

**THE MINISTRY OF
AGRICULTURE AND RURAL
DEVELOPMENT**

No. 34/2014/TT-BNNPTNT

THE SOCIALIST REPUBLIC OF VIETNAM
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Hanoi, October 31, 2014

CIRCULAR

Guiding the quality inspection of imported salt^(*)

Pursuant to the Government's Decree No. 199/2013/ND-CP of November 26, 2013, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the 2007 Law on Product and Goods Quality;

Pursuant to the 2010 Law on Food Safety;

Pursuant to the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing a number of articles of the Law on Product and Goods Quality;

Pursuant to the Government's Decree No. 38/2012/ND-CP of April 25, 2012, detailing a number of articles of the Law on Food Safety;

At the proposal of the Director of the Department of Processing and Trade for Agro-Forestry-Fisheries Products and Salt Production;

The Minister of Agriculture and Rural Development promulgates the Circular guiding the quality inspection of imported salt.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Circular provides the contents of and procedures for the quality inspection of imported salt within the state management of the Ministry of Agriculture and Rural Development.

2. The import of salt in the following cases is not regulated by this Circular but must comply with current management regulations:

a/ Temporary import for re-export, border-gate transfer or transit;

b/ Import for export production or goods processing for foreign traders;

c/ Personal luggage, sample goods or goods for exhibitions or fairs, refined salts used as reagents in chemical analysis, salt in donations, and cosmetic salt.

Article 2. Subjects of application

This Circular applies to domestic and foreign organizations and individuals that import salt (below referred to as importers); and organizations and individuals involved in the quality inspection of imported salt.

Article 3. Interpretation of terms

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

1. Salt (including table salt and denatured salt) is a compound with sodium chloride (chemical formula: NaCl) as the main ingredient, made from seawater, extracted from salt

^(*) Công Báo Nos 987-988 (17/11/2014)

mines, and used for eating and drinking or as raw materials in industrial production, chemical and food industries, health care, and other industries.

2. Food grade salt (table salt), HS code 2501.00.10, is salt with a high NaCl content and an allowable residual amount of heavy metals, which may be used for eating and food processing.

3. Industrial salt is crude salt produced on salt fields, HS code 2501.00.90, or extracted from salt mines, HS code 2501.00.20, which is preliminarily processed to eliminate impurities, has a high NaCl content, and is used in the chemical industry or as raw materials for making refined salt and used in other industries.

4. Refined salt, HS code 2501.00.90, is salt made by crushing, rinsing, re-crystallizing or vacuum crystallizing, and used for food industry, health care, water treatment and other industries.

5. Batch of imported salt is a certain volume of salt of a type which is quantitatively determined and has the same appellation, utility, brand, category and technical specifications, of the same producer, and in the same import dossier.

6. Laboratory meeting the VILAS standards in the chemical sector is a laboratory satisfying the requirements of ISO/IEC 17025:2005, which is accredited and granted the certificate of accreditation of a laboratory meeting the VILAS standards in the chemical sector with the NaCl as testing object by the Bureau of Accreditation under the Ministry of Science and Technology (the list is available at www.boa.gov.vn for importers to use product and goods quality testing services to meet state management requirements).

Article 4. Grounds for inspection

1. For imported food grade salt (table salt): National standard TCVN 3974-2007 on food grade salt.

2. For imported refined salt: National standard TCVN 9639-2013 on refined salt (NaCl).

3. For imported industrial salt: National standard TCVN 9640-2013 on industrial salt (NaCl).

4. For imported salts specified in Clauses 1, 2 and 3 of this Article: Criteria on heavy metals in salt provided in national technical regulation QCVN 8-2:2011/BYT on the limits of heavy metal contamination in food.

Article 5. Quality of imported salt

Imported salt under heading 2501 in the Import and Export Tariffs, promulgated by the Ministry of Finance, must meet quality criteria prescribed in relevant standards or technical regulations on imported salt quality under Article 4 and Appendix I to this Circular.

Article 6. Method of quality inspection of imported salt, taking and storing samples

1. Methods of quality inspection of imported salt:

To apply the method of strict inspection of imported salt quality. All batches of imported salt are subject to quality inspection and assessment upon import.

