

**LAW
CROP PRODUCTION**

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly hereby passes the Law on Crop Production.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Law provides for crop production activities; rights and obligations of crop farming entities and persons; state management of plant production activities.

Article 2. Definition

For the purposes of this Law, terms used herein shall be construed as follows:

1. *Plant production* means an economic – technical agricultural industry in connection to the cultivation of agricultural crops, ornamental plants and edible mushrooms for human use.
2. *Crop production activities* comprise activities related to plant varieties, fertilizers, crop cultivation, harvesting, handling, storage, processing, trading and management of quality of agricultural produce.
3. *Crop cultivation* means the process by which humans use natural resources, agricultural equipment, supplies and apply the manufacturing process in order to create different crop products.
4. *Crop product* means the harvest part of an agricultural crop, ornamental plant and edible mushroom.
5. *Plant variety* means a population of plants that can be distinguished from other populations of plants through the expression of at least one trait which is passed to the next; is uniform in morphological characteristics and stable over the cycle of propagation; has the value for cultivation or use; includes agricultural plant varieties, medicinal plant varieties, ornamental plant varieties and edible mushroom varieties.
6. *Propagating material* means a plant or its vegetative part, edible mushroom or its vegetative part that can develop into a new individual and can be used for vegetative propagation or seeding.
7. *Major crop* means the most common plant species that are important for economic development and need to be closely managed.
8. *Annual plant* means a crop that is planted, harvested and completes its life cycle within one year, including annual trees, including an annual plant whose root is stored.
9. *Perennial plant* means a crop that is planted once, grown over many years and harvests one or more time.
10. *Distinctness of a plant variety* means the ability to clearly distinguish a plant variety from widely known plant varieties.
11. *Uniformity of a plant variety* means the same expression of the plant variety for the relevant characteristics, except for the deviations within the allowable limits for certain particular characteristics in the propagation process.
12. *Stability of a plant variety* means the stable expression of relevant characteristics which are like initially described ones, and remain unchanged after each propagation season or after each propagation cycle in the case of the cycle-specific propagation of plant varieties.
13. *Plant variety testing* means the monitoring and evaluation of indicators for determining distinctness, uniformity, stability, value for cultivation and use, of plant varieties according to certain methods.
14. *Controlled testing* means the test on a plant variety in an artificial environment so that the plant variety can express all characteristics of tolerance to harmful organisms and unfavorable conditions.

15. *Fertilizer testing* means the monitoring and evaluation of indicators to determine the mode of use, the environmental impact, the agronomic efficiency and the economic efficiency of each fertilizer product.
16. *Narrow field testing* means the test which takes place on a field or small plot, is repeated and conducted in conformity with national standards on testing methods for test subjects.
17. *Wide field testing* means the test which takes place on a field or large plot, is not repeated and is conducted in conformity with national standards on testing methods for test subjects.
18. *First-generation plant* means the best plant which is selected and recognized amongst a plant's population.
19. *First-generation plant garden* means a garden of plants propagated from first-generation plants or the one established by an accredited and recognized entity or person.
20. *Fertilizer* means products that provide nutrients or improve soil to increase crop yield and quality.
21. *Fertilizer quality index* means a technical specification regarding properties, ingredients and contents of a fertilizer product that reflect its quality as prescribed in relevant applicable technical regulations and standards.
22. *Nutrient element found in a fertilizer* means a chemical element essential for the growth and development of plants.

Article 3. Principles of crop production activities

1. Develop crop production according to the value chain, connect it with market orientations, correspond to crop production development strategies, planning and proposals for use of land and other resources; create favorable conditions for the development of cooperation and cooperation in production and the establishment of areas for the concentrated commodity production, contract-based production and production obtaining quality certification; maintain food security; balance the interests of the State and those of organizations and individuals.
2. Make effective, economical and sustainable use of natural resources and infrastructure facilities; use agricultural supplies in a safe and efficient manner.
3. Comply with technical standards and regulations on land and water environmental quality and production processes; ensure food safety, biosafety, epidemic safety and environmental protection.
4. Promote regional advantages, connect crop production activities with the conservation of specialty and indigenous cultivated crop varieties; protect sustainable crop cultivation systems, agricultural heritage, landscape and culture associated with eco-tourism and new rural development.
5. Proactively forecast, prevent and control natural disasters and harmful organisms; make adaptations to climate change.
6. Meet international integration requirements; comply with treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 4. State policies on crop production activities

1. The State shall invest in the following activities:
 - a) Enumerating, investigating and building databases of crop production activities; databases of market information and forecasting; developing strategies for crop production development; establishing technical standards and regulations on crop farming activities;
 - b) Building and improving infrastructure facilities and equipment of state-owned science and technology bodies specialized in conducting policy and fundamental researches in the crop production sector;
 - c) Science and technology activities referred to in point a and b of clause 2 of Article 6 herein;
 - d) Training agricultural extension personnel working in areas facing difficult or extremely socio-economic conditions.
2. In each period and within the capacity of the state budget, the State shall support the following activities:
 - a) Production connection, development of concentrated commodity production areas and organic crop production zones; shift in the crop structure; farming on the sloping land, lowland, alkaline soil, saline soil, sandy soil at or near the coast, soil at risk of desertification or degradation; development of material areas serving the needs of processing plants; management of planting zones and commodity origin tracking;
 - b) Science and technology activities referred to in point c of clause 2 of Article 6 herein;
 - c) Application of advanced quality control systems and crop product certification;

d) Construction of infrastructure, analysis and evaluation of primary crop production conditions, agro-chemical and soil evaluation for the concentrated commodity production; building of infrastructure facilities intended for crop produce preservation, storage and processing; production of organic fertilizers, biological products; organic farming; mechanization; national laboratories and international inter-laboratory testing;

dd) Planned rice production;

e) Production of super prototypal varieties, prototypal varieties and parental varieties for production of F1 hybrid seeds, new original and commercial varieties; revitalization of specialty varieties and indigenous crop varieties; preservation of first-generation plants; protection and development of first-generation plant gardens; import of new varieties, disposition of plant variety property rights;

g) Construction of wholesale markets in crop products; branding, trade promotions, development of markets for consumption of crop products;

h) Restoration of crop production in case of natural disasters or epidemics that may occur;

i) Workforce training; transfer of technological breakthroughs and advances in agricultural extension in the crop production industry.

3. The State shall encourage organizations and individuals to invest in activities specified in clauses 1 and 2 of this Article and the following activities:

a) Cooperation and affiliation in research and development, business, supply of engineering services, technology transfer and related activities in the crop production sector;

b) Private sector investment in public services in the crop production industry; improvement of the capacity for performing conformity assessment activities;

c) Crop insurance;

d) Organic farming, farming associated with ecotourism, landscape protection, culture and history at rural areas;

dd) Use of organic fertilizers.

Article 5. Crop production development strategy

1. The crop production development strategy shall be developed over the cycle of 10 years with vision towards 20 years; shall be appropriate for the socio-economic development strategy, other relevant planning schemes and proposals.

2. The crop production development strategy must define viewpoints, regulatory principles, visions, objectives, tasks, solutions and conduct of implementation of tasks of crop production development across the country.

3. The Ministry of Agriculture and Rural Development shall preside over and cooperate with Ministries, Ministry-level agencies and provincial People's Committees in formulating and submitting to the Prime Minister the Strategy for development of crop production.

Article 6. Scientific and technological activities in the crop production industry

1. Scientific and technological activities in the crop production industry shall be performed in accordance with this Law and other legislation on science and technology and technology transfers.

2. Scientific and technological activities in the crop production industry shall receive the State's investment or investment incentives, including:

a) Studying mechanisms and policies in the crop production industry; selecting and creating high-quality plant varieties which can resist harmful organisms and adapt to climate change; making best use of beneficial organisms; developing organic fertilizers, biological products, cultivation techniques and environmental protection in the crop production industry; conducting researches into soil science, crop nutrition and postharvest technologies;

b) Collecting, keeping, conserving and making best use of genetic resources of precious, rare plant varieties, specialty plant varieties and indigenous cultivated plant varieties; building crop gene banks;

c) Carrying out research and development and application of high technologies, advanced technologies and new technologies in crop cultivation, preservation and processing activities; organic farming and crop production practices adaptable to climate change.

Article 7. International cooperation in crop production

1. The State of the Socialist Republic of Vietnam shall carry out international cooperation in crop production with countries, territories and international organization on the basis of equality, mutual interest, respect for national independence, sovereignty and legislation of each partner and international laws.

2. Tasks of international cooperation in crop production include:

a) Scientific research and technology transfer regarding plant varieties, agricultural supplies, processes and crop production technologies, postharvest technologies, information exchange and crop genetic resources;

b) Training of high-quality personnel working in the crop production industry;

c) Investment cooperation, production affiliation, forecast and development of markets for consumption of crop produce;

d) Construction and mutual recognition of quality certification systems in the crop production industry.

3. The Ministry of Agriculture and Rural Development shall preside over and cooperate with Ministries, Ministry-level bodies and provincial People's Committees in carrying out international cooperation in crop production.

Article 8. National crop production database

1. The national crop production database is the information system relating to crop production which is set up in a uniform manner from the central government level to the local jurisdiction level and is standardized for update, operation and management by using the information technology.

