

**THE GOVERNMENT OF
VIETNAM**

No. 46/2022/ND-CP

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, July 13, 2022

DECREE

AMENDMENTS TO SOME ARTICLES OF THE GOVERNMENT'S DECREE NO.
13/2020/ND-CP DATED JANUARY 21, 2020 ON ELABORATION OF THE LAW ON
ANIMAL HUSBANDRY

*Pursuant to the Law on Government Organization dated June 19, 2015; Law dated
November 22, 2019 on Amendments to some Articles of the Law on Government
Organization and Law on Local Government Organization;*

Pursuant to the Law on Animal Husbandry dated November 19, 2018;

At the request of the Minister of Agriculture and Rural Development;

*The Government hereby promulgates a Decree on amendments to some articles of the
Government's Decree No. 13/2020/ND-CP dated January 21, 2020 on elaboration of the
Law on Animal Husbandry.*

**Article 1. Amendments to some articles of the Government's Decree No.
13/2020/ND-CP dated January 21, 2020 on elaboration of the Law on Animal
Husbandry**

1. Several clauses of Article 3 are amended as follows:

a) Clause 5 is amended as follows:

“5. “livestock unit coefficient” means a constant applied to directly convert the number of animals to livestock units.”

b) Clause 6 is amended as follows:

“6. “loudspeakers” mean a device for luring swiftlets, which is positioned at or near their entrances”.

c) Clauses 11, 12 and 13 are added as follows:

“11. “new substances in livestock waste treatment products” include chemicals, biological preparations and microorganisms not yet included in the List of chemicals,

biological preparations and microorganisms permitted for use in livestock waste treatment products in Vietnam.

12. “producer of livestock waste treatment products” means an establishment which goes through one or more stages of livestock waste product treatment, preparation and processing.

13. “original breed-based livestock product” means a livestock breed product obtained from an original breed.”

2. Several clauses of Article 4 are amended as follows:

a) Clause 6 is amended as follows:

“6. If a document is written in a foreign language, the Vietnamese translation of such document certified by the entity handling administrative procedures or notarized shall be needed.”

b) Clause 8 is added as follows:

“8. In the event of a natural disaster or diseases prescribed by regulations of law: carry out online assessment of manufacturing and trading establishments, conformity assessment bodies, assessment and licensing authorities in accordance with requirements for resources and technical means (computers, internet connection, software, voice recorders, video recorders, etc.); suspend the periodic monitoring and evaluation activities for up to 06 months; or grant a temporary license for up to 06 months, inspect the quality of imports on the basis of considering the adequacy and validity of documents without having to conduct a direct on-site assessment. Entities involved in production and business; conformity assessment bodies shall take legal responsibility for the accuracy of the information, documents, images and applications provided to the licensing authority. A direct assessment shall be carried out after localities have kept the natural disaster or disease under control as prescribed by law; immediately revoke the license if the entity commits a violation and impose penalties as prescribed by law.”

c) Clause 9 is added as follows:

“9. Document retention

a) Documents relating to state inspection of quality of imported feeds; state inspection of quality of imported livestock waste treatment products shall be retained for 05 years from the date of notifying the inspection result;

b) Documents relating to import of imported feed not announced on the web portal of the Ministry of Agriculture and Rural Development; import of livestock waste treatment products containing new substances shall be retained for 05 years from the date of issue of the import license.”

3. Article 5a is added after Article 5 as follows:

“Article 5a. Order placement mechanism for import, production, stocking and supply of original breed-based livestock products

1. Order placement comprises import, production, stocking and supply of original breed-based livestock products.

2. Procedures for ordering import, production, stocking and supply of original breed-based livestock products shall be subject to the following conditions:

a) State-owned public service providers shall exercise the functions and tasks of researching and producing livestock breeds; producers and suppliers of original breed-based livestock products have obtained registration for livestock breeds; are financially capable; have satisfied requirements for original livestock breeds and production and trading conditions specified in Articles 22 and 23 of the Law on Animal Husbandry;

b) Technical and economic norms applicable to each type of original livestock breed shall be promulgated by the Ministry of Agriculture and Rural Development.

3. Selling prices of and subsidies on original livestock products shall be decided by a competent authority under regulations of law on prices and relevant regulations of law.

4. Bases for placing orders, orders’ details and other regulations on ordering import, production, stocking and supply of original breed-based livestock products shall be subject to regulations of law.”