2. Taking and storing samples:

a) When a batch of salt arrives at a border gate, the importer shall contact the customs office of the border gate of importation to carry out customs procedures and take samples of salt under Point b, Clause 2, Article 6 of this Circular and store goods in warehouses under regulations of the customs office;

b) Samples of a batch of imported salt shall be taken randomly in the witness of the representative of the customs office of the border gate of importation, and divided into 3 parts: 1 for testing, 1 to be kept by the inspecting agency, and 1 kept by the importer. Each sample must weigh between 200 grams and 500 grams for testing compulsory criteria under regulations. Samples shall be stored in closed cans or plastic bottles and affixed with seal-up numbers by

the customs office. Representatives of the importer and customs office shall make a record on taking samples of imported salt according to the form provided in Appendix IV to this Circular;

c/ Within 3 (three) working days, the importer shall hand over the samples to the laboratory meeting the VILAS standards in the chemical sector. The technical criteria subject to analysis for the samples of imported salt batches are specified in Appendix V to this Circular. The importer shall pay expenses for taking imported salt samples and testing their quality;

d/ Samples shall be stored by the inspecting agency and the importer within 90 days after the inspecting agency issues a notice of the results of quality inspection of imported salt.

Chapter II

CONTENTS OF AND PROCEDURES FOR QUALITY INSPECTION OF IMPORTED SALT AND PROCESSING OF INSPECTION RESULTS

Article 7. Contents of inspection

Inspecting agencies shall conduct inspection based on the following contents:

1. Inspecting the completeness of the dossier of registration for quality inspection of imported salt under Article 8 of this Circular.

2. Inspecting the conformity of the samples of imported salt batches and sample testing results with the dossier of registration for quality inspection of imported salt, and the quality requirements of imported salt prescribed in Article 4 and Appendix I to this Circular.

3. Re-assessing the quality of the imported salt batches when receiving complaints or denunciations about the quality of imported salt batches.

Article 8. Dossier of registration for quality inspection of imported salt

The importer shall send 1 (one) dossier set of registration for quality inspection of imported salt directly or by post to the inspecting agency defined in Article 11 of this Circular. A dossier must comprise:

1. A written registration for quality inspection of imported salt, made according to the form provided in Appendix III to this Circular.

2. Copies of the following papers:

a/ The goods purchase and sale contract (in Vietnamese or English; the contract in other languages must be enclosed with a Vietnamese translation, and the importer is held responsible before law for the accuracy of the translation).

b/ Invoices;

c/ List of goods;

d/ Certificate of origin;

dd/ Bill of lading;

e/ Import declaration;

g/ Tariff quota-based import license (if any);

3. A certified copy of the certificate of free sale (CFS) of table salt, granted by a competent agency of the exporting country under the Minister of Agriculture and Rural Development's Circular No. 63/2010/TT-BNNPTNT of November 1, 2010, prescribing certificates of free sale for imports and exports within the state management of the Ministry of Agriculture and Rural Development.

4. The originals of the following papers:

a/ The sampling record, made according to the form provided in Appendix IV to this Circular, and the imported salt samples, according to Point a, Clause 2, Article 6 of this Circular;

b/ The test results of imported salt samples granted by a laboratory meeting the VILAS standards in the chemical sector, made according to the form provided in Appendix VI to this Circular.

Article 9. Procedures for quality inspection of imported salt

1. The inspecting agency shall receive and check the completeness of the importer's dossier of registration for quality inspection of imported salt. Within 1 (one) working day after receiving the dossier, the inspecting agency shall issue a reply on the validity of the dossier and give certification in the "Written registration for quality inspection of imported salt", made according to the form provided in Appendix III to this Circular. The inspecting agency shall certify that the dossier is complete or still lacks the required papers for the importer to complete the dossier within 10 (ten) working days.

2. In case the importer fails to complete the dossier, the inspecting agency shall handle the case under Clause 2, Article 10 of this Circular.

3. If the dossier is complete, the inspecting agency shall, within 2 (two) working days after receiving the dossier, conduct inspection based on the contents prescribed in Clause 2, Article 7 of this Circular and issue a "Notice of the result of quality inspection of imported salt", specifically as follows:

a/ If the sample of the imported salt batch is consistent with the dossier, and the sample test result shows that imported salt satisfies the relevant quality requirements as prescribed in Article 4 and Appendix I to this Circular, the inspecting agency shall issue a "Notice of the result of quality inspection of imported salt", certifying that the batch satisfies the quality requirements of imported salt, made according to the form provided in Appendix II to this Circular, and send the notice to the importer and the customs office to carry out customs clearance procedures for the batch;

b/ If the sample of the imported salt batch is inconsistent with the dossier or the sample test result shows that imported salt does not satisfy the relevant quality requirements of imported salt as prescribed in Article 4 and Appendix I to this Circular, the inspecting agency shall issue a "Notice of the result of quality inspection of imported salt", certifying that the batch does not satisfy the quality requirements, made according to the form provided in Appendix II to this Circular, clearly stating the unsatisfactory contents, and send the notice to the importer and customs office.

