrying soil or importing harmful organisms into Vietnam, or rearing harmful organisms on a large scale, unless such is approved in writing by the Minister of Agriculture and Rural Development.

6. Producing, importing, trading or using pesticides on the list of pesticides banned from use in Vietnam; pesticides which are counterfeit or of unclear origin, or beyond the expiry date; or pesticides outside the list of pesticides

permitted for use in Vietnam, except the case specified in Clause 2, Article 67 of this Law.

7. Advertising pesticides on the list of pesticides banned from use in Vietnam or pesticides outside the list of pesticides permitted for use in Vietnam, or advertising pesticides in contravention of the contents written in pesticide registration certificates.

8. Producing, trading, using, preserving, transporting, discarding, collecting or treating pesticides and pesticide packagings in contravention of this Law.

Chapter II

PREVENTION AND CONTROL OF ORGANISMS HARMFUL TO VEGETATION

Article 14. Requirements on prevention and control of organisms harmful to vegetation

1. Taking the initiative in applying measures for integrated management of harmful organisms, including use of plant varieties resistant to harmful organisms, field sanitation, season and crop arrangement, fertilizer use, rational density and other environmentally friendly measures to create favorable conditions for plants to grow, develop, increase resistance, limit the occurrence and growth of harmful organisms, protect and develop beneficial organisms.

2. Regularly monitoring to early detect harmful organisms and apply prompt and effective preventive measures not to let the spread of harmful organisms; attaching importance to cultivation, biological, physical and mechanical measures and people's traditional experience. Taking the initiative in applying good agricultural practices to prevention and control of organisms harmful to vegetation.

3. Applying chemical measures only after having applied the measures specified in Clauses 1 and 2 of this Article but the density of harmful organisms is still on the rise, likely to cause damage to plant yield and quality.

4. Disseminating and training measures to prevent and control organisms harmful to vegetation among the people, ensuring safety for humans, plants, animals and the environment.

Article 15. Rights and obligations of plant owners

1. Plant owners have the following rights:

a/ To be provided by specialized plant protection and quarantine agencies with information on the situation of harmful organisms and guidance on the application of measures to prevent and control harmful organisms and maintain the conditions of areas not contaminated with harmful organisms;

b/ To participate in training programs to improve knowledge about prevention and control of harmful organisms as suitable to local conditions;

c/ To take the initiative in adopting measures to prevent and control harmful organisms as suitable to their capacity and conditions and in compliance with Article 14 of this Law;

d/ To sign contracts with, and receive compensations for damage caused by, plant protection service providers in accordance with law;

dd/ To enjoy the State's support policies under regulations.

2. Plant owners have the following obligations:

a/ To monitor to timely detect harmful organisms and apply appropriate measures

to effectively and safely prevent and control organisms harmful to vegetation, not letting them to spread;

b/ To immediately report to the nearest commune-level People's Committee or specialized plant protection and quarantine agency when detecting exotic harmful organisms or harmful organisms likely to cause serious damage;

c/ To provide information on the situation of organisms harmful to vegetation, coordinate with and create conditions for specialized plant protection and quarantine agencies to perform their tasks upon request;

d/ To strictly implement pest control measures upon the announcement of plant pests;

dd/ To use pesticides under Clause 2, Article 72 of this Law;

e/ To take remedies or pay damages in accordance with law for their failure to implement or improper implementation of measures to prevent and control harmful organisms.

Article 16. Responsibilities of specialized plant protection and quarantine agencies

1. To investigate to detect harmful organisms; to determine the time of occurrence, distribution areas and damaging extent of harmful organisms. To promptly notify the situation of harmful organisms and guide measures to prevent and control organisms harmful to vegetation.

2. To receive and process information notified by plant owners, organizations and individuals, and guide handling measures for harmful organisms.

3. To build and maintain systems for supervising and warning harmful organisms and measures to prevent and control organisms

harmful to vegetation; to develop databases on plant protection and quarantine.

4. To transfer scientific and technological advances in prevention and control of organisms harmful to vegetation.

5. To provide training to improve knowledge for plant protection officers and technicians and producers.

6. To advise state management agencies on directing and organizing the prevention and control of organisms harmful to vegetation; to examine and verify the situation of harmful organisms for proposing the announcement of plant pests and announcement of the termination of plant pests; to propose the provision of national-reserve pesticides and propose support policies to control pests and restore and develop production.

7. To assess and identify damage caused by plant pests and propose support levels and remedies.

8. To provide information on and guide measures to prevent and control organisms harmful to vegetation; to guide pest control measures, and monitor, summarize and assess the efficiency of, pest control.

9. To periodically or extraordinarily report on plant protection work and pest control results upon the announcement of plant pests in localities to managing agencies and superior specialized plant protection and quarantine agencies.

Article 17. Announcement of plant pests

1. Plant pests are announced in the following cases:

a/ When organisms harmful to vegetation break out and are likely to rapidly spread in wide areas and cause serious damage to vegetation;

b/ When detecting exotic harmful organisms or control objects which are likely to cause serious damage to vegetation;

c/ When detecting that plant quarantine objects are penetrating into the Vietnamese territory and likely to spread.

2. The competence to announce plant pests is as follows:

a/ Provincial-level People's Committee chairpersons may, at the proposal of agricultural professional agencies under provincial-level People's Committees, decide to announce pests in localities in the case specified at Point a, Clause 1 of this Article and immediately report such to the Minister of Agriculture and Rural Development;

b/ The Minister of Agriculture and Rural Development may, based on the proposal of the central-level specialized plant protection and quarantine agency, decide to announce pests in the case specified at Point a, Clause 1 of this Article when the pests are likely to spread and cause serious damage in two or more provinces and the cases specified at Points b and c, Clause 1 of this Article, and immediately report such to the Prime Minister.

3. The Government shall detail this Article.

Article 18. Organization of plant pest control

1. The Minister of Agriculture and Rural Development shall:

a/ Direct chairpersons of provincial-level People's Committees of localities where plant pests occur to mobilize local resources for rapidly taking measures to control and eliminate pests and prevent the spread of pests to other areas; examine the announcement of

plant pests and organization of pest control by chairpersons of provincial-level People's Committees of localities where pests occur;

b/ Submit to the Prime Minister for decision support policies for pest control and implement such policies;

c/ Report to the Prime Minister on the results of pest control, implementation of support policies to control pests, remedy consequences caused by pests, and restore production.

2. Provincial-level People's Committee chairpersons shall:

a/ Direct specialized plant protection and quarantine agencies and related agencies, organizations and individuals in localities in taking measures to rapidly control and eliminate pests and prevent the spread of pests to other areas;

b/ Arrange and mobilize local resources for pest prevention and control;

c/ Direct the communication and dissemination of pest control measures in localities;

d/ Intensify inspection and examination and valorize prices of agricultural supplies in pest control;

dd/ Implement support policies to control pests, remedy consequences caused by pests, stabilize life, and restore production;

e/ Propose the Minister of Agriculture and Rural Development to submit to the Prime Minister the provision of funds, supplies and resources when pest control requirements fall beyond the capacity of localities;

g/ Report to the Minister of Agriculture and Rural Development on the results of pest control and implementation of support policies to control pests, remedy consequences

caused by plant pests, stabilize life, and restore production.