4. Clauses 3 and 4 are added to Article 9 as follows:

“3. A holder of the certificate of eligibility for feed production shall, upon producing commercial feeds or feeds on orders placed by other organizations/individuals, transfer a copy of the batch production logbook to the hiring entities for retention to serve the inspection and traceability.

4. Any entity hiring the holder of the certificate of eligibility for feed production to produce commercial feeds shall archive documents concerning declaration of product information on the web portal of the Ministry of Agriculture and Rural Development, and declare their standard applied, conformity, production logbook and testing results so as to serve the inspection and traceability.

Any entity hiring the holder of the certificate of eligibility for feed production to produce feeds on orders shall archive their production logbook and testing results so as to serve the inspection and traceability.”

5. Clause 8 of Article 10 is amended as follows:

“8. Cases where the certificate of eligibility for feed production is not required to be obtained:

a) Manufacturing (production, preparation and processing) establishments producing traditional feeds for commercial purposes at households and household businesses;

b) Food producers that satisfy regulations of Vietnam’s law on food safety and have their products and by-products created during the manufacturing process and quality appropriate to be used as feeds without undergoing any stage of preparation or processing.”

6. Clause 6 is added to Article 11 as follows:

“6. The inspection of satisfaction of conditions for feed production shall be carried out as follows: Within 06 months before the date of inspection specified in points a and b clause 5 of this Article, the authority issuing the certificate of eligibility for feed production shall notify the entity in writing. Within 20 days from the date of notification, the inspecting authority shall establish an inspectorate and carry out a site inspection at the establishment as prescribed in point a clause 1, clauses 2, 3 and 4 of this Article. Within 05 working days from the end of the inspection, the competent authority shall issue a notification of inspection result using the Form No. 13.TACN in the Appendix I to this Decree”.

7. Several clauses of Article 14 are amended as follows:

a) Clause 3 is amended as follows:

“3. Procedures for accreditation of a feed testing method of an exporting country’s laboratory are as follows:

Within 30 days from the receipt of a sufficient application, the Department of Livestock Production shall organize an inspectorate to appraise it; if the application is insufficient and inaccurate, the Department of Livestock Production shall carry out a site inspection at the exporting country’s laboratory. If the application is satisfactory, within 05 working days from the end of the appraisal and inspection, the Department of Livestock Production shall issue a decision to accredit feed testing method of the exporting country’s laboratory using the Form No. 14.TACN in the Appendix I to this Decree; in case of refusal, a written notice and explanation shall be sent. The decision to accredit feed testing method of the exporting country’s laboratory shall be valid for up to 05 years.”

b) Clause 4 is amended as follows:

“4. An inspectorate is composed of Department of Livestock Production, relevant units and technical experts.”

c) Clause 5 is added as follows:

“5. Any entity applying for accreditation of feed testing method of exporting country’s laboratory shall provide sufficient and accurate documents with a view to serving the appraisal and inspection; cooperate with the Department of Livestock Production in the inspection.”

8. Several clauses of Article 15 are amended as follows:

a) Clause 2 is amended as follows:

“2. Procedures for accreditation of the exporting country’s testing procedure and feed are as follows:

Within 30 days from the receipt of a sufficient application, the Department of Livestock Production shall organize an inspectorate to appraise it; if the application is insufficient and inaccurate, the Department of Livestock Production shall carry out a site inspection in the exporting country. If the application is satisfactory, within 05 working days from the end of the appraisal and inspection, the Department of Livestock Production shall issue a decision to accredit exporting country’s testing procedure and feed using the Form No. 15.TACN in the Appendix I to this Decree; in case of refusal, a written notice and explanation shall be sent.”

b) Clause 3 is amended as follows:

“3. An inspectorate is composed of Department of Livestock Production, relevant units and technical experts.”

c) Clause 4 is added as follows:

“4. Any entity applying for accreditation of exporting country’s testing procedure and feed shall provide sufficient and accurate documents with a view to serving the appraisal and inspection; cooperate with the Department of Livestock Production in the inspection.”

9. Several clauses of Article 18 are amended as follows:

a) Clause 4 is amended as follows:

“4. Procedures for state inspection of quality of imported feeds are as follows:

a) The entity shall submit an application specified in clause 3 of this Article to the inspecting authority mentioned in clause 1 of this Article. Within 01 working day from the receipt of the application, the inspecting authority shall respond to its adequacy:

b) Within 03 working days from the receipt of the application, the inspecting authority shall appraise it.

If the application is unsatisfactory, the inspecting authority shall request the entity to complete it.