4. Method of providing the results: The results shall be provided at the inspecting agency defined in Article 11, or sent by post to the importer, at his/her/its request. The importer shall pay the postal charges.

5. Conditions for an imported salt batch to be put for production or circulation on the market:

a/ The customs office shall complete the customs clearance for the batch only when the inspecting agency defined in Article 11 of this Circular issues a "Notice of the result of quality inspection of imported salt", certifying that the batch satisfies the quality requirements of imported salt, made according to the form provided in Appendix II to this Circular.

b/ The importer shall preserve his/her/its goods according to regulations of the customs office, and is not allowed to put salt for production or circulation on the market until the inspecting agency issues a "Notice of the result of quality inspection of imported salt", certifying that the batch satisfies the quality requirements of imported salt, and the customs office marks customs clearance in the import declaration form.

Article 10. Measures to handle imported salt batches which fail to satisfy quality requirements

1. If the sample test result of imported salt is inconsistent with the dossier or shows that the salt batch does not satisfy the relevant quality requirements of imported salt prescribed in Article

4 and Appendix I to this Circular, within 2 (two) working days after receiving the “Notice of the result of quality inspection of imported salt”, the importer may send a written request to a laboratory meeting the VILAS standards in the chemical sector for re-inspecting the quality of imported salt samples currently stored by the importer. The test result serves as a basis for the inspecting agency to handle the salt batch and give the final conclusion. The importer shall pay testing expenses.

2. If the importer fails to complete the dossier within the time limit prescribed in Clause 1, Article 9 of this Circular, and gives no explanation to the inspecting agency, the inspecting agency shall, within 3 (three) working days from the deadline for completing the dossier, not conduct quality inspection of imported salt.

3. If complaints or denunciations arise in the course of quality inspection of an imported salt batch, the inspecting agency shall take samples for re-inspecting the quality of that batch. The expenses for taking samples and re-inspecting the quality of imported salt shall be paid by the inspecting agency and included in the cost estimate of operating funds of the inspecting agency. The result of re-inspecting imported salt quality given by a laboratory meeting the VILAS standards in the chemical sector serves as a legal ground for the inspecting agency to handle the batch and give the final conclusion.

If the quality re-inspecting result shows that the salt batch does not satisfy the relevant quality requirements of imported salt as prescribed in Article 4 and Appendix I to this Circular, the importer shall refund the sampling and re-inspecting expenses to the inspecting agency.

4. Depending on the severity of his/her/its violations of this Circular, the importer shall be administratively sanctioned and take remedial measures, such as re-export or recycling of imported salt batches under the Government’s Decree No. 80/2013/ND-CP of July 19, 2013, on sanctioning of administrative violations in the field of standards, metrology and quality of products and goods.

Chapter III

RESPONSIBILITIES AND POWERS OF RELATED ORGANIZATIONS AND INDIVIDUALS

Article 11. Inspecting agencies

Provincial-level Departments of Agriculture and Rural Development shall direct and assign district-level Agriculture and Rural Development Branches to inspect and supervise imported salt of importers in accordance with this Circular.

1. Responsibilities:

a/ To carry out quality inspection of imported salt in areas under their management, ensuring the accuracy, truthfulness and objectivity of the inspection, and keep importers’ information confidential according to law;

b/ To receive dossiers of registration for quality inspection of imported salt; to carry out quality inspection of imported salt according to this Circular; to notify the results of quality inspection of imported salt; and to take responsibility for the inspection results;

c/ To receive and promptly and lawfully settle complaints and denunciations arising in the course of quality inspection of imported salt;

d/ To coordinate with customs offices in supervising importers in preserving the original conditions of imported salt batches until the inspecting agency issues a “Notice of the result of quality inspection of imported salt”, certifying that the batch satisfies the quality requirements of imported salt under this Circular;

dd/ To fully archive the inspection dossiers; to send quarterly, biannual and annual reports on the results of quality inspection of imported salt, made according to the form provided in

Appendix VII of this Circular, to the Ministry of Agriculture and Rural Development (via the Department of Processing and Trade for Agro-Forestry-Fisheries Products and Salt Production).