3. District- and commune-level People's Committee chairpersons shall:

a/ Mobilize local resources for taking pest control measures as directed by chairpersons of superior People's Committees;

b/ Organize communication and dissemination of pest control measures in their localities;

c/ Implement support policies to control pests, remedy consequences caused by pests, stabilize life and restore production in localities;

d/ Submit to chairpersons of superior People's Committees for decision the provision of funds, supplies and resources when pest control requirements fall beyond the capacity of localities;

dd/ Report to chairpersons of superior People's Committees on results of pest control and implementation of support policies to control pests, remedy consequences caused by pests, stabilize life and restore production.

4. Specialized plant protection and quarantine agencies shall, within the ambit of their tasks and powers, propose and guide pest control measures, determine damage caused by pests, monitor, summarize and assess pest control efficiency and observe the reporting regime specified in Clause 9, Article 16 of this Law.

5. Plant owners and related organizations and individuals in areas where pests occur shall strictly apply pest control measures at the request of chairpersons of commune-level People's Committees.

Article 19. Announcement that plant pests are over

When plant pests have been controlled and are no longer likely to cause serious damage, persons competent to announce pests defined in Clause 2, Article 17 of this Law shall announce that pests are over.

Article 20. Reserve and use of pesticides on the list of national-reserve commodities

1. The reserve of pesticides on the list of national-reserve commodities is specified as follows:

a/ The Minister of Agriculture and Rural Development shall submit to the Prime Minister for decision the quantity and list of national-reserve pesticides;

b/ Pesticides on the list of national-reserve commodities must be managed and used in accordance with the law on national reserves.

2. The use of national-reserve pesticides in pest control is prescribed as follows:

a/ In extraordinary or urgent cases when pests occur and at the proposal of chairpersons of provincial-level People's Committees of localities where pests occur, the Minister of Agriculture and Rural Development shall decide on the ex-warehousing and delivery of national-reserve pesticides for prompt pest control with a value falling within the Minister of Finance's competence to decide on state budget spending as prescribed in the Law on the State Budget and report such ex-warehousing and delivery to the Prime Minister and the Ministry of Finance;

b/ Provincial-level People's Committee chairpersons shall direct the receipt, preservation and use of national-reserve pesticides for prompt, effective and proper pest control and report the results of such use to the Minister of Agriculture and Rural Development.

Article 21. Funds for plant pest control

1. Funding sources for plant pest control include:

- a/ The state budget;
- b/ Funds of plant owners;
- c/ Contributions and financial aid of domestic and foreign organizations and individuals and international organizations, and other lawful sources.

2. The Government shall stipulate the mobilization, management and use of funding sources for plant pest control.

Article 22. Plant protection service activities

1. Investigating, forecasting and providing information on organisms harmful to vegetation; advising plant owners on measures to prevent and control organisms harmful to vegetation.

2. Taking measures to prevent and control organisms harmful to vegetation, except the measures specified in Clause 2, Article 34 of this Law.

Article 23. Conditions for plant protection service activities

1. An organization or individual may carry out plant protection service activities when fully meeting the following conditions:

- a/ Persons directly engaged in plant protection service activities must possess secondary or higher degree in cultivation, plant protection or biology or a certificate of training in plant protection;
- b/ Having appropriate equipment for plant protection services;
- c/ Having a lawful and clear transaction address;
- d/ Obtaining the written approval of the

commune-level People's Committee of the locality where it/he/she has a lawful transaction address.

2. The Minister of Agriculture and Rural Development shall detail this Article.

Article 24. Rights and obligations of organizations and individuals engaged in plant protection service activities

1. Organizations and individuals engaged in plant protection service activities have the following rights:

- a/ To be paid for the provision of plant protection services under contracts signed with plant owners;
- b/ To attend training programs to improve knowledge about prevention and control of organisms harmful to vegetation as suitable to local conditions;
- c/ To participate in information and communication programs on prevention and control of organisms harmful to vegetation;
- d/ To lodge complaints about conclusions and decisions of examination agencies and competent state management agencies in accordance with the law on complaints.

2. Organizations and individuals engaged in plant protection service activities have the following obligations:

- a/ To maintain the conditions for plant protection service activities as specified in Article 23 of this Law throughout their operation;
- b/ To comply with the law on plant protection and quarantine;
- c/ To observe the laws on contracts and labor and perform other obligations;
- d/ To pay damages in accordance with law.

Chapter III
PLANT QUARANTINE

Article 25. Provisions on plant quarantine

1. Quarantine must be conducted on articles liable to quarantine upon their import, export and transit and those liable to domestic quarantine under this Law, except cases eligible for quarantine exemption under regulations of the Minister of Agriculture and Rural Development.

2. In each period, the Minister of Agriculture and Rural Development shall promulgate the following lists:

- a/ List of articles liable to quarantine;
- b/ List of articles liable to quarantine and subject to pest risk analysis before being imported into Vietnam;
- c/ List of plant quarantine objects;
- d/ List of control objects.

Article 26. Requirements for articles liable to quarantine upon import

1. Articles on the list of articles liable to quarantine upon import must satisfy the following requirements:

- a/ Having a phytosanitary certificate granted by the plant quarantine authority of the exporting country;
- b/ Not containing harmful organisms on the lists specified at Points c and d, Clause 2, Article 25 of this Law or exotic harmful organisms;
- c/ Their packaging must be treated according to Vietnam's national technical regulations.

2. Articles on the list of articles liable to quarantine and subject to pest risk analysis before being imported into Vietnam will be

permitted for import under Clause 4, Article 27 of this Law when satisfying the following requirements:

- a/ Having a phytosanitary license granted by Vietnam's central-level specialized plant protection and quarantine agency;
- b/ The requirements specified in Clause 1 of this Article.

Article 27. Pest risk analysis

1. Pest risks must be analyzed for articles liable to quarantine on the list of articles liable to quarantine and subject to pest risk analysis before being imported into Vietnam.

2. Vietnam's central-level specialized plant protection and quarantine agency shall organize pest risk analysis based on information provided by plant quarantine authorities of exporting countries and other available sources of information.

3. Based on results of pest risk analysis, Vietnam's central-level specialized plant protection and quarantine agency may allow or disallow the import of articles liable to quarantine and notify such in writing to competent plant quarantine bodies of exporting countries and related organizations and individuals.

4. The Minister of Agriculture and Rural Development shall stipulate the contents of information to be provided for pest risk analysis as well as the process and contents of pest risk analysis.

Article 28. Dossiers, order and procedures for grant of phytosanitary licenses

1. A dossier of application for a phytosanitary license comprises:

- a/ An application for a phytosanitary license;
- b/ A commercial contract;

c/ A copy of the applicant's business registration certificate.

