

ORDINANCE ON GOODS QUALITY

(No.18/1999/PL-UBTVQH10)

To raise the goods quality and production and business efficiency; to protect the legitimate rights and interests of production and business organizations and individuals as well as consumers; to rationally use natural resources and labor; to protect the environment; to promote scientific and technological progresses; to enhance the State management effectiveness; and to create favorable conditions for international technical, economic and trade cooperation;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam:

Pursuant to the Resolution of the Xth National Assembly, 4th session, on the legislative program for its whole tenure as well as the 1999 legislative program:

This Ordinance provides for goods quality.

Chapter I

GENERAL PROVISIONS

Article 1.- This Ordinance stipulates the promulgation and application of goods quality standards, the quality certification, the recognition of quality control systems, and the examination and

inspection of goods quality in the course of production and business.

Article 2.- The State shall exercise the unified management over goods quality according to the provisions of this Ordinance and other provisions of law.

In cases where international agreements which the Socialist Republic of Vietnam has signed or acceded to contain provisions different from the provisions of this Ordinance, the provisions of such international agreements shall apply.

Article 3.- Production and business organizations and individuals shall take responsibility for their goods quality as prescribed by law.

Article 4.- The State encourages and creates conditions for production and/or business organizations and individuals of all economic sectors to ensure their goods quality by applying the quality standards and quality control measures according to the Vietnamese standards or foreign and international standards permitted to be applied in Vietnam.

Article 5.- State agencies, economic organizations, political organizations, socio-political organizations, social organizations, socio-professional organizations, people's armed forces units and all individuals shall have to implement this Ordinance and other provisions of the legislation on goods quality.

The Vietnam Fatherland Front's Central Committee and member organizations shall, within the ambit of their tasks and powers, have to propagate, educate and encourage people to abide by and supervise the implementation of the legislation on goods quality.

Article 6.- Organizations and individuals shall have the right to complain about, and individuals shall have the right to denounce, acts of violation of the legislation on goods quality. Organizations and individuals shall have the right to propose to the competent State agencies measures to raise goods quality. The competent agencies and organizations shall have to promptly settle complaints, denunciations and proposals according to law provisions.

Article 7.- The State of the Socialist Republic of Vietnam encourages the expansion of international cooperation on goods' quality with foreign countries, international organizations, foreign organizations and individuals.

Article 8.- To strictly prohibit the following acts:

1. Producing, trading in goods that fail to ensure the quality prescribed by law;
2. Giving false information, making untruthful advertisements or committing other fraudulent acts concerning the goods quality.

Chapter II

PROMULGATION AND APPLICATION OF GOODS QUALITY STANDARDS

Article 9.- The quality standards include the provisions on norms, technical requirements, testing methods, package, labeling, transportation and preservation of goods; on the quality control systems and other matters related to goods quality.

The quality standards shall be reflected in form of technical documents.

Article 10.- The Government shall stipulate the promulgation of the Vietnamese standards on goods quality (hereafter referred to as Vietnamese standards) as well as the use of foreign and international standards in Vietnam.

The ministers, the heads of the ministerial-level agencies and the heads of the agencies attached to the Government shall promulgate the branch standards on goods quality (hereafter referred to as branch standards) for application within their respective branches or domains assigned to them for management according to the Government's stipulations.

Production and business organizations and individuals shall promulgate the basic standards on goods quality (hereafter referred to as basic standards) for application within their own establishments and shall take responsibility for the goods' quality standards they have promulgated.

Article 11.-

1. The State encourages production and/or business organizations and individuals to elaborate and apply the basic standards; participate in the elaboration and application of the Vietnamese standards and branch standards; and announce their goods which meet the corresponding Vietnamese and branch standards.

2. The State creates conditions for organizations

and individuals to voluntarily apply foreign and international standards on the basis of compliance with the provisions of Vietnamese law and international agreements which Vietnam has signed or acceded to so as to promote international technical, economic and trade cooperation.

Article 12.-

1. Goods related to foodstuff, safety, hygiene, human health, environment and other objects prescribed by law must be subject to the application of Vietnamese standards.

The Government shall stipulate the promulgation of a list of goods subject to the Vietnamese standards.

2. Production and business organizations and individuals stipulated in Clause 1 of this Article shall have to announce and ensure that their goods are compatible with the corresponding Vietnamese standards.

Article 13.-

1. In addition to the list of goods subject to the Vietnamese standards stipulated in Clause 1, Article 12 of this Ordinance, basing themselves on the goods quality control requirements in each period, the ministers, the heads of the ministerial-level agencies and the heads of the agencies attached to the Government shall define goods within their branches and domains assigned for management, which shall be subject to the branch standards or other standards.