2. Powers:

a/ To request importers to provide information and documents related to imported salt batches to serve for the quality inspection of imported salt;

b/ To propose provincial-level Agriculture and Rural Development Departments to handle importers that fail to strictly comply with the regulations on quality inspection of imported salt;

c/ To request importers to take measures to handle imported salt batches which do not satisfy quality requirements as prescribed in Clause 4, Article 10 of this Circular; to supervise the handling and handling results.

Article 12. Salt importers

1. Obligations:

a/ To make registration for, and comply with the regulations on, quality inspection of imported salt in accordance with this Circular;

b/ To preserve the original conditions of imported salt batches under Point b, Clause 5, Article 9 of this Circular;

c/ To observe administrative sanctioning decisions (if any) and submit to supervision by competent agencies;

d/ To pay expenses for taking samples and testing the quality of imported salt under current regulations and expenses arising in the handling of imported salt batches which do not meet the quality requirements.

2. Powers:

a/ To select a laboratory meeting the VILAS standards in the chemical sector for testing the quality of imported salt;

b/ To request the inspecting agency to re-consider the inspection results or request re-inspection;

c/ To lodge complaints or denunciations about all illegal acts committed by inspecting agencies and laboratories in accordance with the law on complaints and denunciations.

Article 13. Laboratories meeting the VILAS standards in the chemical sector

1. Obligations:

a/ To comply with the testing process, meeting the requirements on human resources, testing devices, and importers' information confidentiality, as prescribed by law;

b/ To provide test results for inspecting agencies and importers on schedule. To ensure the accuracy and objectivity of test results and take responsibility for the test results;

c/ To pay material compensation to importers for damage caused by the mistakes during testing under current regulations;

d/ To archive testing-related dossiers or documents under regulations and produce them at the request of competent agencies;

dd/ To fulfill other obligations as prescribed by the law on product and goods quality.

2. Powers:

a/ To collect testing charges under current regulations;

b/ To refuse to provide information related to test results for the third party, except cases requested by competent state agencies.

Chapter IV
IMPLEMENTATION PROVISIONS

Article 14. Transitional provisions

To continue applying the provisions of the Minister of Agriculture and Rural Development's Circular No. 60/2011/TT-BNNPTNT of September 9, 2011, guiding the quality inspection of imported salt, and Circular No. 68/2011/TT-BNNPTNT of October 20, 2011, amending, supplementing and replacing a number of contents of Circular No. 60/2011/TT-BNNPTNT, to imported salt batches for which the import contracts have been signed and which satisfy either of the following conditions:

1. The goods have been loaded onto vehicles, with the date of loading written in the bill of lading (for goods transported by sea, by train or by air), or the date of goods arrival at the border gate (for goods transported by road) before the effective date of this Circular.

2. The letter of credit (L/C) had been opened, or the payment document had been issued before the effective date of this Circular.

Article 15. Effect

This Circular takes effect on January 1, 2015, and replaces the Minister of Agriculture and Rural Development's Circular No. 60/2011/TT-BNNPTNT of September 9, 2011, guiding the quality inspection of imported salt, and Circular No. 68/2011/TT-BNNPTNT of October 20, 2011, amending, supplementing and replacing a number of contents of Circular No. 60/2011/TT-BNNPTNT.

Article 16. Organization of implementation

1. The Department of Processing and Trade for Agro-Forestry-Fisheries Products and Salt Production:

a/ To direct the quality inspection of imported salt; to guide the quality inspection of imported salt; to supervise the operation of local inspecting agencies in the quality inspection of imported salt within the state management of the Ministry of Agriculture and Rural Development;

b/ To summarize and report the results of quality inspection of imported salt to the Ministry of Agriculture and Rural Development.

2. Provincial-level Agriculture and Rural Development Departments:

a/ To direct and assign district-level Agriculture and Rural Development Branches to conduct inspection and supervision of imported salt of importers in localities under their management according to this Circular;

b/ To handle imported salt batches which do not meet the quality requirements (if any) in accordance with law;

c/ To advise provincial-level People Committees on the allocation of funds for quality inspection of imported salt in localities under their management according to this Circular.

3. Any problems arising in the course of implementation should be promptly reported to the Ministry of Agriculture and Rural Development (via the Department of Processing and Trade for Agro-Forestry-Fisheries Products and Salt Production) for consideration, amendment and supplementation as appropriate.-

*For the Minister of
Agriculture and Rural Development*
Deputy Minister
VU VAN TAM

** All appendices to this Circular are not translated.*