2. National crop production databases shall be composed of the followings:

a) Database of legislative documents and regulatory documents relating to the crop production;

b) Crop production, preservation, processing and trading database;

c) Database of scientific research and technological development results, technical standards and regulations; database of soil nutrition and use of farming land; database of plant varieties, fertilizers and irrigation water;

d) Other crop database.

3. Organizations and individuals shall be required to supply information, update and utilize the national crop production database under the provisions of law.

4. The Minister of Agriculture and Rural Development shall regulate provision of information, update, utilization and management of the national crop production database.

Article 9. Prohibited crop production activities

1. Manufacturing, trading and importing plant varieties which have not obtained circulation decisions or circulation self-declaration, unless otherwise permitted by competent authorities.

2. Producing, trading and importing fertilizers which have not yet obtained circulation recognition decisions in Vietnam, except for the import of fertilizers specified in clause 2 of Article 44 herein, and the production of fertilizers for export under contracts with foreign organizations and individuals.

3. Producing and trading plant varieties that do not meet production and trading requirements; producing and trading fertilizers which have not yet been granted the certificates of compliance with fertilizer production or trading regulations.

4. Producing, trading and importing plant varieties, fertilizers, other agricultural supplies and plant products which are counterfeit, expire and are of unknown origin.

5. Providing information on plant varieties and fertilizers which is inconsistent with information already approved by competent authorities or self-declared information.

6. Illegally rendering such services as testing, trial and assessment of plant variety fields, evaluation and certification of quality of plant varieties, crop products and fertilizers.

7. Providing the wrong or forged results of trial, testing, assessment of crop variety cultivation field, inspection, evaluation, certification of quality, conformance to standards and regulations regarding agricultural supplies and crop products.

8. Illegally exporting plant varieties in the nomenclature of crop genetic resources prohibited for export.

9. Exercising farming practices harming crops, livestock and human health; causing environmental pollution; degradation and depletion of land, water resources and biodiversity.

10. Illegally extracting and using topsoil of arable land for wet rice cultivation for non-agricultural purposes.

Chapter II

PLANT VARIETIES

Section 1. RESEARCH, EXPLOITATION, USE AND CONSERVATION OF CROP GENETIC RESOURCES

Article 10. Research on selection, generation of and technology transfer regarding crop genetic resources

1. Conducting researches on selection, generation and technology transfer regarding crop genetic resources in accordance with legislative regulations on science and technology, technology transfer and biodiversity.
2. Prioritizing researches in selection and generation of crop genetic resources as prescribed in points a and b of clause 2 of Article 6 herein.

Article 11. Exploitation and utilization of crop genetic resources

1. Crop genetic resources shall include genetic resources already granted or endorsed by circulation recognition decisions or permission for circulation self-declaration; plant varieties which have been prevalent in crop production activities, specialty plant varieties, indigenous plant varieties and/or imported plant varieties which have not yet been granted circulation recognition decisions or permission for circulation self-declaration.
2. The exploitation and utilization of crop genetic resources shall be subject to the provisions of this Law and the legislation on biodiversity.

Article 12. Conservation of crop genetic resources

1. Conservation of crop genetic resources shall be comprised of the following activities:
 - a) Inspecting, collecting, retaining and building banks of crop genetic resources;
 - b) Decoding genes, evaluating agronomic and biological indicators and useful value of crop genetic resources;
 - c) Establishing and sharing data, documentary information systems and crop genetic resources.
2. The Government shall adopt detailed regulations on the conservation of crop genetic resources and shall promulgate the nomenclature of crop genetic resources prohibited from export.

Section 2. RECOGNITION OF CIRCULATION AND SELF-DECLARATION OF CIRCULATION OF PLANT VARIETIES

Article 13. General requirements concerning recognition of circulation and self-declaration of circulation of plant varieties

1. Plant varieties belonging to the main plant species may be produced, traded, exported or imported only after being granted the decision on recognition of plant variety circulation as provided for in Article 15 hereof, or granted the Decision on recognition of privileged circulation of plant varieties as provided for in Article 16 hereof, except in the case where plant varieties are intended for research, trial, exhibition, international exchange or production of hybrid seeds for export.
2. Plant varieties not belonging to the main plant species may be produced, traded, exported or imported only if breeding organizations or individuals are granted permission for self-declaration of circulation of plant varieties as provided for in Article 17 hereof, except in the case where plant varieties are intended for research, trial, advertisement, exhibition, international exchange or production of hybrid seeds for export. In case where organizations and individuals wish to apply for the decision on recognition of circulation of plant varieties, they must comply with the provisions of Article 15 of this Law; or if they wish to apply for the decisions on recognition of the privileged circulation of plant varieties, they must comply with the provisions of Article 16 of this Law.
3. Both Vietnamese and foreign organizations and individuals whose representative offices or branches are operating in the crop variety sector in Vietnam shall have the right to submit applications bearing their names for decisions on recognition of circulation or permission for self-declaration of circulation of plant varieties.
4. The grant of the decision on recognition of circulation of plant varieties shall be effected concurrently with the grant of the plant variety patent if organizations and individuals applying for recognition of circulation of plant varieties under their own names make their requests and satisfy the requirements concerning the protection of plant varieties in accordance with the law on intellectual property.
5. Plant varieties belonging to the main plant species must be tested by accredited independent testing bodies (hereinafter referred to as plant variety testing body or bodies) before granting or extending the decision on recognition of circulation of plant varieties, except in the case where plant varieties are granted the decision on recognition of privileged circulation of plant varieties as stipulated in Article 16 of this Law.

Ornamental plant varieties belonging to the main plant species must be trialed in accordance with clause 2 of Article 18 herein.

6. Over periods of time, the Minister of Agriculture and Rural Development shall promulgate and amend the Nomenclature of main crops.

Article 14. Names of plant varieties

1. The name of a plant variety shall not be accepted in the following cases:

- a) The name includes numerals only;
- b) The name violates historical, cultural, moral traditions, national customs and values.
- c) The name is read or written the same as the name of a national leader, hero/heroine, celebrity, a food, beverage or pharmaceutical;
- d) The name of a state agency, a people's armed force unit, political organization, socio-political organization, socio-political-professional organization, social organization, socio-professional organization is used to make a part or the whole of the name of a plant variety, unless otherwise approved by concerned agencies, organizations or units;
- dd) The name easily causes mistakes about the particulars or characteristics of that plant variety;
- e) The name easily causes mistakes about the author's name;
- g) The name is the same as the name of the patented plant variety.

2. Organizations and individuals trading plant variety propagating materials must use the plant variety's name obtaining the decision on recognition of circulation of plant varieties or permission for self-declaration of circulation of plant varieties.

3. In order for the name of a plant variety to be used in combination with a brand name, trade name or indications similar to a name of the plant variety recognized for circulation or declared for circulation for production and trading purposes, the name must be easily identifiable.

Article 15. Issuance, re-issuance, renewal, suspension, restoration and revocation of the decision on recognition of circulation of plant varieties

1. Requirements for grant of the decision on recognition of circulation of a plant variety shall be composed of the followings:

- a) That plant variety's name is available;
- b) Trial results show the distinctness, uniformity and stability of that plant variety;
- c) Trial results show that plant variety is conformable to national standards regarding its value for cultivation and use;
- d) Plant variety samples are preserved under the provisions of Article 20 herein;
- dd) The declaration of information about that plant variety and cultivation processes is prepared by an organization or individual bearing its/his/her name on an application for the decision on recognition of circulation of that plant variety.

2. The decision on recognition of circulation of an annual plant variety has its validity period of 10 years and 20 years for that of a perennial plant variety. Both may be extended.

3. The decision on recognition of circulation of a plant variety may be re-issued in the following cases:

- a) It is lost or damaged;
- b) Its information has been changed or supplemented.

4. The decision on recognition of circulation of a plant variety may be extended if the following requirements are met:

- a) An organization or individual makes its/his/her request for such extension;
- b) The results of the controlled trial stipulated in point a of clause 2 of Article 18 herein shows that plant variety conforms to national standards regarding its value for cultivation and use.

5. The decision on recognition of circulation of a plant variety may be suspended if that plant variety fails to maintain the same level of uniformity or stability or the same value for cultivation or use as determined by the date of grant of the decision on circulation of that plant variety.

6. The decision on recognition of circulation of a plant variety which has been suspended may be restored if the organization or individual awarded that decision has managed to correct the failure specified in clause 5 of this Article.

7. The decision on recognition of circulation of a plant variety may be revoked in the following cases:

a) It is established that the application documentation for recognition of circulation of a plant variety is fraudulent;

b) The distinctness of the plant variety has not been maintained the same as that determined on the date of grant of the decision on recognition of circulation of the plant variety;

c) The failure referred to in clause 5 of this Article has not been corrected;

d) The holder of the decision has already been subject to an administrative penalty and repeats its/his/her offence;

dd) The holder of the decision commits other violation of law that results in revocation of that decision in accordance with laws in force.

8. The Government shall regulate application documents, processes, procedures for, authority over issuance, re-issuance, renewal, suspension, restoration and revocation of the decision on recognition of circulation of a plant variety.

Article 16. Grant of the decision on recognition of circulation of a plant variety

1. Requirements for grant of the decision on recognition of circulation of a plant variety shall be composed of the followings:

a) The plant variety is a specialty or indigenous propagated one, or the plant variety existing and used for crop production purposes for a long time or the one requested for grant of such decision by local jurisdictions;

b) The description of particulars and status of the plant variety is available;

c) Plant variety samples are preserved under the provisions of Article 20 herein.