2. The order and procedures for grant of a phytosanitary license are specified as follows:

a/ An applicant shall submit a dossier of application for a phytosanitary license to the central-level specialized plant protection and quarantine agency;

b/ Within 15 working days after receiving a complete and valid dossier, the central-level specialized plant protection and quarantine agency shall consider and grant a phytosanitary license; in case of refusal, it shall issue a written reply, clearly stating the reason.

Article 29. Plant quarantine upon import

1. When importing articles liable to quarantine, owners of these articles shall carry out plant quarantine procedures. The plant quarantine place is the first border gate or the place from which the articles are brought into Vietnam; in special cases, plant quarantine may be conducted in another place which fully satisfies the isolation conditions as decided by the central-level specialized plant protection and quarantine agency.

2. The Minister of Agriculture and Rural Development shall stipulate border gates of import for articles which are highly likely to carry plant quarantine objects in accordance with Vietnamese law.

3. Articles liable to quarantine carried along with hand luggage or luggage consigned with carriers are subject to declaration and inspection under regulations of the Minister of Agriculture and Rural Development.

4. Articles liable to quarantine may be cleared from customs procedures only after all the procedures for plant quarantine upon import are completed.

5. The order and procedures for plant quarantine comply with Article 33 of this Law.

Article 30. Plant quarantine after import

1. Plant varieties outside the list of plant varieties permitted for production and trading in Vietnam under regulations on plant varieties, and beneficial organisms used in plant protection which are imported must comply with Article 26 of this Law and are subject to quarantine after import into isolated quarantine areas.

2. Plant varieties specified in Clause 1 of this Article may be sown or grown outside isolated quarantine areas only after being concluded by specialized plant protection and quarantine agencies as not being infested with harmful organisms on the lists specified at Points c and d, Clause 2, Article 25 of this Law or exotic harmful organisms.

3. Beneficial organisms may be reared on a large scale and used only after being concluded by specialized plant protection and quarantine agencies as satisfying the plant quarantine requirements after quarantine in isolated quarantine areas.

4. The Minister of Agriculture and Rural Development shall specify the quantity of specimens of plant varieties and beneficial organisms permitted for import under this Article; conditions for isolated quarantine areas; and the order, procedures for and contents of plant quarantine in isolated quarantine areas.

Article 31. Plant quarantine upon export

1. Articles on the list of articles liable to quarantine upon export are subject to quarantine and granted phytosanitary certificates.

2. The central-level specialized plant protection and quarantine agency shall conduct quarantine and grant phytosanitary certificates in

accordance with Vietnamese law while meeting the requirements of importing countries.

3. The order and procedures for plant quarantine upon export comply with Article 33 of this Law. When quarantine has been conducted in production establishments or places of departure of articles or preservation places in the inland, owners of articles liable to quarantine shall produce phytosanitary certificates when the articles arrive at the last border gate for export.

Article 32. Plant quarantine upon transit

1. The transit of articles liable to quarantine via Vietnam must be approved by the central-level specialized plant protection and quarantine agency and these articles are subject to quarantine at the first border gate via which they are brought into Vietnam.

2. The order and procedures for plant quarantine upon transit comply with Article 33 of this Law.

Article 33. Order and procedures for plant quarantine upon import, export and transit and grant of phytosanitary certificates

1. The registration of plant quarantine is as follows:

a/ Before importing or transiting articles liable to quarantine, an organization or individual shall register quarantine and submit a dossier to the central-level specialized plant protection and quarantine agency for conducting quarantine;

b/ Before exporting articles liable to quarantine, an organization or individual shall register quarantine and submit a dossier to the specialized plant protection and quarantine agency at the nearest place for conducting quarantine.

2. The quarantine of articles liable to quarantine and grant of phytosanitary certificates are as follows:

a/ Within 1 working day after receiving a complete and valid dossier, the specialized plant protection and quarantine agency shall decide and notify the owner of articles liable to quarantine of the place and time for quarantine;

b/ Within 24 hours after starting quarantine, if the plant quarantine requirements are satisfied, the specialized plant protection and quarantine agency shall grant a phytosanitary certificate.

In case the above time limit is longer than 24 hours to meet technical professional requirements or in case of refusal to grant a phytosanitary certificate, the specialized plant protection and quarantine agency shall issue a written notice or reply to the plant owner, clearly stating the reason.

3. The Minister of Agriculture and Rural Development shall detail this Article.

Article 34. Treatment of articles liable to quarantine upon import, export or transit

1. Articles liable to quarantine are subject to treatment in the following cases:

a/ They are infested with Vietnamese plant quarantine objects, control objects or exotic harmful organisms; or they are highly likely to carry Vietnamese plant quarantine objects;

b/ To meet the plant quarantine requirements of importing countries;

c/ They are derelict or of unclear origin.

2. Treatment measures include fumigation, heat treatment, hot steam treatment, radiation, re-export, destruction, suspension from export, suspension from import, ban from export, ban from import, and other measures.

3. The central-level specialized plant protection and quarantine agency shall decide on the application of treatment measures specified in Clause 2 of this Article as appropriate, except the measures specified in Article 35 of this Law.

4. Expenses for treatment of articles liable to quarantine specified at Points a and b, Clause 1 of this Article shall be paid by owners of these articles, while expenses for treatment of the articles specified at Point c, Clause 1 of this Article shall be covered by the state budget.

5. The Minister of Agriculture and Rural Development shall detail this Article.

Article 35. Suspension from export or import or ban from export or import of articles liable to quarantine

1. Articles liable to quarantine are suspended from export or import or banned from export or import in the following cases:

a/ Imported articles are identified as highly likely to carry plant quarantine objects which penetrate, spread and threaten domestic agricultural production or national food security and seriously affect Vietnam's export;

b/ Exported articles fail to satisfy the plant quarantine requirements of importing countries and are likely to lose Vietnam's export markets.

2. When the risks specified in Clause 1 of this Article have been remedied, the articles may continue to be exported or imported.

3. The Government shall detail this Article.

Article 36. Practicing treatment of articles liable to quarantine

1. The treatment of articles liable to quarantine must be conducted by organizations

possessing practice certificates for treatment of articles liable to quarantine.

2. The practice of treatment of articles liable to quarantine covers:

a/ Fumigation;

b/ Heat treatment;

c/ Hot steam treatment;

d/ Radiation;

dd/ Other technical activities.

Article 37. Conditions for grant of practice certificates for treatment of articles liable to quarantine

To obtain a practice certificate for treatment of articles liable to quarantine, an organization must satisfy the following conditions:

1. Conditions on physical-technical foundations, including:

a/ Having places for treatment of articles liable to quarantine, workshops, and warehouses for equipment and devices as suitable to the scale of practice;

b/ Having sufficient equipment and technical processes;

c/ Fully satisfying the conditions on fire prevention and fighting and environmental protection prescribed by law.

2. Conditions on human resources, including:

a/ Its managerial or executive officer must possess university or higher degree in a relevant discipline and satisfy health conditions as prescribed;

b/ Persons directly engaged in treatment of articles liable to quarantine must be trained in such treatment, have their professional qualifications and skills examined and are granted practice cards by the central-level specialized plant

protection and quarantine agency, and satisfy health conditions as prescribed.