2. Production and business organizations and individuals stipulated in Clause 1 of this Article shall have to announce and ensure that their goods meet the corresponding standards.

Article 14.- The Minister of Science, Technology and Environment shall stipulate conditions and procedures for the announcement of goods meeting the goods quality standards.

Chapter III

**QUALITY CERTIFICATION AND
RECOGNITION OF QUALITY
CONTROL SYSTEMS**

Article 15.-

1. The quality certification includes the certification of goods quality, certification of quality control

systems as compatible with the Vietnamese standards or foreign standards applicable in Vietnam.

2. The recognition of quality control systems includes the recognition of quality control systems of the goods quality test offices, goods quality expertizing organizations, goods quality certifying organizations, and organizations certifying quality control systems' compatibility with the Vietnamese standards, branch standards, or foreign or international standards applicable in Vietnam.

Article 16.- The certification of goods quality and quality control systems; and the recognition of quality control systems of organizations stipulated in Article 15 of this Ordinance shall be conducted by organizations engaged in the technical service activities.

The conditions for operation of organizations in charge of the quality certification and quality control system recognition shall be stipulated by the Government.

Article 17.- The State encourages production and business organizations and individuals to voluntarily apply the quality control systems and voluntarily ask for certification of their goods quality as well as their quality control systems; encourages the goods quality testing offices, goods quality expertizing organizations, goods quality-certifying organizations and goods quality control system-certifying organizations to voluntarily ask for recognition of their respective quality control systems.

Article 18.-

1. On the basis of the list of goods subject to the standards stipulated in Clause 1, Article 12 of this Ordinance, the Government shall prescribe the promulgation of the list of goods which must be certified as having quality compatible with the Vietnamese standards.

2. Basing themselves on the list of goods subject to the standards stipulated in Clause 1, Article 13 of this Ordinance, the ministers, the heads of the ministerial-level agencies and the heads of the agencies attached to the Government shall issue lists of goods subject to the quality certification according to branch standards or other standards.

Article 19.- The State encourages and creates conditions for mutual acknowledgement in the goods quality certification activities and recognition of

quality control systems between Vietnam and foreign countries.

Chapter IV

RESPONSIBILITIES OF PRODUCTION AND BUSINESS ORGANIZATIONS AND INDIVIDUALS FOR GOODS QUALITY

Article 20.- Production and business organizations and individuals shall have to promulgate the goods quality standards according to law provisions; ensure that their goods reach the already promulgated quality standards; examine the goods quality and take responsibility for the quality of goods they produce or trade in.

Article 21.- Production and business organizations and individuals shall have to ensure the truthfulness and accuracy of information and advertisement on their goods quality; and ensure that the goods' labels clearly inscribe the standards, properties, usage, use duration and other contents prescribed by law; promulgate the warranty conditions, duration and places and provide customers with instructions on the use of goods.

Article 22.- Production and business organizations and individuals shall have to promptly settle all customers' complaints about their goods quality; collect, study and accept the customers opinions on their goods quality; and reimburse and pay compensation for any damage caused to customers as prescribed by law.

Chapter V

STATE MANAGEMENT OVER GOODS QUALITY

Article 23.- The contents of State management over goods quality include:

1. Elaborating and organizing the implementation of policies, plannings and plans on goods quality;
2. Issuing and organizing the implementation of legal documents on goods quality.
3. Organizing and managing operations of the goods quality State management agencies of all levels;
4. Issuing and stipulating the application of the

Vietnamese standards and branch standards; stipulating the application of foreign and international standards; and guiding the establishment and application of basic standards; and stipulating goods quality charges and fees of various kinds;

5. Managing the goods quality certification activities and certification of quality control systems; the recognition of quality control systems of the goods quality testing offices, goods quality expertizing organizations, goods quality-certifying organizations and goods quality control systems-certifying organizations;

6. Organizing the scientific research and the application of technical advances in the field of goods quality;

7. Organizing and managing the professional and technical training and fostering on goods quality;

8. Organizing the information, propagation and popularization of knowledge and laws on goods quality;

9. Organizing and effecting international cooperation on goods quality.

10. Inspecting, examining the observance of the legislation on goods quality; settling complaints and denunciations and handling violations of the legislation on goods quality.

Article 24.-

1. The Government shall exercise the unified State management over goods quality throughout the country.

2. The Ministry of Science, Technology and Environment shall take responsibility before the Government for the unified State management over goods quality.