2. As for the decision on recognition of privileged circulation of a plant variety referred to in clause 1 of this Article, provisions laid down in clause 2, 4, 5 and 6 herein shall not be applied.

3. The Government shall regulate application documents, processes, procedures for, authority over issuance, re-issuance and revocation of the decision on recognition of privileged circulation of a plant variety.

Article 17. Self-declaration of circulation of a plant variety

1. Requirements for self-declaration of circulation of a plant variety shall be as follows:

a) That plant variety's name is available;

b) The plant variety has the value for cultivation or use conformable to national standards applied to plant species obtaining permission for self-declaration of circulation; in the absence of national standards, local standards shall be applied;

c) Declaration of information about the plant variety and propagation processes is prepared by a self-declaring organization or individual.

2. Self-declaring organizations and individuals shall be responsible for ensuring provided information is accurate.

3. The Government shall regulate application requirements, processes and procedures for self-declaration of circulation of a plant variety.

Section 3. PLANT VARIETY TESTING

Article 18. Contents of a plant variety test

1. Tests of a plant variety for its distinctness, uniformity and stability.

2. Tests of a plant variety for its value for cultivation or use, including:

a) Controlled tests;

b) Narrow field tests;

b) Wide field tests.

Article 19. General requirements concerning plant variety testing

1. Plant variety tests referred to in clause 1 and point a of clause 2 of Article 18 herein shall only be conducted at one fixed location.
2. Plant variety tests referred to in point b and c of clause 2 of Article 18 herein shall be conducted in specific regions. The plant variety that is tested in a region shall obtain the decision on recognition of circulation of a plant variety issued by the competent authority in that region.
3. Testing methods and determination of regions for plant variety tests shall be prescribed in national standards of methods of testing of plant species intended for testing.
4. Gardens of perennial plant varieties must be established by organizations and individuals signing their names on applications for recognition of circulation of these plant varieties in conformance to national standards of the method of testing of plant varieties which is employed in order to evaluate necessary indicators.
5. Both narrow and wide tests shall be conducted at the same time.
6. The genome sequencing method shall be used in place of the distinctness testing method in order to check the trueness to variety.
7. Before testing genetically modified plant varieties, the risk assessment must be carried out in accordance with the law on biodiversity.

Article 20. Storage of plant variety samples

1. The sample of a plant variety used for applying for the circulation of that plant variety must be kept during the period of testing and circulation of that plant variety (hereinafter referred to as retention sample) managed by a body specialized in management of crop production.
2. Retention of the plant variety sample shall be carried out in one of the following forms:
 - a) Storage of the crop propagating materials;
 - b) Storage of crop genome sequencing data;
 - c) Storage of both crop propagating materials and crop genome sequencing data.
3. A retention sample shall be used:
 - a) as the plant variety for testing purposes, the control plant variety, the similar plant variety and the typical plant variety serving tests;
 - b) for testing and evaluation of a plant variety;
 - c) Inspection, examination and handling of disputes related to plant varieties.
4. The Minister of Agriculture and Rural Development shall set out specific regulations on this Article.

Article 21. Issuance, re-issuance and revocation of the decision on recognition of a plant variety testing organization

1. Requirements for grant of the decision on recognition of a plant variety testing organization shall be composed of the followings:
 - a) A person directly conducting tests must hold at least a university degree in one of the specialties related to crops, plant protection and biology;
 - b) The plant variety testing organization owns or hires venues, facilities and equipment appropriate for performing tests in conformity with national standards regarding testing of plant varieties with respect to the plant species to be tested.
2. The decision on recognition of a plant variety testing organization may be re-issued in the following cases:
 - b) Information pertaining to the testing organization inscribed in the decision on recognition of a plant variety testing organization has been changed or supplemented.
3. The decision on recognition of a plant variety testing organization may be revoked in the following cases:
 - a) The decision's contents are erased or revised;

b) Counterfeit papers and dishonest information have been found in the application package for recognition of a plant variety testing organization;

c) The testing organization holding the decision has committed any violation of law and such violation leads to revocation of the decision on recognition of a plant variety testing organization;

d) The holder of the decision has no longer met one of the requirements set forth in clause 1 of this Article;

dd) The holder of the decision has already been subject to an administrative penalty and repeats its offence;

4. The Government shall regulate application documents, processes, procedures for, authority over issuance, re-issuance and revocation of the decision on recognition of a plant variety testing organization.

Section 4. PRODUCTION AND TRADING OF PLANT VARIETIES

Article 22. Requirements for eligibility of an organization or individual for production and trading of plant varieties

1. Organizations and individuals producing plant varieties shall be obliged to meet the following requirements:

a) They have to own plant varieties or have to be authorized by other organizations or individuals owning plant varieties obtaining the decision on recognition of circulation or permission for self-declaration of circulation from competent authorities;

b) They own or hire locations, facilities and equipment conformable to national standards of methods for production of plant varieties; in the absence of national standards, local standards shall be applied.

2. Organizations and individuals trading plant varieties must set up a legitimate business location and ensure that the origin of a plant variety batch may be traced back.

3. The Government shall issue specific regulations of this Article.

Article 23. Production of plant varieties

1. Production of plant varieties shall be carried out by employing the sexual propagation method or the asexual propagation method in conformity with national standards of plant variety production; in the absence of national standards, local standards shall be applied.

2. Plants or gardens providing asexual propagation materials and multi-trait hybrid seeds of perennial fruit trees and industrial perennials must be awarded the decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden under the provisions of Article 24 herein.

Article 24. Issuance, restoration and revocation of the decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden

1. A plant may obtain the decision on recognition of the first-generation plant after undergoing selection processes in conformity with national standards regarding the quality of the first-generation plant. In the absence of national standards, bodies specialized in management of crop production shall have to issue local standards to be applied.

2. A garden may obtain the decision on recognition of the first-generation plant garden after undergoing selection processes in conformity with national standards regarding the quality of the first-generation plant garden. In the absence of national standards, bodies specialized in management of crop production shall have to issue local standards to be applied.

3. The quality of a first-generation plant or a first-generation plant garden shall be managed under national standards or local standards regarding the quality of the first-generation plant and the first-generation plant garden as provided in clause 1 and clause 2 of this Article.

4. The decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden may be suspended if the first-generation plant or the first-generation plant garden has no longer met national standards or local standards regarding the quality of the first-generation plant or the first-generation plant garden.

5. The decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden may be restored to its former effect if the quality of the first-generation plant or the first-generation plant garden satisfies national standards or local standards regarding the quality of the first-generation plant or the first-generation plant garden.

6. The decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden may be revoked if such decision fails to restore its effect under clause 5 of this Article after being suspended as provided in clause 4 of this Article.

7. The Government shall regulate application documents, processes, procedures for and authority over issuance, suspension, restoration and revocation of the decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden.

Section 5. MANAGEMENT OF QUALITY OF PLANT VARIETIES

Article 25. General requirements concerning management of quality of plant varieties

1. The tasks of management of quality of plant varieties shall include the management of quality of plant variety and the management of quality of propagating materials under the provisions of this Law and legislation on the quality of products and commodities.

2. The quality of plant varieties shall be managed in accordance with national standards or local standards applied to specific plant species as provided in point c of clause 1 of Article 15 and point b of clause 1 of Article 17 herein.

3. The quality of propagating materials shall be managed as follows:

a) Materials intended for propagating varieties of plants belonging to the major plant species are group-2 products and commodities prescribed by legislation on the quality of products and commodities. The quality of materials intended for propagating varieties of major plants shall be managed based on national technical regulations on the quality of crop propagating materials and standards declared to be applied by producers or importers;

b) Materials intended for propagating varieties of plants not belonging to the major plant species are group-1 products and commodities prescribed by legislation on the quality of products and commodities. The quality of materials intended for propagating varieties of plants not belonging to the major plant species shall be managed based on standards regarding the quality of crop propagating materials declared to be applied by organizations and individuals.

Article 26. Evaluation of plant variety cultivation fields, sampling of propagating materials

1. The evaluation of plant variety cultivation fields shall be conducted during the period of production of plant varieties according to national standards on methods for evaluation of plant variety cultivation fields and by a person completing professional training in such evaluation.

2. Sampling of propagating materials shall be carried out according to national standards regarding methods for sampling of plant varieties and by a person completing professional training in such sampling activity.

3. The Minister of Agriculture and Rural Development shall set out specific regulations on this Article.

Article 27. Labeling and advertising of plant varieties

1. Plant variety labeling and advertising shall be carried out under the provisions of this Law and legislation on commerce and advertisement.

2. Information inscribed on labels and advertisements of plant varieties must be corresponding to those that have been provided in the application package for the decision on recognition of circulation of the plant variety and endorsed by competent authorities, or contents of self-declarations of circulation of the plant variety.

3. The Government shall issue specific regulations of this Article.

Section 6. EXPORT AND IMPORT OF PLANT VARIETIES

Article 28. Export of plant varieties

1. A plant variety obtaining the decision on recognition of circulation or permission for self-declaration of circulation, and not appearing in the Nomenclature of genetic resources of plant varieties prohibited from export may be exported and subject to provisions of laws on commerce and foreign trade management.

2. The plant variety and hybrid seeds of the plant variety which has not yet obtained the decision on recognition of circulation or permission for self-declaration of circulation, and is not in the Nomenclature of genetic resources of plant varieties prohibited from export, may be exported for research, testing, advertising, exhibition and non-commercial international exchange purposes with the permission of the Ministry of Agriculture and Rural Development.