3. The Minister of Agriculture and Rural Development shall detail this Article.

Article 38. Dossier, order, procedures and competence to grant practice certificates for treatment of articles liable to quarantine

1. A dossier of application for a practice certificate for treatment of articles liable to quarantine comprises:

a/ An application for a practice certificate for treatment of articles liable to quarantine;

b/ A copy of the applicant's business registration certificate;

c/ A written explanation of physical-technical foundations and human resources to ensure the conditions for practice of treatment of articles liable to quarantine as specified in Article 37 of this Law;

d/ A professional qualification certificate and a health certificate as prescribed in Article 37 of this Law;

dd/ Papers evidencing the applicant's satisfaction of the conditions for fire prevention and fighting and environmental protection as prescribed by law.

2. The order and procedures for grant of a practice certificate for treatment of articles liable to quarantine are specified as follows:

a/ An organization wishing to practice treatment of articles liable to quarantine shall submit a dossier of application for a practice certificate for treatment of articles liable to quarantine to the central-level specialized plant protection and quarantine agency;

b/ Within 15 working days after receiving a complete and valid dossier, the central-level specialized plant protection and quarantine

agency shall conduct physical inspection of the organization's conditions for practice and grant a practice certificate for treatment of articles liable to quarantine if the conditions are fully satisfied; in case of refusal, the agency shall issue a written reply, clearly stating the reason.

Article 39. Dossier, order and procedures for re-grant of practice certificates for treatment of articles liable to quarantine

1. A practice certificate for treatment of articles liable to quarantine is re-granted when:

a/ It is lost, erroneous or damaged;

b/ There are changes in the scope and scale of practice or information relating to the registering organization;

c/ It has expired under Article 40 of this Law.

2. A dossier of application for re-grant of a practice certificate for treatment of articles liable to quarantine comprises:

a/ An application for re-grant of a practice certificate for treatment of articles liable to quarantine;

b/ The granted practice certificate for treatment of articles liable to quarantine, unless it is lost;

c/ The professional qualification certificate of the managerial or executive officer, the certificate of training in treatment of articles liable to quarantine or the practice cards of persons directly engaged in treatment as prescribed in Article 37 of this Law;

d/ Health certificates of the managerial or executive officer and persons directly engaged in treatment of articles liable to quarantine;

dd/ Documents on technical processes; lists of means, equipment and devices for practice at the time of application;

e/ Papers proving the applicant's satisfaction of the conditions for fire prevention and fighting and environmental protection as prescribed by law.

3. The order and procedures for re-grant of practice certificates for treatment of articles liable to quarantine comply with Clause 2, Article 38 of this Law.

Article 40. Effect of practice certificates for treatment of articles liable to quarantine

1. A practice certificate for treatment of articles liable to quarantine will be valid for five years.

2. Three months before the expiration of a practice certificate for treatment of articles liable to quarantine, the practicing organization shall submit a dossier to the agency competent to grant certificates if wishing to continue practicing.

Article 41. Revocation of practice certificates for treatment of articles liable to quarantine

1. A practice certificate for treatment of articles liable to quarantine will be revoked when:

a/ Its content is erased or modified;

b/ The practicing organization is sanctioned for administrative violations three times in a year or three consecutive times for the same violation in the field of plant protection and quarantine.

c/ The practicing organization has its certificate revoked for other violations as prescribed by law.

2. The central-level specialized plant protection and quarantine agency is competent to revoke practice certificates for treatment of articles liable to quarantine.

Article 42. Rights and obligations of organizations practicing treatment of articles

liable to quarantine

1. An organization practicing treatment of articles liable to quarantine has the following rights:

a/ To sign and perform contracts with owners of articles liable to quarantine in accordance with law;

b/ To grant certificates to articles liable to quarantine which have been treated;

c/ To propose technical measures for specialized plant protection and quarantine agencies to treat articles liable to quarantine;

d/ To complain about the conclusions and decisions of inspection agencies and competent state management agencies.

2. An organization practicing treatment of articles liable to quarantine has the following obligations:

a/ To practice only after being granted a practice certificate for treatment of articles liable to quarantine by a competent agency and when maintaining the conditions specified in Article 37 of this Law during operation;

b/ To provide the service of treatment of articles liable to quarantine in compliance with the practice certificate for treatment of articles liable to quarantine;

c/ To conduct treatment under the designation and supervision by specialized plant protection and quarantine agencies in case the articles are infested with plant quarantine objects, control objects or harmful exotic organisms;

d/ To ensure that such treatment will not affect the quality of treated articles and community health;

dd/ To be responsible for the results of treatment of articles liable to quarantine;

e/ To comply with the laws on contracts and labor and perform other obligations;

g/ To annually report on the situation of treatment of articles liable to quarantine to agencies competent to grant practice certificates for treatment of articles liable to quarantine.

Article 43. Domestic plant quarantine

1. When transporting articles liable to quarantine from an area contaminated with plant quarantine objects to other areas, owners of these articles shall declare to the nearest local specialized plant protection and quarantine agency for quarantine and grant of phytosanitary certificates.

2. Articles infested with plant quarantine objects which have been treated must be locally inspected and supervised before being put to use.

3. The situation of harmful organisms on farm and forest products preserved in stock and imported and new plant varieties that are put into cultivation in localities must be monitored.

4. Adverse impacts caused by imported beneficial organisms in use must be monitored, assessed, detected and timely handled.

5. Areas not contaminated with harmful organisms must be regularly supervised so as to maintain the conditions of these areas.

6. The Minister of Agriculture and Rural Development shall detail this Article.

Article 44. Responsibilities of specialized plant protection and quarantine agencies in plant quarantine activities

1. To quarantine plants upon import and export.

2. To quarantine domestic plants.

3. To quarantine plants after import in

isolated quarantine areas.

4. To supervise articles liable to quarantine upon import, export, transit and transfer into bonded warehouses.

5. To decide on treatment measures; to supervise and certify the application of treatment measures for articles liable to quarantine upon import and export.

6. To manage activities for treatment of articles liable to quarantine.

7. To formulate, and guide the application of, plant quarantine measures.

8. To organize the treatment of articles liable to quarantine that are derelict or of unclear origin brought from abroad into Vietnam.

9. To designate organizations practicing treatment of articles liable to quarantine to treat articles infested with plant quarantine objects, control objects or harmful exotic organisms; to request the owners of these articles to comply with and pay all costs of such treatment.

10. To coordinate with competent plant quarantine agencies of exporting countries in conducting quarantine in exporting countries or complying with quarantine requests of importing countries in Vietnam.

11. To provide plant quarantine information to related countries upon request.

Article 45. Tasks and powers of plant quarantine officers

1. To conduct plant quarantine in accordance with this Law; to strictly abide by the plant quarantine process and be responsible for the performance of their tasks and powers.

2. To request owners of articles liable to quarantine to provide relevant dossiers and documents and necessary devices and human resources for quarantine.

