

**THE MINISTRY OF
AGRICULTURE AND RURAL
DEVELOPMENT**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 07/2015/TT-BNNPTNT

Hanoi, February 14, 2015

CIRCULAR

Guiding the adoption of international standards, regional standards and foreign standards in activities managed by the Ministry of Agriculture and Rural Development^(*)

Pursuant to Law No. 68/2006/QH11 on Standards and Technical Regulations;

Pursuant to Law No. 05/2007/QH12 on Product and Goods Quality;

Pursuant to Law No. 55/2010/QH12 on Food Safety;

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 Government's Decree No. 127/2007/ND-CP of August 1, 2007, detailing the implementation of a number of articles of the Law on Standards and Technical Regulations;

Pursuant to the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing the implementation of 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 the implementation of a number of articles of the Law on Food Safety;

At the proposal of the Director of the Department of Science, Technology and Environment,

The Minister of Agriculture and Rural Development promulgates the Circular guiding the adoption of international standards, regional standards and foreign standards in activities managed by the Ministry of Agriculture and Rural Development.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular guides the adoption of international standards, regional standards and foreign standards in activities managed by the Ministry of Agriculture and Rural Development.

^(*) Công Báo Nos 297-298 (07/3/2015)

Article 2. Subjects of application

This Circular applies to agencies and organizations engaged in activities which are related to the application of international standards, regional standards and foreign standards under the management of the Ministry of Agriculture and Rural Development.

Article 3. Interpretation of terms

Adoption of international standards, regional standards and foreign standards (below referred to as adoption of standards) means the permission for direct or indirect application of international standards, regional standards and foreign standards in activities managed by the Ministry of Agriculture and Rural Development.

Article 4. Purposes, principles and criteria for adoption of standards

1. Purposes:

a/ To serve as a basis for conformity assessment through accreditation, certification, inspection, assessment, testing and calibration;

b/ To serve as a basis for quality management of agricultural products, goods and supplies;

c/ To step by step harmonize national standards and technical regulations with regional and international standards.

2. Principles:

When there are no national standards or national technical regulations or when there are firm grounds to prove the necessity to apply international standards, regional standards or foreign standards, the Ministry of Agriculture and Rural Development shall consider adopting standards related to activities under its management.

3. Criteria:

a/ The standards neither contravene law nor harm the security, national defense, socio-economic interests and other interests of Vietnam;

b/ They meet the requirements of relevant national technical regulations (if any);

c/ They are suitable to economic, technical and technological conditions of Vietnam;

d/ They meet management requirements and promote the development of domestic production;

dd/ They are the newest versions which remain valid.

Article 5. Funds

1. Funding sources:

Funds for the adoption of standards shall be allocated from annual state budget estimates for scientific and technological activities and other activities of the Ministry of Agriculture and Rural Development; and voluntarily contributed by domestic and foreign organizations and individuals.

2. Expense items:

a/ Expenses directly for making dossiers of request for adoption of standards:

Expense for outlining and estimating costs for dossiers of request for adoption of standards;

Expense (if any) for purchase of international standards, regional standards or foreign standards;

Expense for translation and editing of standards from foreign languages into Vietnamese.

b/ Expenses for management work:

Expense for meetings of councils to examine and appraise dossiers of request for adoption of standards;

Expense for members of these councils to make remarks and assessments.

Agencies and organizations shall themselves arrange funds for making dossiers of request for adoption of standards. Particularly, specialized management general departments and departments under the Ministry of Agriculture and Rural Development may use annual state budget allocations for scientific and technological activities to cover the expenses specified at Point a, Clause 2 of this Article for making dossiers of request for adoption of standards in the fields under their assigned management.

3. Expense levels:

The levels of expenses for adoption of standards are equivalent to those for elaboration of national standards and national technical regulations specified in Article 4 of Joint Circular No. 145/2009/TTLT-BTC-BKHCN of July 17, 2009, of the Ministry of Finance and the Ministry of Science and Technology, guiding the management and use of funds for elaboration of national standards and national technical regulations, and current regulations.

Chapter II

PROCEDURES AND COMPETENCE FOR ADOPTION OF STANDARDS

Article 6. Dossiers of request for adoption of standards

A dossier of request for adoption of a standard must comprise:

1. A written request for adoption of a standard, made according to form No. 1 enclosed with this Circular.

2. A version of the standard requested for adoption, enclosed with its Vietnamese translation, and their electronic files.

3. Explanations for adoption of the standard, made according to form No. 2 enclosed with this Circular.

Article 7. Order, procedures and competence for adoption of standards

1. An agency or organization engaged in activities managed by the Ministry of Agriculture and Rural Development shall make a dossier of request for adoption of a standard under Article 6 of this Circular and send it (directly or by post) to the related specialized management General Department or Department for examination.

2. The related specialized management General Department or Department shall:

a/ Examine the dossier and notify the examination results to the requesting agency or organization for dossier modification and completion; and send the modified dossier together with a written request for appraisal of the dossier to the Department of Science, Technology and Environment for appraisal;

A dossier of request for adoption of a standard shall be examined within 7 working days after it is received. An examination report shall be made according to form No. 3 enclosed with this Circular.

b/ When necessary, based on management requirements and its assigned tasks, the related specialized management General Department or Department shall make a dossier of request for adoption of a standard under Article 6 of this Circular and send it to the Department of Science, Technology and Environment for appraisal.

3. The Department of Science, Technology and Environment shall appraise the dossier of request for adoption of a standard and notify the appraisal results to the related specialized management General Department or Department for dossier modification and completion. A dossier of request for adoption of a standard shall be appraised within 15 working days after it is received. An appraisal report shall be made according to form No. 3 enclosed with this Circular.

4. The related specialized management General Department or Department shall submit to the Minister of Agriculture and Rural Development for signing a standard-approving decision after completing the dossier based on the appraisal opinions of the Department of Science, Technology and Environment.

5. A dossier to be submitted to the Minister of Agriculture and Rural Development must comprise:

- a/ A report for adoption of a standard;
- b/ The examination report and appraisal report;
- c/ The draft standard (in a foreign language and Vietnamese);
- d/ A draft of the standard-adoption decision.

Chapter III

IMPLEMENTATION PROVISIONS

Article 8. Effect

This Circular takes effect on April 2, 2015.

Article 9. Implementation responsibility

1. The units under the Ministry of Agriculture and Rural Development and related organizations and individuals shall implement this Circular.

2. Any problems arising in the course of implementation of this Circular should be promptly reported to the Ministry of Agriculture and Rural Development for study and amendment and supplementation.

Minister of Agriculture and Rural Development
CAO DUC PHAT

** All forms enclosed with this Circular are not translated.-*