3. The Government shall regulate application documents, processes and procedures for grant of the permit for export of plant varieties as provided in clause 2 of this Article.

Article 29. Import of plant varieties

1. A plant variety obtaining the decision on recognition of circulation or permission for self-declaration of circulation, and not appearing in the Nomenclature of genetic resources of plant varieties prohibited from export may be exported and subject to provisions of laws on commerce and foreign trade management.

In case of import of plant varieties for business purposes, documents and materials meeting regulations laid down in clause 1 of Article 23 and clause 1 of Article 26 herein must be presented and submitted.

2. The plant variety which has not yet obtained the decision on recognition of circulation or permission for self-declaration of circulation may be imported for research, testing, advertising, exhibition and international exchange purposes with the permission of the Ministry of Agriculture and Rural Development.

3. The plant variety serving production and business purposes must be subject to the state inspection of quality thereof conducted by a crop production regulatory body affiliated to the Ministry of Agriculture and Rural Development, and must satisfy quality requirements, except in the case where:

- a) Seeds of parental plants are used for production of hybrid seeds of plant varieties;
- b) Plant varieties which have not yet obtained the decision on recognition of circulation or permission for self-declaration of circulation are imported under clause 2 of this Article;
- c) Plant varieties are temporarily imported, re-exported, or in transit or the merchanting trade;
- d) Plant varieties are sent to bonded warehouses.

4. The Minister of Agriculture and Rural Development shall regulate procedures and processes for the state inspection of the quality of imported plant varieties.

5. The Government shall regulate application documents, processes and procedures for grant of the permit for import of plant varieties.

Section 7. RIGHTS AND OBLIGATIONS OF PLANT VARIETY ORGANIZATIONS AND INDIVIDUALS

Article 30. Rights and obligations of plant variety research, selection and breeding organizations and individuals

1. Plant variety research, selection and breeding organizations or individuals shall have the following rights:

- a) Invest in research, selection and breeding of plant varieties; investigate, evaluate, collect, retain and exploit domestic or imported propagating materials for plant variety research, selection and breeding purposes;
- b) Enjoy the State's incentive policies regarding investments in science and technology and particular policies in the sector or region specified by laws;
- c) Cooperate with other domestic and overseas organizations and individuals in research, selection and breeding of plant varieties in accordance with law.

2. Plant variety research, selection and breeding organizations or individuals shall have the following obligations:

- a) Fulfill obligations prescribed by laws on science and technology and other regulations of relevant laws;
- b) Register the protection of plant variety rights before plant varieties are put into business or transferred in the case of research, selection, breeding, discovery and development of these plant varieties funded by the state budget or from projects under the State control; the transfer of plant varieties must comply with the law on technology transfer;
- c) Comply with the provisions of law on biodiversity and other provisions of relevant laws during the period of research, selection, breeding, testing and trial of genetically modified plant varieties.

Article 31. Rights and obligations of organizations and individuals signing their names in applications for issuance of the decision on recognition of circulation or permission for self-declaration of circulation of plant varieties

1. Organizations and individuals signing their names in applications for issuance of the decision on recognition of circulation or permission for self-declaration of circulation of plant varieties shall have the right to circulate plant varieties or authorize other organizations or individuals to circulate plant varieties.

2. Organizations and individuals signing their names in applications for issuance of the decision on recognition of circulation or permission for self-declaration of circulation of plant varieties shall take on the following obligations:

a) Maintain the distinctness, uniformity, stability, value for cultivation and use of plant varieties during the period of circulation, except for the case where the decision on recognition of privileged circulation of the plant variety under the provisions of Article 16 hereof;

b) Compensate for any losses incurred during the period of circulation of a plant variety which is not the same as the plant variety obtaining the decision on recognition of circulation; any losses arising from the circulation of fake plant varieties or ones not conforming to national technical regulations on quality or national quality standards or local quality standards already declared to be in force; any losses arising from supply of false information on plant varieties and production processes already certified by competent authorities.

3. Organizations and individuals who self-declare, or are authorized to self-declare, the circulation of plant varieties shall be obliged to compensate for any losses occurring due to the circulation of the plant variety which is not the same as the plant variety already completing self-declaration of circulation; any losses arising from the circulation of fake plant varieties or plant varieties which fail to meet national technical regulations or national standards or local standards already declared applicable; any losses incurred due to supply of false information about plant varieties and plant variety production processes.

Article 32. Rights and obligations of plant variety usage organizations and individuals

1. Plant variety usage organizations or individuals shall have the following rights:

a) Have access to all information about plant varieties and instructions for use of plant varieties;

b) Receive compensations for any losses that may arise in accordance with laws;

c) File a petition, complaint, denunciation or lawsuit against violations of law committed by an organization or individual obtaining the decision on recognition of circulation or permission for self-declaration of circulation of a plant variety.

2. Plant variety usage organizations or individuals shall have the following obligations:

a) Comply with production processes declared by organizations and individuals signing their names in applications for issuance of the decision on recognition of circulation or permission for self-declaration of circulation of plant varieties;

b) In case of incidents that occur or negative consequences that arise from plant varieties, promptly inform plant variety supply organizations or individuals and local authorities to seek their possible solutions.

Article 33. Rights and obligations of organizations and individuals signing their names on application for issuance of the decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden

1. Organizations and individuals signing their names on application for issuance of the decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden shall have the right to exploit or authorize other organizations or individuals to exploit propagating materials serving production and trading purposes.

2. Organizations and individuals signing their names on application for issuance of the decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden shall have the following obligations:

a) Ensure the quality of plant varieties is the same as that determined upon receipt of certification;

b) Exploit propagating materials in accordance with the decision on recognition of the first-generation plant or the decision on recognition of the first-generation plant garden;

c) Pay fees prescribed by laws on fees and charges.

Article 34. Rights and obligations of plant variety testing organizations

1. Plant variety testing organizations shall have the following rights:

a) Test plant varieties under terms and conditions of contracts with requesting organizations or individuals;

b) Receive costs of testing of plant varieties under terms and conditions of contracts with requesting organizations or individuals;

2. Plant variety testing organizations shall have the following obligations:

a) Conduct tests in accordance with the decision on recognition of the plant variety testing organization;

b) Bear legal liabilities for testing results and retain testing results in accordance with laws on archival;

c) Take responsibility for ensuring information security to organizations and individuals submitting their request for testing of plant varieties.

3. Plant variety testing organizations must refuse to perform tests serving the purposes of issuance of the decision on recognition of circulation of plant varieties with respect to:

a) Plant varieties owned by testing organizations signing their names on applications for issuance of the decision on recognition of circulation thereof;

b) Plant varieties owned by units in partnership with testing organizations when submitting applications for certification of conformance to testing regulations;

c) Plant varieties owned by subsidiaries of the same parent company or incorporation or general company, including testing organizations;

d) Plant varieties owned by affiliates of the same public service unit, including testing organizations.

Article 35. Rights and obligations of plant variety production and trading organizations and individuals

1. Plant variety production and trading organizations and individuals shall have the right to produce and trade plant varieties if they meet requirements specified in Article 22 hereof.

2. Plant variety production and trading organizations or individuals shall have the following obligations:

a) Strictly comply with regulations laid down in Article 22 hereof;

b) Declare their conformity with standards and regulations under laws;

c) Recall and handle plant varieties on the market which have failed to meet quality standards;

d) Pay compensations for any losses that may arise in accordance with laws;

dd) Provide certificates of origin for propagating materials or documents on tracing of the origin of plant variety batches;

e) Attach labels to genetically modified plant varieties in accordance with laws.

Chapter III

FERTILIZERS

Section 1. RECOGNITION OF FERTILIZERS IN CIRCULATION AND TESTING OF FERTILIZERS

Article 36. Requirements concerning recognition of fertilizers in circulation and classification of fertilizers

1. Fertilizers are conditional commodities and must obtain the decision on recognition of fertilizers in circulation in Vietnam, except for organic fertilizers manufactured for non-commercial uses or imported fertilizers prescribed in clause 2 of Article 44 hereof; fertilizers manufactured for export under contracts with foreign organizations and individuals.

2. The validity period of the decision on recognition of fertilizers in circulation in Vietnam shall be 05 years and may be extended.

3. Domestic organizations and individuals, or overseas organizations and individuals setting up their representative offices, or branches of companies operating in the fertilizer industry, within the territory of Vietnam, may register recognition of fertilizers in their own names.

4. Each organization or individual may apply for registration of recognition of only one fertilizer name for each ingredient formula and nutritional contents.

5. The Government shall regulate classification of fertilizers.

Article 37. Issuance, reissuance and renewal of the decision on recognition of fertilizers in circulation in Vietnam

1. Requirements for issuance of the decision on recognition of fertilizers in circulation in Vietnam shall be specified as follows:

a) Meet quality indicators according to national technical standards regarding fertilizer quality;

b) Gain testing results conforming to national standards, except the fertilizers referred to in clause 2 of Article 39 herein.

2. The decision on recognition of fertilizer in circulation in Vietnam may be re-issued in the following cases:

a) Information relating to organizations or individuals mentioned in the decision on recognition of fertilizer in circulation has been changed or supplemented;

b) The decision on recognition of fertilizer in circulation has been lost or damaged;

c) The fertilizer name has changed according to the decision of the competent State regulatory authority or the court's judgment or decision in case of violation of the law on intellectual property.