3. To guide and supervise the application of treatment measures for articles liable to quarantine.

4. To conduct testing and sampling during quarantine as prescribed.

5. For places pertaining to defense and security secrets and in other special cases, plant quarantine shall be facilitated but must satisfy security requirements.

Article 46. Provisions on clothing of plant quarantine officers

1. While on duty, plant quarantine officers shall wear uniforms, badges, insignias and cards of plant quarantine officers.

2. The Minister of Agriculture and Rural Development shall detail this Article.

Article 47. Rights and obligations of owners of articles liable to quarantine

1. Owners of articles liable to quarantine have the following rights:

a/ To be provided with plant quarantine information;

b/ To be provided by the specialized plant protection and quarantine agency with guidance to detect and identify harmful organisms and measures to treat articles infested with harmful organisms;

c/ To request the specialized plant protection and quarantine agency to provide information on articles subject to pest risk analysis to importing countries;

d/ To complain about plant quarantine results and decisions of the specialized plant protection and quarantine agency.

2. Owners of articles liable to quarantine have the following obligations:

a/ To open and close vehicles, warehouses or bales, arrange human resources and equipment to serve inspection and sampling of articles at the request of on-duty plant quarantine officers; to preserve articles liable to quarantine when plant quarantine procedures are being carried out and take plant quarantine officers to places where exist articles liable to quarantine for quarantine;

b/ To provide information necessary for quarantine at the request of the specialized plant protection and quarantine agency.

c/ To monitor and inspect imported articles liable to quarantine during transportation, preservation and use. To immediately report to the specialized plant protection and quarantine agency or the nearest commune-level People's Committee when detecting or suspecting articles liable to quarantine infested with plant quarantine objects, control objects or harmful exotic organisms;

d/ To properly and timely treat articles liable to quarantine under decisions and guidance of the specialized plant protection and quarantine agency;

dd/ To apply all measures specified in phytosanitary certificates in transportation, preservation and use of articles liable to quarantine,

e/ To perform other obligations in accordance with law.

Chapter IV

MANAGEMENT OF PESTICIDES

Section 1

MANAGEMENT AND REGISTRATION OF PESTICIDES

Article 48. General provisions on management of pesticides

1. Pesticides are commodities subject to conditional business and are subject to list-based management.

2. The Minister of Agriculture and Rural Development shall annually publish a list of pesticides permitted for use in Vietnam and a list of pesticides banned from use in Vietnam.

3. Organizations and individuals may import, produce, trade and use pesticides on the list of pesticides permitted for use in Vietnam.

4. Organizations and individuals that import pesticides in case import licenses are required under Clause 2, Article 67 of this Law may only use such pesticides in line with the purposes written in these licenses.

Article 49. Pesticides that are not registered in or excluded from the list of pesticides permitted for use in Vietnam

1. Pesticides that are not registered in the list of pesticides permitted for use in Vietnam include:

a/ Drugs on the list of pesticides banned from use in Vietnam;

b/ Pesticides with high risk of adversely affecting human health, animals, eco-system or the environment;

c/ Finished products or active ingredients in finished products containing category-I or -II toxicity according to the *Globally Harmonized System of Classification and Labeling of Chemicals (GHS)*, except biological pesticides, pesticides used for fumigation, rodenticides; termiticides harmful to construction works and dikes; preservatives of forest products not used as food or pharmaceuticals;

d/ Pesticides sharing the same trade names with other pesticides on the list of pesticides

permitted for use in Vietnam;

dd/ Pesticides containing methyl bromide as an active ingredient.

2. Pesticides must be excluded from the list of pesticides permitted for use in Vietnam in the following cases:

a/ Having a scientific proof of their adverse impacts on human health, animals, ecosystem and the environment;

b/ Having poor effects on harmful organisms;

c/ Being voluntarily registered by organizations and individuals to be withdrawn from the list of pesticides permitted for use in Vietnam.

3. The Minister of Agriculture and Rural Development shall detail this Article.

Article 50. Organizations and individuals permitted to register pesticides in Vietnam

1. Domestic organizations and individuals manufacturing active ingredients, technical products or finished products from technical products.

2. Foreign organizations and individuals manufacturing active ingredients, technical products or finished products from technical products that have representative offices, companies and branches of pesticide trading companies licensed to operate in Vietnam.

3. Domestic and foreign organizations and individuals that fully satisfy the pesticide production and trading conditions specified in Articles 61 and 63 of this Law and are authorized by organizations and individuals defined in Clauses 1 and 2 of this Article.

Article 51. Dossiers, order and procedures for grant of pesticide registration certificates

1. A dossier of application for a pesticide registration certificate comprises:

- a/ An application for a pesticide registration certificate;
- b/ A copy of the pesticide test license;
- c/ A sample pesticide label;
- d/ A document on the results of pesticide test in Vietnam.

2. The order and procedures for grant of a pesticide registration certificate are specified as follows:

a/ An applicant for a pesticide registration certificate shall submit a dossier to the central-level specialized plant protection and quarantine agency;

b/ Within 6 months after receiving a complete and valid dossier, the central-level specialized plant protection and quarantine agency shall examine and submit it to the Minister of Agriculture and Rural Development for inclusion of pesticides on the list of pesticides permitted for use in Vietnam and grant of a pesticide registration certificate. In case of refusal, the agency shall issue a written reply, clearly stating the reason.

3. A pesticide registration certificate will be valid for 5 years and may be extended.

Article 52. Dossiers, order and procedures for extension of pesticide registration certificates

1. Three months before the expiration of a pesticide registration certificate, if wishing to extend it, an organization or individual shall submit an extension application dossier.

2. A dossier of application for extension of a pesticide registration certificate comprises:

- a/ An application for extension of a pesticide registration certificate;

b/ The granted pesticide registration certificate;

c/ Pesticide labels requested for extension of the pesticide registration certificate;

3. The order and procedures for extension of a pesticide registration certificate are specified as follows:

a/ An applicant for extension of a pesticide registration certificate shall submit a dossier to the central-level specialized plant protection and quarantine agency;

b/ Within 15 days after receiving a complete and valid dossier, the central-level specialized plant protection and quarantine agency shall extend the pesticide registration certificate; in case of refusal, the agency shall issue a written reply, clearly stating the reason.

4. An extended pesticide registration certificate will be valid for 5 years.

Article 53. Dossiers, order and procedures for re-grant of pesticide registration certificates

1. A pesticide registration certificate is re-granted when:

a/ It is lost, erroneous or damaged;

b/ There is a change in the product's trade name or information relating to the registering organization or person.

2. A dossier of application for re-grant of a pesticide registration certificate comprises:

a/ An application for re-grant of a pesticide registration certificate;

b/ Papers certifying the changed contents;

c/ The granted pesticide registration certificate unless it is lost;

3. The order and procedures for re-grant of a pesticide registration certificate are as follows:

a/ The case specified at Point a, Clause 1 of this Article complies with Clause 3, Article 52 of this Law;

b/ The case specified at Point b, Clause 1 of this Article complies with Clause 2, Article 51 of this Law.