The Government shall specify responsibilities of the ministries, ministerial-level agencies and agencies attached to the Government in exercising the State management over goods quality.

3. The Ministry of Science, Technology and Environment shall coordinate with the Ministry of Trade, the ministries, ministerial-level agencies and agencies attached to the Government in exercising the State management over goods quality according to the assignment of responsibilities by Government.

4. The People's Committees of all levels shall,

within the ambit of their tasks and powers, exercise the State management over goods quality in their respective localities according to the assignment of responsibilities by the Government.

Article 25.- The Government shall stipulate goods quality charges and fees.

Chapter VI

EXAMINATION AND INSPECTION OF GOODS QUALITY

Article 26.-

1. On the basis of the quality control requirements in each period, the Government shall issue a list of goods which must be examined in terms of their quality and organize the goods quality examination; and issue the regulations on goods quality examination.

2. Goods which have been certified as meeting the set standards; goods of production and business organizations and individuals, which have been certified as having quality control systems compatible with the Vietnamese standards or foreign or international standards shall be exempt from the quality examination, except for cases where signs of violations of the quality control legislation are detected.

Article 27.-

1. The inspection of goods quality shall be effected by the goods' quality specialized inspectorate.

2. The organization and operations of the goods quality specialized inspectorate shall be stipulated by the Government.

Article 28.- The goods quality specialized inspectorate is tasked to inspect the observance of the legislation on goods quality, impose sanctions, apply or propose according to its competence measures for prevention or termination of violations of the legislation on goods quality.

The inspection shall be conducted by inspection teams or inspectors.

Article 29.-

1. In the course of inspection, an inspection team or inspector shall have the competence:

a/ To request the relevant organizations or

individuals to supply documents and answers on the matters necessary for the inspection:

b/ To take goods samples for testing according to law;

c/ To make record on the inspection and propose handling measures:

d/ To apply measures for the prevention and handling of violations according to law provisions; where signs of a crime are detected, to transfer the dossier to the competent State agency.

2. During the inspection, the inspection team or inspector shall have the responsibility:

a/ To produce the inspection decision and inspector's card;

b/ To strictly comply with the inspection order and procedures, not to trouble, harass or obstruct production/business activities; not causing harms to the legitimate rights and interests of production and business organizations and/or individuals as well as consumers:

c/ To abide by law and take responsibility for all their acts, conclusions and handling measures; and pay compensation for damage incurred as prescribed by law.

Article 30.- The inspected organizations and/or individuals shall have to create conditions for the inspection teams or inspectors to perform their tasks and have to execute decisions of the inspection teams or inspectors.

Article 31.- The inspected organizations and/or individuals shall have the right to complain about or initiate a lawsuit against decisions or handling measures of the inspection teams or inspectors according to law provisions. Pending the consideration and settlement by the competent agencies and organizations, the inspected organizations and/or individuals shall still have to execute the decisions or handling measures of the inspection teams or inspectors, except otherwise provided for by law.

Chapter VII

COMMENDATION AND HANDLING OF VIOLATIONS

Article 32.- Organizations and/or individuals that record achievements in the goods quality-related activities or that detect violations of the legislation on

goods quality shall be commended according to law provisions.

Article 33.- Any persons who produce and trade in goods which fail to meet the goods quality standards produce and trade in goods on the list of goods, which are subject to the Vietnamese standards but fail to conform thereto; violate the regulations on quality certification, recognition of quality control systems or commit other violations of the legislation on goods quality shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability as prescribed by law.

Article 34.- Any persons who abuse their positions and powers to violate the regulations on the promulgation, certification of quality, recognition of quality control systems, permit the circulation, export and/or import of goods on the list of goods which are subject to the quality examination but have not been examined or fail to meet the quality standards after being examined, or who commit other violations of the legislation on goods quality, shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability as prescribed by law.

Article 35.- Any persons who commit violations of the legislation on goods quality, thus causing damage to organizations and/or individuals shall not only be dealt with according to Articles 34 and 35 of this Ordinance but also have to pay compensation for damage according to law provisions.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 36.- This Ordinance takes effect as from July 1st, 2000.

Article 37.- This Ordinance replaces the Ordinance on Goods Quality of December 27, 1990.

The earlier provisions contrary to this Ordinance are all now annulled.

Article 38.- The Government shall detail the implementation of this Ordinance.

*On behalf of the National Assembly
Standing Committee
Chairman
NONG DUC MANH*