3. The decision on recognition of fertilizer in circulation in Vietnam may be extended if the following requirements are met:

a) An organization or individual makes its/his/her request for such extension;

b) Quality indicators defined according to national technical standards regarding fertilizer quality have all been met;

c) The review report on manufacturing, export, import and utilization of fertilizers has been made in accordance with regulations in force.

4. The Government shall regulate application documents, processes, procedures for, authority over issuance, re-issuance and renewal of the decision on recognition of fertilizer in circulation in Vietnam.

Article 38. Revocation of the decision on recognition of fertilizer in circulation in Vietnam

1. The decision on recognition of fertilizer in circulation in Vietnam may be revoked in the following cases:

a) Have scientific evidences on high-risk fertilizers, which are likely to cause adverse impacts on human health and the environment;

b) Detect the use of fake documents or provision of information in fertilizer-related documents incorrect with those of the fertilizers already recognized for circulation.

2. The revocation of the decision on recognition of fertilizer in circulation in Vietnam shall be subject to the following regulations:

a) For the case specified at point a of clause 1 of this Article, the specialized fertilizer management agency shall synthesize information in order to assess and consider annulment of the decision on recognition of fertilizer in circulation in Vietnam. Organizations and individuals may produce and/or import registered fertilizers for the maximum period of 06 months; may be traded and/or used up to 12 months from the effective date of the decision on annulment of the decision on recognition of fertilizer in circulation in Vietnam;

b) For the case specified at point b of clause 1 of this Article, the specialized fertilizer management agency shall carry out inspection and review of documents and materials on recognition of fertilizers in order to consider annulment of the decision on recognition of fertilizer in circulation in Vietnam. Affected organizations and individuals shall be required to promptly terminate the production, import, trading and utilization of fertilizers from the effective date of the decision on annulment of the decision on recognition of fertilizer in circulation in Vietnam.

3. The Government shall regulate application documents, processes, procedures for, authority over the annulment of the decision on recognition of fertilizer in circulation in Vietnam.

Article 39. Fertilizer testing requirements

1. Fertilizers must be subject to testing before being recognized for circulation, except for the fertilizers stipulated in clause 2 of this Article.

2. Fertilizers shall not be subject to testing, including:

a) Organic fertilizers used for fertilizing roots that are formulated by natural organic ingredients and meet quality indicators defined in national technical regulations;

b) Single fertilizers used for fertilizing roots that are formulated only by nitrogen (N) or phosphorus (P) or potassium (K) and meet quality indicators defined in national technical regulations;

c) Inorganic compound fertilizers used for fertilizing roots that are formulated only by such nutrient elements as nitrogen (N), phosphorus (P) and potassium (K) joining together by chemical bonds, and meet quality indicators defined in national technical regulations;

d) Fertilizers recognized by competent regulatory authorities as technical advances.

3. Fertilizers may be subject to both wide and narrow testing; the wide testing may be conducted only after completion of the narrow testing.

4. Fertilizer testing carried out according to national standards shall be conducted by accredited testing organizations.

5. Amount of fertilizer allowed to be produced or imported for testing shall be determined based on the dosage of administration for each plant and the actual testing area according to national standards regarding fertilizer testing.

Article 40. Requirements for recognition of fertilizer testing organizations

1. Fertilizer testing organization must conform to the following requirements:

a) Persons directly in charge of testing must hold a university or higher degree in one of the following specialties: crop production, plant protection, agro-chemical, pedology, soil science, agronomy, chemistry, biology and must have certificates of completion of training in fertilizer testing under the instructions given by the Ministry of Agriculture and Rural Development.

b) Having the adequate number of testing personnel, except persons directly in charge of testing, who must hold a university or higher degree in one of the specialties specified in point a of clause 1 of this Article and must complete training in fertilizer testing under the instructions given by the Ministry of Agriculture and Rural Development;

c) Having adequate facilities and equipment conforming to national standards regarding fertilizer testing.

2. The Government shall regulate the minimum number of testing personnel working for fertilizer testing organizations; application documents, processes and procedures for and authority over issuance and withdrawal of the decision on recognition of fertilizer testing organizations.

Section 2. PRODUCTION AND TRADING OF FERTILIZERS

Article 41. Fertilizer production requirements

1. Organizations or individuals producing fertilizers must hold certificates of conformance to fertilizer production regulations.

2. Requirements for issuance of certificates of conformance to fertilizer production regulations shall include the followings:

a) They must have production locations and workshops commensurate with the fertilizer production scale;

b) They must have production lines, machinery and equipment appropriate for the process of production of each type or form of fertilizer;

c) They must have laboratories or enter into contracts with other designated testing organizations to assess quality indicators of their fertilizers.

d) They must establish an appropriate quality management system compatible with quality management standards issued by the international standardization organization;

dd) They must set up spacious areas intended for separate storage of raw materials and finished products;

e) Persons directly managing manufacturing of fertilizers must hold university or higher degrees in one of the following specialties such as crop farming, plant protection, agro-chemistry, pedology, agronomy, chemistry and biology.

3. Each certificate of conformance to fertilizer production regulations shall be valid for 05 years and may be re-issued.

4. The Government shall specifically regulate application and documentation requirements, processes, procedures for and authority over issuance, re-issuance and revocation of the certificate of conformance to fertilizer production regulations.

Article 42. Fertilizer trading requirements

1. Organizations and individuals trading fertilizers must hold certificates of conformance to fertilizer trading regulations; in case of trading fertilizers manufactured by themselves, they shall not be required to obtain certificates of conformance to fertilizer trading regulations.

2. Requirements for issuance of certificates of conformance to fertilizer trading regulations shall include the followings:

a) They must have legitimate and express business addressed;

b) They must have all required documents and materials on tracing of the fertilizer origin in accordance with regulations in force;

c) Persons directly selling fertilizers must hold certificates of professional training in fertilizers according to the instructions of the Ministry of Agriculture and Rural Development, except in cases where they have obtained secondary education or higher degrees in one of the following specialties: crop production, plant protection, agro-chemical soil, agronomy, chemistry and biology.

3. The Government shall elaborate on application and documentation requirements, processes, procedures, time limits for and authority over issuance, re-issuance and revocation of the certificate of conformance to fertilizer trading regulations.

Section 3. EXPORT AND IMPORT OF FERTILIZERS

Article 43. Fertilizer export

The fertilizer export shall be subject to provisions of laws on commerce, foreign trade management or upon the importing country's request.

Article 44. Fertilizer import

1. Organizations and individuals that have fertilizers already obtaining the decision on recognition of fertilizer in circulation in Vietnam may import or authorize other organizations and individuals to import fertilizers in such decision without having to hold fertilizer import permits.

2. In order to import fertilizers that have not yet been recognized for circulation in Vietnam, importing organizations and individuals shall be required to hold permits for import of the following types of fertilizer:

a) Fertilizers used for testing purposes;

b) Specialized fertilizers used for sport grounds and amusement parks;

c) Fertilizers used in foreign projects located in Vietnam;

d) Fertilizers used as gifts or sample products;

dd) Fertilizers used in fairs and exhibitions;

e) Fertilizers for scientific researches;

g) Fertilizers used as raw materials for production of other fertilizers;

h) Fertilizers temporarily imported and re-exported or in transit of merchanting trade across Vietnamese bordergates; fertilizers sent to bonded warehouses; fertilizers imported into export processing zones.

3. The Government shall regulate application requirements, procedures and processes and authority over issuance of the fertilizer import permit.

Section 4. QUALITY MANAGEMENT, NAMES, LABELS AND ADVERTISING OF FERTILIZERS

Article 45. Fertilizer quality management

1. Fertilizer quality shall be managed under the provisions of the law on product and commodity quality.

2. In order for conformity assessment organizations to carry out testing, evaluation, audit and certification of the quality of fertilizers to serve the needs of state management of fertilizers, they must be awarded certification in their scope of service according to the provisions of the law on requirements for conformity assessment service business and must be designated by the Ministry of Agriculture and Rural Development in accordance with legislation on product and commodity quality.

3. Sampling of fertilizers for testing of quality thereof for state management purposes must be conducted by persons awarded certificates of eligibility for sampling of fertilizers.

4. The Government shall regulate contents, duration of and authority over issuance of the certificate of eligibility for sampling of fertilizers.

Article 46. State inspection of quality of imported fertilizers

1. Imported fertilizers shall be subject to the state inspection of quality, except the imported fertilizers referred to in point a, d, dd, e and h of clause 2 of Article 44 herein.

2. The state inspection of quality of imported fertilizers shall be carried out by fertilizer administrations affiliated to the Ministry of Agriculture and Rural Development.

3. Documents on the state inspection of fertilizer quality must be stored for the minimum period of 05 years from the date of issuance of the notification of state inspection results.

4. The Government shall regulate application requirements, procedures, processes for and contents of the state inspection of quality of imported fertilizers.

Article 47. Fertilizer names

1. In order to be registered, the name of a fertilizer shall not be identical with that of the fertilizer obtaining the decision on recognition of fertilizer in circulation in Vietnam.

2. The name of a fertilizer shall not give misleading information about the nature, effects, ingredients and type of that fertilizer.