Article 54. Revocation of pesticide registration certificates

1. A pesticide registration certificate will be revoked when:

a/ Its content is erased or modified;

b/ Falsified papers or untruthful information are detected in the registered dossier;

c/ The organization or individual has the pesticide registration certificate revoked for its/his/her violations as prescribed by law.

d/ Having a decision on exclusion of the pesticides from the list of pesticides permitted for use in Vietnam.

2. The central-level specialized plant protection and quarantine agency is competent to revoke pesticide registration certificates.

Section 2

PESTICIDE TESTING

Article 55. Pesticide testing

1. Pesticide tests must be done for all pesticides before they are registered in the list of pesticides permitted for use in Vietnam; biological pesticides may be considered for reduction of test requirements.

2. Pesticide tests may be done only after the central-level specialized plant protection and quarantine agency grants a pesticide test license and by organizations fully satisfying the testing conditions as specified in Article 59 of this Law.

3. The Minister of Agriculture and Rural Development shall detail this Article.

Article 56. Dossiers, order and procedures for grant of pesticide test licenses

1. A dossier of application for a pesticide test license comprises:

a/ An application for a pesticide test license;

b/ Papers evidencing the applicant's satisfaction of the requirements specified in Article 50 of this Law;

c/ Technical documents on pesticides.

2. The order and procedures for grant of a pesticide test license are specified as follows:

a/ Organizations and individuals applying for a pesticide test license shall submit a dossier to the central-level specialized plant protection and quarantine agency;

b/ Within 30 days after receiving a complete and valid dossier, the central-level specialized plant protection and quarantine agency shall grant a pesticide test license. In case of refusal, the agency shall issue a written reply, clearly stating the reason.

3. A pesticide test license will be valid for 5 years.

Article 57. Re-grant of pesticide test licenses

1. A pesticide test license is re-granted when it is lost, erroneous or damaged or when there is a change in the trade names or information of organizations and individuals registering for pesticide testing.

2. A dossier of application for re-grant of a pesticide test license comprises:

a/ An application for re-grant of a pesticide test license;

b/ The granted pesticide test license, unless it is lost.

3. The order and procedures for re-grant of a pesticide test license are as follows:

a/ Organizations and individuals applying for a pesticide pest license shall submit a dossier to the central-level specialized plant protection and quarantine agency;

b/ Within 10 days after receiving a complete and valid dossier, the central-level specialized plant protection and quarantine agency shall re-grant a pesticide test license. In case of refusal, the agency shall issue a written reply, clearly stating the reason.

Article 58. Revocation of pesticide test licenses

1. A pesticide test license will be revoked when:

a/ Its content is erased or modified;

b/ Falsified papers or untruthful information are detected in the dossier of application for grant of a pesticide test license;

c/ Pesticides are likely to cause adverse impacts on human health, animals, plants, eco-system and the environment as prescribed by the Minister of Agricultural and Rural Development.

2. The central-level specialized plant protection and quarantine agency is competent to revoke pesticide test licenses.

Article 59. Conditions for pesticide testing organizations

1. A pesticide testing organization must satisfy the following conditions:

a/ Its head possesses a university or higher degree in plant protection, cultivation, biology or chemistry and a certificate of training in pesticide testing;

b/ Its employees have appropriate

professional qualifications and have been trained in pesticide testing;

c/ Having physical-technical foundations for pesticide testing work;

d/ Not being named to register or being authorized to be named to register pesticides in Vietnam.

2. The Minister of Agriculture and Rural Development shall prescribe the order and procedures for recognition, and publish a list, of organizations eligible for pesticide testing.

Article 60. Rights and obligations of pesticide testing organizations

1. A pesticide testing organization has the following rights:

a/ To be provided with information on issues relating to pesticide tests;

b/ To collect pesticide testing fees under regulations;

c/ To complain about competent agencies' decisions.

2. A pesticide testing organization has the following obligations:

a/ To test pesticides in an objective and accurate manner;

b/ To comply with technical regulations, standards and processes and testing requirements;

c/ To bear responsibility for test results before law;

d/ To archive all unprocessed data for at least 5 years from the date the testing is completed;

dd/ To be subject to testing inspection and supervision by competent agencies;

e/ To pay damages as prescribed by law.

Section 3

PRODUCTION, TRADING, IMPORT,
EXPORT, TRANSPORTATION,
PRESERVATION, ADVERTISING,
PACKAGING, LABELING AND USE OF
PESTICIDES

Article 61. Conditions for pesticide producing establishments

1. Conditions on physical-technical foundations are specified as follows:

a/ Having locations, workshops and warehouses that satisfy the requirements on area and safety distance for humans, animals and the environment under regulations and suitable to production scale;

b/ Having machinery, equipment and technology processes suitable to the types of pesticides to be produced;

c/ Having systems for treating wastes up to national environmental standards or technical regulations;

d/ Having sufficient equipment for testing the quality of their own pesticides. If having insufficient equipment, the establishments must have quality control contracts with organizations designated to examine the quality of each batch of products before delivery.

2. Conditions on human resource are specified as follows:

a/ Their managerial or executive officers possess university or higher degree in chemistry, plant protection and biology;

b/ Persons directly engaged in pesticide production receive relevant professional training or retraining.

3. The Minister of Agriculture and Rural Development shall publish national technical standards and detail conditions for pesticide

producing establishments.

Article 62. Rights and obligations of pesticide producing establishments

1. A pesticide producing establishment has the following rights:

a/ To produce products on the list of pesticides permitted for use in Vietnam;

b/ To import pesticides for production or re-export under contracts signed with foreign parties;

c/ To provide information on and advertise pesticides under Article 70 of this Law and the advertising law;

d/ Other rights prescribed by this Law and other relevant laws.

2. A pesticide producing establishment has the following obligations:

a/ To produce pesticides in conformity with national technical standards or its published standards;

b/ To employ persons directly engaged in pesticide production who satisfy health conditions and are trained or retrained in labor safety and professional knowledge;

c/ To take responsibility for product quality and deliver and circulate in the market only products up to standards.

d/ To supply necessary documents to competent agencies for inspection and examination in accordance with law;

dd/ To compensate for damage caused by its faults in accordance with law;

e/ To recall products when detecting that they are unsatisfactory under Clause 2, Article 73 of this Law;

g/ Its owners shall organize training to guide the use and prevention of incidents caused by

pesticides during use; to provide professional training and retraining to persons directly engaged in pesticide production;

h/ To abide by the laws on fire prevention and fighting, chemicals, labor and the environment;

i/ To comply with the law on the environmental protection tax and other relevant laws.

Article 63. Conditions for pesticide trading

1. Pesticide traders must satisfy the following conditions:

a/ Having lawful locations that satisfy the requirements on area and safety distance for humans, animals and the environment as prescribed;

b/ Having warehouses as prescribed and equipment suitable to preservation and treatment of pesticides upon occurrence of incidents;

c/ Their owners and persons directly engaged in pesticide selling possess a secondary or higher degree in plant protection, cultivation, biology or chemistry or a certificate of retraining in pesticides.