3. The name of a fertilizer shall not violate historical, cultural traditions, moral standards, traditional values and customs; shall not be read or written like the names of great leaders, national heroes, celebrities, foods, beverages and pharmaceuticals. Using the name of a state agency, people's armed force unit, political organization, socio-political organization, socio-political-professional organization, social organization or socio-professional organization as a part or the whole of the name of the fertilizer shall not be allowed, unless otherwise approved by concerned agencies, organizations or units.

4. With regard to a mixed fertilizer, in case where the name of an ingredient is used as the name or part of the name of that fertilizer, it must be structured in the following order: the name of the fertilizer type, ingredient, particular notation, indicators showing quantity of each ingredients contained in the name and other special symbols (if any).

Ingredients and indicators showing quantities of specific ingredients must be arranged in the following order: the names of macronutrient elements such as nitrogen (N), phosphorus (P) and potassium (K), secondary nutrient elements, micronutrient elements, organic substances and other supplements (if any).

Article 48. Fertilizer labeling

1. Fertilizers sold on the market must be labeled in accordance with laws on commodity labels and each label must contain the following information:

- a) Fertilizer type;
- b) Fertilizer code;
- c) As for foliar fertilizers, clearly inscribing the phrase "Foliar fertilizer".

2. Information inscribed on labels must be the same as those defined in the decision on recognition of fertilizer in circulation in Vietnam.

Article 49. Fertilizer advertising

1. Organizations and individuals advertising fertilizers shall comply with laws on advertising.

2. The Government shall regulate application requirements, procedures, processes for and authority over endorsement of fertilizer advertising contents.

Section 5. RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS OPERATING IN THE FERTILIZER SECTOR

Article 50. Rights and obligations of fertilizer production organizations and individuals

1. Fertilizer production organizations and individuals shall have the following rights:

- a) Manufacture fertilizers recognized for circulation in Vietnam;
- b) Manufacture fertilizers for export under contracts with other foreign organizations and individuals;
- c) Advertise fertilizers in accordance with Article 49 hereof;
- d) Obtain permission to sell fertilizers produced at their expense.

2. Fertilizer production organizations and individuals shall have the following obligations:

- a) Maintain strict conformance to fertilizer production regulations as provided in Article 41 hereof during the period of production of fertilizers;
- b) Manufacture fertilizers according to national technical regulations and standards declared to be in force;
- c) Comply with contents of the certificate of conformance to fertilizer production regulations;

- d) Conduct tests on each fertilizer batch before selling it on the market. Retain test results during the shelf life of each fertilizer batch and preserve retention samples for the period of 06 months from the sampling date;
- dd) Recall and handle fertilizers failing to meet quality standards and compensate for any loss in accordance with laws;
- e) Submit to the inspection and audit conducted by competent authorities;
- g) Organize training in and provide instructions for use of fertilizers; provide professional training for workers directly manufacturing fertilizers;
- h) On an annual basis, send a review report on production, export and import of fertilizers to the relevant competent authority or make irregular reports upon request;
- i) Comply with legislative regulations on fire prevention and fighting, chemicals, labor, environment and other relevant laws.

Article 51. Rights and obligations of fertilizer trading organizations and individuals

1. Fertilizer trading organizations and individuals shall have the following rights:

- a) Trade fertilizers recognized for circulation in Vietnam;
- b) Have access to information and instructions for use of fertilizers, and professional training in fertilizers.

2. Fertilizer trading organizations and individuals shall have the following obligations:

- a) Maintain strict conformance to fertilizer trading regulations as provided in Article 42 hereof during the period of permission for trades in fertilizers;
- b) Keep fertilizers at dry places. Keeping fertilizers with other commodities that is likely to affect the fertilizer quality shall be prohibited;
- c) Check the fertilizer origin, label, standard conformity mark, regulation conformity mark and other documents relating to fertilizer quality;
- d) Submit to the inspection and audit conducted by competent authorities;
- dd) Provide legitimate evidencing documents in order to trace the fertilizer origin;
- e) Pay compensations for any losses that may arise in accordance with laws;
- g) Provide instructions for use of fertilizers according to information inscribed on the fertilizer label;
- h) Comply with legislative regulations on fire prevention and fighting, chemicals, labor, environment and other relevant laws.

Article 52. Rights and obligations of fertilizer testing organizations

1. Fertilizer testing organizations shall have the following rights:

- a) Conduct testing of fertilizers under terms and conditions of contracts with requesting organizations or individuals;
- b) Receive payments for testing of fertilizers under terms and conditions of contracts with requesting organizations or individuals;

2. Fertilizer testing organizations shall have the following obligations:

- a) Meet requirements set out in Article 40 hereof;
- b) Carry out testing of fertilizers in an objective and accurate manner;
- c) Comply with technical regulations, standards and testing requirements;
- d) Report test results and bear legal liabilities for test results;
- dd) Retain the field log, raw data, testing scheme, and testing result report for a period of 05 years from the completion date;
- e) Submit to the inspection, audit and oversight of testing activities conducted by competent authorities;
- g) Pay compensations for any losses that may arise in accordance with laws;

h) Send the fertilizer testing scheme to a relevant competent authority at the place where testing occurs before commencement of testing;

i) On an annual basis, report fertilizer testing results to the Ministry of Agriculture and Rural Development or make spontaneous reports upon request.

Article 53. Rights and obligations of fertilizer sampling persons

1. Fertilizer sampling persons shall have the following rights:

- a) Have access to information about fertilizer sampling activities;
- b) Gain opportunities to attend fertilizer sampling training courses.

2. Fertilizer sampling persons shall have the following obligations:

- a) Carry out sampling according to national standards regarding sampling of fertilizers and ensure objectivity during the sampling process;
- b) Ensure security for information and data relating to sampling activities, except in the case where competent authorities need such data and information;
- c) Bear responsibility before law for fertilizer sampling activities.

Article 54. Rights and obligations of organizations and individuals using fertilizers

1. Organizations and individuals using fertilizers shall have the following rights:

- a) Have access to information and instructions for use of fertilizers;
- b) Request fertilizer trading establishments to provide instructions for use of fertilizers according to information inscribed on a fertilizer label;
- c) Receive compensations for any losses that may arise in accordance with laws.

2. Organizations and individuals using fertilizers shall have the following obligations:

- a) Use fertilizers according to directions for use which are inscribed on the label;
- b) Use fertilizers to ensure efficiency and safety for humans, animals, environment and food safety according to the principles of proper soil, proper types of plants, right doses, right time and proper administration.

3. The Ministry of Agriculture and Rural Development shall design and disseminate a set of documents on instructions for use of fertilizers in accordance with point b of clause 2 of this Article.

Chapter IV

CROP CULTIVATION

Section 1. USE OF NATURAL RESOURCES IN CROP CULTIVATION ACTIVITIES

Article 55. Use and protection of land during the cultivation process

1. The crop production authority must identify the crop structure based on the physical and chemical properties of soil, the biological characteristics of each crop and the level of science and technology development.

2. With respect to arable fields specialized in cultivation of wet rice, vegetables, perennial fruit trees, industrial perennials and ornamental plants, the provincial People's Committee shall plan them for stable use and in line with the economic development orientation, and shall carry out the periodic evaluation of the quality of land so as to work out measures to improve and utilize them in a sustainable manner.

Article 56. Crop structure shift occurring on rice paddy fields

1. Crop structure shift occurring on rice paddy fields shall be subject to the following regulations:

- a) Correspond to land use planning schemes of localities, market demands, water resource and climatic conditions;
- b) Develop concentrated production areas for specific crops associated with land shuffling and combination as well as chain-based production linkages;
- c) Ensure effective exploitation of available infrastructure; conformity with the planning and orientation for improvement of fundamental facilities for agricultural production in specific localities;
- d) Avoid causing any loss of conditions necessary to recover the rice cultivation.

2. The Government shall issue specific regulations of this Article.

Article 57. Protection and use of topsoil of arable wet rice cultivation land

1. The topsoil of arable wet rice cultivation land shall be used only for agricultural purposes; shall be protected and used in an effective manner.
2. Organizations or individuals building facilities on the land shifted from the arable wet rice cultivation land shall be required to work out the proper topsoil use plan.
3. The Government shall issue specific regulations of this Article.

Article 58. Use of irrigation water

1. Crop production authorities of local jurisdictions shall be responsible for determining the crop structure and season that meet water resource conditions.
2. Organizations and individuals providing water resource services shall be obliged to ensure that the quality of irrigation water conforms to technical standards and regulations.
3. Organizations and individuals shall be responsible for using irrigation water supplies in an effective manner; applying advanced and cost-efficient cultivation practices; reusing water in accordance with laws on water resources, irrigation and other relevant regulations.

Article 59. Use of beneficial organisms

1. Beneficial organisms used in crop cultivation include organisms that play a role in stabilizing and improving soil fertility, increasing plant resistance and growth capacity, preserving and processing crop produce or byproducts, preventing and controlling harmful organisms, pollinating plants and serving other useful purposes.
2. Organizations and individuals involved in crop cultivation activities shall comply with laws on environment, biodiversity protection, plant protection and quarantine; shall apply advanced production processes to protect and promote the effectiveness of beneficial organisms.
3. The Minister of Agriculture and Rural Development shall undertake the inspection and assessment of beneficial organism resources in order to implement measures to protect and exploit them in a proper manner; shall adopt the nomenclature describing beneficial organisms species used in crop cultivation.