2. The Minister of Agriculture and Rural Development shall detail this Article.

Article 64. Rights and obligations of pesticide traders

1. Pesticide traders have the following rights:

a/ To trade in finished products on the list of pesticides permitted for use in Vietnam;

b/ To be provided with information and guidance on pesticides;

c/ Their owners and persons directly engaged in trading products are trained in safe use,

preservation and transportation of pesticides and prevention of pesticide incidents.

2. Pesticide traders have the following obligations:

a/ To comply with the law on pesticides;

b/ To employ only persons directly engaged in pesticide selling who satisfy health conditions and have received professional training and retraining;

c/ To list selling prices and keep books for monitoring pesticide purchase and sale;

d/ To guide purchasers how to use the products in line with the contents of product labels;

dd/ When detecting incidents causing leakages and dispersal of pesticides threatening human health, animals or ecological environment, to immediately apply remedies and concurrently report such to the commune-level People's Committee of the locality where incidents occur for monitoring and application of measures to warn and prevent negative consequences;

e/ To sell pesticides used for fumigation only to people with a practice card for treatment of articles liable to quarantine or to organizations with a practice certificate for treatment of articles liable to quarantine;

g/ To provide pesticide trading-related information at the request of competent agencies;

h/ To compensate for damage caused by their faults in accordance with law;

i/ When detecting their pesticides failing to satisfy prescribed requirements, to notify direct agents or producing establishments that have supplied products in order to recall those products from the market; to participate in the recall of products that have been sold;

k/ To comply with the laws on fire prevention and fighting, chemicals, the environment and labor;

l/ To comply with the law on environmental protection tax and other relevant laws.

Article 65. Dossiers, order, procedures and competence to grant and revoke certificates of eligibility for pesticide production and certificates of eligibility for pesticide trading

1. A dossier of application for a certificate of eligibility for pesticide production or a certificate of eligibility for pesticide trading comprises:

a/ An application for a certificate of eligibility for pesticide production or a certificate of eligibility for pesticide trading;

b/ A copy of the business registration certificate;

c/ A written explanation of physical-technical foundations, human resources and professional qualifications, ensuring the conditions for pesticide production or trading specified in Articles 61 and 63 of this Law;

d/ Professional certificates, certificates of training and retraining in pesticides of the owner of the establishment and persons directly engaged in pesticide production and trading specified in Articles 61 and 63 of this Law;

dd/ Health certificates of the owner of the establishment and persons directly engaged in pesticide production and trading;

e/ Papers evidencing the satisfaction of conditions for fire prevention and fighting and environmental protection in accordance with law.

2. The order and procedures for grant of a certificate of eligibility for pesticide production

or a certificate of eligibility for pesticide production trading are as follows:

a/ Pesticide producing or trading organizations and individuals applying for a certificate of eligibility for pesticide production or a certificate of eligibility for pesticide trading shall submit dossiers to specialized plant protection and quarantine agencies defined in Clause 4 of this Article.

b/ From the date of receiving a complete and valid dossier, the specialized plant protection and quarantine agency shall conduct physical inspection of the production or trading conditions at the pesticide producing or trading establishment. If the conditions are fully satisfied, the agency shall grant within 15 days a certificate of eligibility for pesticide production or a certificate of eligibility for pesticide trading. In case of refusal, the agency shall issue a written reply, clearly stating the reason.

3. A certificate of eligibility for pesticide production or a certificate of eligibility for pesticide trading will be revoked when:

a/ Its content is erased or modified;

b/ Organizations and individuals are sanctioned for administrative violations for at least 3 times in a year or 3 consecutive times for the same violation in the field of plant protection and quarantine;

c/ Organizations and individuals have their certificates revoked for other violations as prescribed by law.

4. The competence to grant and revoke certificates of eligibility for pesticide production and certificates of eligibility for pesticide trading is as follows:

a/ The central-level specialized plant protection and quarantine agency may grant and

revoke a certificate of eligibility for pesticide production.

b/ The local specialized plant protection and quarantine agency may grant and revoke a certificate of eligibility for pesticide trading.

Article 66. Validity duration of certificates of eligibility for pesticide production and certificates of eligibility for pesticide trading

1. Certificates of eligibility for pesticide production and certificates of eligibility for pesticide trading will be valid for 5 years.

2. Three months before the expiration of certificates of eligibility for pesticide production or certificates of eligibility for pesticide trading, if wishing to continue pesticide production or trading, organizations and individuals shall submit dossiers of application for re-grant of certificates. Dossiers, order and procedures for re-grant comply with Clauses 1 and 2, Article 65 of this Law.

Article 67. Import and export of pesticides

1. Organizations and individuals being named to register pesticides on the list of pesticides permitted for use in Vietnam may import or authorize other organizations and individuals to import those pesticides without import permits, except the cases specified in Clause 2 of this Article.

2. Organizations and individuals must have permits for the import of the following pesticides:

a/ Pesticides outside the list of pesticides permitted for use in Vietnam for temporary import or re-export, or imported for production in Vietnam for export under contracts signed with foreign parties;

b/ Pesticides for fumigation containing

methyl bromide as an active ingredient and active ingredients containing category-I or -II toxicity according to the *Globally Harmonized System of Classification and Labeling of Chemicals (GHS)*;

c/ Pesticides outside the list of pesticides permitted for use in Vietnam which are imported for testing for pesticide registration;

d/ Pesticides outside the list of pesticides permitted for use in Vietnam which are imported for experiment and research; use in foreign projects in Vietnam; pesticides used as samples and for exhibitions and fairs and used in special cases as decided by the Minister of Agriculture and Rural Development;

dd/ Pesticides on the list of pesticides banned from use in Vietnam which are imported as standard substances.

3. Imported pesticides prescribed in Clause 1 and at Point b, Clause 2 of this Article must be tested in quality by the central-level specialized plant protection and quarantine agency upon import and may be imported only when satisfying the law-prescribed conditions.

4. A dossier of application for a pesticide import license comprises:

a/ An application for a pesticide import license;

b/ A copy of the applicant's business registration certificate for the cases specified at Points a, b and c, Clause 2 of this Article.

c/ Papers evidencing the satisfaction of conditions specified in Clause 2 of this Article.

5. The order and procedures for grant of a pesticide import license are specified as follows:

a/ An applicant for a pesticide import license shall submit a dossier to the central-level

specialized plant protection and quarantine agency;

b/ Within 5 working days after receiving a complete and valid dossier, the central-level specialized plant protection and quarantine agency shall consider and grant a pesticide import license. In case of refusal, the agency shall issue a written reply, clearly stating the reason.

6. Pesticide producers or traders may export finished products and technical products in accordance with the commercial laws of Vietnam and importing countries.

Article 68. Transportation of pesticides

1. Transportation of pesticides must comply with the provisions on the transportation of dangerous cargoes in the laws on road, inland waterway, railway, airway and seaway transportation and other relevant laws and treaties to which Vietnam is a contracting party.

The transportation of biological pesticides only is not required to comply with the provisions on the transportation of dangerous cargoes but must comply with relevant laws and treaties to which Vietnam is a contracting party.