Section 2. USE OF AGRICULTURAL EQUIPMENT AND SUPPLIES IN CROP CULTIVATION ACTIVITIES

Article 60. Agricultural equipment and supplies in crop cultivation activities

1. Crop cultivation equipment shall include greenhouses, net houses, machinery and tools used for production, irrigation, harvesting, handling, preservation and processing of crop produce.
2. Agricultural supplies used in crop cultivation activities shall be comprised of the followings:
 - a) Plant varieties;
 - b) Fertilizers;
 - c) Pesticides;
 - d) Planting media, ground cover membranes and thermal insulating materials;
 - dd) Chemicals and biological products used in crop production activities, other than agricultural supplies referred to in point b and c of this clause.
3. Management of the quality of agricultural equipment and supplies used in crop cultivation shall be subject to laws on technical standards and regulations, commodity quality and commercial products.

Article 61. Requirements concerning use of agricultural equipment and supplies used in crop cultivation activities

1. Organizations and individuals engaged in crop farming activities shall only be allowed to use agricultural materials in cultivation which are permitted for use and circulation in accordance with the provisions of law; shall follow instructions given by specialized agencies or organizations and individuals producing agricultural materials.
2. Organizations and individuals using agricultural materials in crop cultivation activities must meet requirements concerning environmental protection, community health, food safety and restriction of the spread of harmful organisms.
3. Organizations and individuals using fertilizers shall be bound to observe principles specified in point b of clause 2 of Article 54 herein.
4. Organizations and individuals using pesticides must comply with laws on plant protection and quarantine.

Section 3. DEVELOPMENT OF CONCENTRATED AND LINKED PRODUCTION ZONES

Article 62. Development of concentrated production zones

1. The development of a concentrated production zone must be in line with the physical and chemical properties of soil, climate, water resources, biological characteristics of crops and regional advantages; ensure the building of raw material areas associated with processing activities and markets.

2. Provincial People's Committees shall be responsible for developing plans and schemes for development of concentrated production zones according to the planning.

Article 63. Production cooperation and affiliation

1. Develop forms of cooperation and affiliation at concentrated production zones on the basis of contracts; facilitate the granting of quality certificates and tracing of the origin of products; increase effectiveness in production and business, and ensure the balance of interests between the involved parties.

2. The People's Committees at all levels shall assume the following responsibilities:

a) Provide favorable conditions and support for parties to negotiate, conclude and fulfill commitments under production and product consumption cooperation and partnership contracts;

b) Assist in infrastructure construction, logistics services and trade promotion for concentrated production zones.

Article 64. Management and grant of codes of crop cultivation regions

1. The cultivation region code is an identity code of a crop production area used for monitoring and controlling production; controlling product quality; tracing the origin of crop products.

2. The State shall provide encouragement, incentive and preferential policies for organizations and individuals applying for the grant of the crop cultivation zone's code.

3. The Ministry of Agriculture and Rural Development shall develop the roadmap and provide instructions for the grant of codes of crop cultivation zones nationwide.

4. Provincial People's Committees shall carry out the grant of the crop cultivation zone's code at respective provinces according to the roadmap and instructions of the Ministry of Agriculture and Rural Development.

Section 4. PRODUCTION PROCESSES, APPLICATION OF HIGH TECHNOLOGIES AND MECHANIZATION

Article 65. Production processes

1. Production processes shall be designed to be appropriate for specific crops.

2. Each production process shall be designed on the basis of the results of a research, technological advances and conclusions of crop farming practices; shall be amended and supplemented when new technological advances are made, conform to production practices, scientific and technological development levels and the users' competence.

Article 66. Application of high technologies in crop cultivation activities

1. High technologies shall be preferred and receive incentives for use in crop cultivation activities, including:

a) Genetic biotechnology for the selection and propagation of plant varieties; diagnosis and evaluation of organisms harmful to crops; development of products in biology and new materials;

b) Technology for efficient irrigation and farming without soil;

c) Greenhouse and net house cultivation technology;

d) Information technology applied to the projection and forecast of harmful organisms; the grant of codes and management of cultivation zones;

dd) Precise agricultural techniques applied in the soil science and crop nutrition; automatically-controlled fertilizer administration and irrigation; semi-automated and automatic technology used in the production line; analysis of the quality of production environment and crop produces.

2. Hi-tech applications referred to in point b and c of clause 1 of this Article shall be preferred for use in cultivation zones facing difficulties, sandy land at or near the coast or land exposed to the risk of degradation and desertification.

3. High technologies prescribed in point c of clause 1 of this Article shall be developed at a proper density rate and with an aim of decreasing effects of greenhouse gases.

Article 67. Mechanization of crop cultivation activities

1. Mechanization of crop cultivation activities shall aim to ensure consistency and gradual modernization.

2. Investment in and improvement of infrastructure used in arable fields must pave the way for performing mechanization tasks.
3. Upon formulation of production plans, determination of the crop structure and season, organizations and individuals shall be required to consider conditions for performing mechanization tasks.
4. Equipment and machinery used in crop cultivation activities must be selected so that they are appropriate for practical conditions of fields, scale, nature and level of cultivation.

Section 5. ORGANIC CULTIVATION

Article 68. Development and protection of organic cultivation zones

1. Organic cultivation zones must be developed, protected and equipped with appropriate facilities, and must aim to prevent chemical pollution from the outside.
2. Provincial People's Committees shall identify and widely inform organic cultivation zones; shall adopt regulations on cultivation of plants on organic cultivation zones within their ambit.

Article 69. Organic cultivation requirements

1. Organic cultivation organizations and individuals shall be required to meet national standards regarding organic agriculture. In case of export of organic crop produce, the importing country's requirements shall be applied.
2. Plant varieties, fertilizers, pesticides and other agricultural supplies used in organic cultivation activities must meet organic agriculture standards and relevant technical regulations, or must be manufactured by using raw materials and production methods conformable to organic agriculture standards.
3. Synthetic chemicals, crop growth stimulants and genetically modified vegetation shall be prohibited for use in crop production, harvesting, handling, preservation and processing.
4. Labeling of organic crop produce shall be subject to laws on commerce and other relevant legislation.
5. The Government shall specifically regulate the organic cultivation.

Section 6. CULTIVATION ADAPTED TO CLIMATE CHANGE AND PROTECTING ENVIRONMENT

Article 70. Cultivation adapted to climate change

1. Apply appropriate cultivation solutions to adapt to climate change and decrease greenhouse gas emission.
2. The Ministry of Agriculture and Rural Development shall assume the following responsibilities:
 - a) Determine appropriate cultivation solutions to adapt to climate change and decrease greenhouse gas emission;
 - b) Upon formulation and implementation of strategies, programs, schemes and projects for development of crop production, integrate solutions for adaptation to climate change and decrease in greenhouse gas emission into them.
3. Provincial People's Committees shall conduct the evaluation of effects of climate change, provide instructions for organizations and individuals to apply solutions for adaptation to climate change and decrease in greenhouse gas emission in crop production at local jurisdictions.
4. Encourage cultivation organizations and individuals to apply solutions for adaptation to climate change and decrease in greenhouse gas emission.

Article 71. Cultivation of crops on the sloping land, lowland, alkaline soil, saline soil, sandy soil at or near the coast, soil at risk of desertification or degradation

1. Cultivation of crops on the sloping land, lowland, alkaline soil, saline soil, sandy soil at or near the coast, soil at risk of desertification or degradation shall conform to the production process to avoid erosion, landslide, soil aggradation and degradation, and ensure sustainable development of crop production.
2. Organizations and individuals cultivating crops at areas specified in clause 1 of this Article shall be entitled to policies stipulated in Article 4 hereof and other policies prescribed in relevant laws.
3. The Ministry of Agriculture and Rural Development shall issue criteria for determination, methods of management and the processes for production of crops on the sloping land, lowland, alkaline soil, saline soil, sandy soil at or near the coast, soil at risk of desertification or degradation.

4. Provincial People's Committees shall identify and publicly inform zones and provide guidance on application of the processes for production of crops on the sloping land, lowland, alkaline soil, saline soil, sandy soil at or near the coast, soil at risk of desertification or degradation.

Article 72. Environmental protection in crop cultivation activities

1. Cultivation organizations and individuals shall be required to meet the following requirements:

- a) Comply with laws on environmental protection and other relevant provisions of laws;
- b) Follow instructions of specialized agencies for use of agricultural supplies in cultivation that pose the risk of environmental pollution;
- c) Collect, dispose of and use crop byproducts in accordance with Article 76 hereof.

2. Organizations and individuals shall have to promptly inform commune-level People's Committees in case of discovering any sign of abnormalities relating to environmental pollution that is likely to cause adverse impacts on crop cultivation activities.

Section 7. RIGHTS AND OBLIGATIONS OF CULTIVATION ORGANIZATIONS AND INDIVIDUALS

Article 73. Rights of cultivation organizations and individuals

1. Organize production at their discretion or enter into production partnerships with other organizations or individuals.

2. Enjoy state policies specified in Article 4 hereof and other policies prescribed in relevant legislation.

3. Have access to support for recovery of production in case of any loss or damage arising from natural disasters or for epidemic reasons in accordance with the Government's regulations.

4. Have access to information about policies, laws, technical and technological advances, crop produce markets; training courses in crop production activities.