2. If an incident causes leakage or dispersal of pesticides during transportation, vehicle operators, goods and vehicle owners shall take necessary measures to minimize consequences and take remedies and, at the same time, notify the incident to the commune-level People's Committee of the locality where the incident occurs for monitoring and application of warning and preventive measures.

Article 69. Preservation of pesticides

1. The preservation of pesticides must comply with manufacturer instructions on preservation which are displayed on labels and

packages, ensure safety for humans, animals and the environment.

2. Pesticide preservation warehouses must ensure safety distances from schools, hospitals and residential areas; satisfy technical requirements on preservation; have warnings; have equipment and vehicles to handle incidents, which are suitable to hazardous properties of pesticides; and abide by laws on fire prevention and fighting, chemicals, labor safety and environmental protection.

3. Specialized pesticide preservation warehouses are not required to comply with Clause 2 of this Article but must not pollute the environment.

4. In case leaked and dispersed pesticides are likely to adversely affect humans, animals or the environment, pesticide preserving organizations and individuals shall immediately adopt necessary measures to minimize the consequences, remedy incidents and notify the incidents to the commune-level People's Committee of the locality where the incidents occur for support, monitoring and prevention of adverse consequences. Organizations and individuals having pesticides leaked or dispersed shall pay for remedies and compensate for damage caused by incidents.

5. The Minister of Agriculture and Rural Development shall promulgate national technical standards and detail conditions on pesticide preservation warehouses.

Article 70. Advertising of pesticides

1. To advertise only types of products on the list of pesticides permitted for use in Vietnam.

2. The content of advertisement must comply with the contents of pesticide registration certificates, conform with technical instructions of the specialized plant protection and quarantine

agency in the locality, contain warnings of the danger extent and toxicity and instructions on prevention of harms caused by pesticides.

3. The advertising of pesticides must comply with the law on advertising.

Article 71. Packaging and labeling of pesticides

1. Pesticide packaging must satisfy the following requirements:

a/ Materials must be durable and free from corrosion, destruction, leakage or dispersal caused by pesticides;

b/ Causing no impact on pesticide quality;

c/ Satisfying national technical regulations on pesticide packaging or standards published and applied by pesticide producers;

d/ Posing no danger to humans, animals and the environment.

2. Marketed pesticides must have labels satisfying the following requirements:

a/ Being in Vietnamese;

b/ Containing sufficient information guiding safe use of products;

c/ Complying with the law on goods labeling and guidance of the *Globally Harmonized System of Classification and Labeling of Chemicals (GHS)*;

d/ Conforming with the contents of label samples already registered with the central-level plant protection and quarantine agency.

3. The Minister of Agriculture and Rural Development shall prescribe specifications, materials, inspection and verification of product packaging and detail labeling of pesticides.

Article 72. Rights and obligations of pesticide users

1. Pesticide users have the following rights:

a/ To be provided with information and guidance on safe and effective use of pesticides;

b/ To request selling stores to guide the use of pesticides in accordance with the contents of product labels;

c/ To be compensated for damage caused by faults of pesticide stores in accordance with law.

2. Pesticide users have the following obligations:

a/ To comply with the principles specified in Clause 3, Article 4 of this Law; to strictly follow instructions written on product labels;

b/ To use only products on the list of pesticides permitted for use in Vietnam;

c/ If an incident occurs or when detecting pesticides causing adverse impacts on humans and the environment during use, pesticide users shall apply necessary measures to minimize consequences and immediately notify the commune-level People's Committee of the locality where the incident occurs for remedies;

d/ To preserve products and collect used pesticide packaging to designated places;

dd/ Users of pesticides for fumigation must have a training certificate as prescribed by the Minister of Agriculture and Rural Development;

e/ To compensate for damage caused by improper use of pesticides.

Section 4

RECALL, DESTRUCTION, COLLECTION AND TREATMENT OF USED PESTICIDE PACKAGINGS

Article 73. Recall of marketed pesticides, treatment of recalled pesticides

1. Pesticides are recalled when:

- a/ They fail to conform to national standards and technical regulations as prescribed;
- b/ They have expired;
- c/ Their labels and packaging are faulty or fail to meet regulations.

2. Upon the detection of pesticides subject to recall, producers or importers shall notify in the mass media of the batch of products needed to be recalled and immediately recall all those products.

In case producers or importers fail to voluntarily recall the products, competent agencies shall issue decisions on compulsory recall.

2. Measures to handle pesticides subject to recall comprise:

- a/ Re-export;
- b/ Recycling;
- c/ Correction of labeling and packaging mistakes;
- d/ Destruction.

The Minister of Agriculture and Rural Development shall detail this Clause.

4. The competence to handle pesticides subject to recall is as follows:

a/ The local plant protection and quarantine agencies shall decide on measures and time to handle pesticides subject to recall; inspect the recall and handling of pesticides by traders in the locality; and handle trading establishments in the locality for violations in the recall of pesticides under regulations;

b/ The central-level plant protection and quarantine agency shall decide on measures and time to handle pesticides subject to recall; inspect the recall and handling of pesticides by

producers; and handle traders for violations in the recall of products when the recall occurs in more than one province and centrally-run city.

4. Producers and importers having pesticides recalled must pay all costs for recall and handling.

Article 74. Destruction of pesticides

1. Types of pesticides needed to be destroyed include:

a/ Pesticides banned from use in Vietnam or outside the list of pesticides permitted for use in Vietnam, except the cases specified at Points a, c, and d, Clause 2, Article 67 of this Law;

b/ Counterfeit pesticides;

c/ Out-of-date pesticides which cannot be recycled;

d/ Pesticides failing to meet national technical regulations which can be neither recycled nor re-exported;

dd/ Pesticides which are derelict or of unclear origin.

2. Organizations and individuals having pesticides compulsorily destroyed must destroy these pesticides in accordance with the provisions on hazardous waste management of the law on environmental protection and bear all costs.

3. For derelict pesticides, the provincial-level People's Committee shall direct the destruction and allocate expenses for such destruction.

Article 75. Collection and handling of used pesticide packaging

1. The collection and handling of used pesticide packaging must comply with this Law and provisions on hazardous waste management of the law on environmental protection.

2. Expenses for the collection and handling of used pesticide packaging in localities shall be allocated from the local budgets by the provincial-level People's Committees.

3. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, stipulating the collection of used pesticide packaging.

4. The Ministry of Natural Resources and Environment shall stipulate the handling of used pesticide packaging.

Chapter V

IMPLEMENTATION PROVISIONS

Article 76. Effect

1. This Law takes effect on January 1, 2015.

Ordinance No. 36/2001/PL-UBTVQH10 of August 8, 2001, on Plant Protection and Quarantine, ceases to be effective on the effective date of this Law.

2. All plant protection and quarantine licenses and certificates which had been granted before the effective date of this Law but do not expire remain valid until their expiration.

Article 77. Detailing

The Government shall detail articles and clauses in this Law as assigned.

This Law was passed on November 25, 2013, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 6th session.-

Chairman of the National Assembly
NGUYEN SINH HUNG