5. Receive permission to apply for the grant of codes of crop farming zones.

6. Receive notifications and warnings relating to climatic, environmental, epidemic conditions and natural disasters.

7. Participate in agricultural insurance programs under the Government's regulations.

Article 74. Obligations of cultivation organizations and individuals

1. Assume responsibility for the food quality and safety of crops produced at their own expense; pay any compensation prescribed by laws.

2. Use water resources, beneficial organisms and facilities for right purposes and in an efficient and sustainable manner. Use agricultural supplies in cultivation activities which are permitted for circulation according to instructions given by specialized agencies or organizations and individuals producing agricultural supplies.

3. Apply the appropriate production processes to stabilize and improve the soil fertility; restrict soil pollution and degradation or spread of harmful organisms.

4. Act on their own initiative in preventing and handling environmental pollution, preventing and controlling harmful organisms in accordance with laws on environmental protection, plant protection and quarantine. Promptly inform commune-level People's Committees in case of environmental pollution occurring and pest outbreak.

5. Make changes in the crop structure corresponding to the plan for shift in the crop structure in each local jurisdiction.

6. Fulfill all contractual commitments.

Chapter V

HARVESTING, HANDLING, PRESERVATION, PROCESSING, TRADING AND MANAGEMENT OF QUALITY OF CROP PRODUCE

Article 75. Harvesting, handling, preservation and processing of crop produce

1. Organizations and individuals harvesting, handling, preserving and processing crop produce shall be required to comply with provisions of this Law and other relevant legislation.

2. Control of losses, assurance of crop quality and economic efficiency shall be required for crop harvest activities.

3. Crop produce which serve as input materials of crop handling and processing establishments must be of clear origin and must meet prescribed quality and safety standards.
4. Businesses purchasing, storing and processing crop produces must apply technical measures appropriate for preservation and storage of crop produce in order to maintain crop quality and safety.
5. Establishment of crop preservation and processing facilities connected with raw material production areas shall be encouraged.

Article 76. Collection, disposal and use of crop byproducts

1. Crop byproducts must be collected, disposed of or used in a correct manner with the aim of preventing and controlling environmental pollution and spread of harmful organisms.
2. Using crop byproducts as input materials for manufacturing of products and commodities shall be encouraged.
3. The Minister of Agriculture and Rural Development shall elaborate on the collection, disposal and use of crop byproducts as provided in clause 1 of this Article.

Article 77. Development of markets and trading of crop produce

1. Development of markets and trading of crop produce shall be subject to laws on commerce, foreign trade management and provisions laid down in clause 2 and 3 of this Article.
2. Development of crop markets shall include the following tasks:
 - a) Carry out the market forecast and orientate the development of crop produce over periods of time;
 - b) Conduct negotiations for opening of markets; lift up barriers in order for Vietnamese crop produce to be imported into other countries and territories;
 - c) Build wholesale markets; carry out trade promotions and build crop produce brands.
3. Organizations and individuals engaged in the development of markets for the sale of crop products; the building of the chain from production to consumption; the establishment of raw material production areas serving domestic processing, trade and export needs shall be entitled to the policies defined in Article 4 of this Law and other policies prescribed in the provisions of relevant laws.

Article 78. Export and import of crop produce

1. Organizations and individuals importing crop produce must hold documents on tracing of the origin of goods, meet the requirements regarding the food quality, safety and epidemic safety under the provisions of Vietnamese law.
2. Organizations and individuals exporting crop produce must meet the importing country's requirements.

Article 79. Development of wholesale crop markets

1. Wholesale crop markets shall be established within concentrated production areas or at places where a large quantity of crop produce are consumed.
2. Development of wholesale crop markets must be in line with the planning.

Article 80. Rights and obligations of organizations and individuals harvesting, handling, preserving, processing and trading crop produce

1. Organizations and individuals harvesting, handling, preserving, processing and trading crop produce shall have the following rights:
 - a) Receive support for link to the chain of production, processing and trading of crop produce;
 - b) Enjoy the policies specified in Article 4 hereof and other policies prescribed in relevant legislation.
2. Organizations and individuals preserving, processing and trading crop produce shall have the following obligations:
 - a) Comply with provisions of this Law and other provisions of relevant laws;
 - b) Submit to the inspection and audit conducted by competent authorities.

Article 81. Management of quality of crop produce

1. Management of quality of crop produce shall be subject to laws on technical standards and regulations, product and commodity quality.

2. Genetically modified crop produce used as food must be labeled in accordance with laws on food safety and other provisions of relevant laws.

Chapter VI

STATE MANAGEMENT OF CROP PRODUCTION ACTIVITIES

Article 82. Responsibilities of the Government, Ministries and Ministry-level agencies

1. The Government shall be responsible for the uniform management of crop production activities performed across the nation.

2. The Ministry of Agriculture and Rural Development shall play a pivotal role in assisting the Government in exercising the state management of crop production activities throughout the nation and shall assume the following responsibilities:

a) Formulate strategies, schemes and plans; provide directions and instructions for crop cultivation activities;

b) Promulgate according to its competence or submit to competent authorities for promulgation and organize the implementation of policies, legal documents, standards, technical regulations and production processes in crop production activities;

c) Undertake the issuance, re-issuance, extension, suspension, restoration, revocation and revocation of decisions, permits and certificates in crop production activities according to its competence and post it on the Ministry's electronic information portal;

d) Build databases and information systems; conduct the statistics and make reports on crop production activities;

dd) Conduct researches and application of science and technology; carry out the basic investigation, collection and management of information, materials and implement international cooperation in crop production;

e) Provide professional and refresher training courses; disseminate information about and raise people's awareness of crop production activities;

g) Inspect, audit and handle complaints, denunciations and sanction violations of law in crop production activities.

3. Ministries and Ministry-level agencies shall, within the ambit of their tasks and powers, have the burden of cooperating with the Ministry of Agriculture and Rural Development in performing the task of State management of crop production activities.

Article 83. Responsibilities of all-level People's Committees

1. Provincial People's Committees shall, within the ambit of their duties and powers, have the following responsibilities:

a) Promulgate according to its competence or request competent authorities to promulgate legal documents guiding the organization of implementation of law on crop production activities in respective localities;

b) Issue the plan for shift in the crop structure corresponding to actual conditions of specific localities;

c) Direct and undertake the task of management of crop production activities in their respective localities; provide guidance on and issue production processes appropriate for actual conditions of respective localities; organize crop production activities;

d) Organize propaganda, dissemination and education of law soft, training in knowledge about crop production activities; set up the database on crop production activities in respective localities and update the national crop production database;

dd) Undertake the tasks of issuance, re-issuance, extension, suspension, restoration, revocation or revocation of decisions, permits and certificates in crop production activities according to its competence and post it on the electronic information portal of each provincial People's Committee;

e) Direct the formulation of plans, undertake the task of inspection, examination and settlement of complaints and denunciations, handle violations of the law on crop production activities according to its competence.

2. District-level People's Committees shall, within the ambit of their duties and powers, have the following responsibilities:

a) Implement tasks and measures of management in crop production activities in their respective localities under the provisions of law;

b) Perform the task of state management of crop production activities according to assigned duties or delegated authority;

c) Hold and implement propaganda, training and educational programs relating to laws on crop production activities performed within respective localities.

Chapter VII

IMPLEMENTARY PROVISIONS

Article 84. Entry into force

1. This Law shall take effect on January 1, 2020.

2. The Ordinance on Plant Varieties No. 15/2004/PL-UBTVQH11 shall be repealed from the entry into force of this Law.

Article 85. Transitional provisions

1. The decision on recognition of new plant varieties granted under the Ordinance No. 15/2004/PL-UBTVQH11 on Plant Varieties shall be continued for a period of 10 years for annual plant varieties and 20 years for perennial plant varieties from the date of grant of the decision, and may be extended under the provisions of this Law.

In cases where the remaining duration of the decision on recognition of new plant varieties is less than 3 years or exceeds the term of 10 years for annual crop varieties, or 20 years for perennial plant varieties till the effective date of this Law, the decision shall be continued for use for a period of 03 years from the date of entry into force of this Law.

2. The decision on recognition of first-generation plants or the decision on recognition of first-generation plant gardens which is granted under the Ordinance No. 15/2004/PL-UBTVQH11 on Plant Varieties shall be continued for use under the provisions of this Law and shall not need to apply for extension.

3. The decision on recognition of fertilizers in circulation in Vietnam, the permit for fertilizer production or the certificate of conformance to fertilizer production regulations which have been granted before the effective date of this Law shall continue to be used until the expiration of its validity period, and may be extended or reissued in accordance with the provisions of this Law.

The certificate of conformance to fertilizer trading regulations which has been granted prior to the entry into force of this Law shall have the same value as the certificate of conformance to fertilizer trading regulations specified in this Law.

4. National technical regulations or national standards regarding crop production which have been issued ahead of the entry into force of this Law shall continue to be used until they are repealed or replaced.

5. Results of basic tests on plant varieties which are conducted prior to the entry into force of this Law shall have the same value as the results of narrow tests prescribed in this Law.

6. Results of testing of production of plant varieties which is performed prior to the entry into force of this Law shall have the same value as the results of wide tests prescribed in this Law.

7. Results of testing of fertilizers which is conducted prior to the entry into force of this Law shall continue to be valid for use in accordance with this Law.

This Law is passed in the 6th plenary session of the XIVth National Assembly of the Socialist Republic of Vietnam held on November 19, 2018.

NATIONAL ASSEMBLY'S CHAIR

Nguyen Thi Kim Ngan