If the application is satisfactory, the inspecting authority shall provide a certification in the application form for quality inspection so as for the entity to complete the procedures specified in points c and d of this clause.

c) For the animal feed specified in point a clause 2 of this Article, the entity is granted customs clearance immediately after completing the customs procedures. Within 15 working days from the date on which the shipment is granted customs clearance, the entity shall submit the conformity assessment result to the inspecting authority. The entity shall take total responsibility for their conformity assessment result and ensure that the shipment conforms to the technical regulation or standard applied. In case of non-conformity, the entity shall notify the inspecting authority or the conformity certification body shall notify the inspecting authority for remedial actions under regulations of law;

d) For the animal feed specified in point b clause 2 of this Article, the entity shall complete the customs declaration procedures and select a designated conformity certification body to assess conformity of the shipment. If the shipment conforms to the technical regulation or standard applied, the conformity certification body shall issue the certificate of conformity to the shipment so as for the entity to submit it to the customs authority for customs clearance and at the same time notify the inspecting authority.

In case of non-conformity, the conformity certification body shall notify the inspecting authority for remedial actions under regulations of law.”

b) Points a and c of clause 5 are amended as follows:

“a) The relief or exemption from state inspection of quality of imported feeds shall apply to feeds of the same type (their name, accreditation code, ingredients, quality, uses, forms and color) produced by the same producer, and imported by the same importer after 03 consecutive import shipments with conformity assessment results certified in writing by the inspecting authority to qualify for such exemption from state inspection within 01 year; During the period of relief or exemption from state inspection of quality of imported feeds, the entity is not required to assess and declare conformity of each shipment.

Any organization or individual that wishes to apply for relief or exemption from state inspection of quality of imported feeds as prescribed in this clause shall submit an application form using the Form No. 17.TACN in the Appendix I to this Decree to the inspecting authority together with the result of assessment of conformity with the national technical regulation carried out 03 consecutive times. Within 03 working days from the

receipt of a valid application, the inspecting authority shall issue a document certifying the exemption from quality inspection;

c) During the period of relief or exemption from state inspection of quality of imported feeds, the inspecting authority shall:

Carry out a surprise inspection of a shipment upon discovery of any issue or receipt of any complaint or denunciation relating to quality of the imports or at the request of a competent authority or under the direction of a superior authority.

Issue a notification of suspension of relief or exemption from inspection if the imports circulated on the market are found unconformable with the national technical regulation or standard applied or there is a complaint or denunciation about the conformity assessment result which has been substantiated with persuasive evidence or the surprise inspection indicates that the result of assessment of conformity of the shipment is unsatisfactory.

c) Clause 6 is added as follows:

“6. Cases of exemption from state inspection of quality of feeds upon import:

a) Feeds temporarily imported or re-imported for recycling at the request of foreign partners;

b) Feeds in transit, transshipped feeds, feeds involved in the merchanting trade transactions;

c) Feeds sent from abroad to bonded warehouses;

d) Feeds for display at fairs or exhibitions or for advertising;

dd) Feeds used as samples for analysis in laboratories;

e) Feeds used as samples for testing in service of testing, assessment and certification of conformity with national technical regulations or for interlaboratory testing;

g) Feeds serving scientific research;

h) Inbound person's feeds that are within the duty-free allowance;

i) Feeds imported to serve emergency needs as decided by the Government or Prime Minister in consideration of proposals of the Ministry of Agriculture and Rural Development.”

10. Article 18a is added after Article 18 as follows:

“Article 18a. Post-customs clearance state inspection of quality of imported feeds

1. Inspecting authority: Department of Livestock Production, Departments of Agriculture and Rural Development of provinces and central-affiliated cities

2. Inspection contents:

According to the regulations set out in clause 2, clause 3 Article 41; clause 2, clause 4 Article 43 and clause 2 Article 49 of the Law on Animal Husbandry.

3. Frequency of inspection

a) Each imported feed product and each importer shall undergo no more than one inspection per year. The following criteria shall be applied to select products and importers undergo the annual inspection:

For a feed product: its nature, uses, manufacturing establishment, manufacturing country, quantity imported, import value, result of quality inspection given in the year preceding the year of inspection;

For a feed importer: quantity of each of its product imported, purposes of import; result of compliance with regulations of law in the year preceding the year of inspection;

Other criteria specified in legislative documents on feeds (if any);

b) Carry out a surprise inspection upon suspecting the importer of committing a violation or receipt of a complaint or denunciation about the product quality or at the request of a competent authority or under the direction of a superior authority.

4. Inspection procedures

a) The Department of Livestock Production shall access information about imported feed shipments on the National Single Window Portal to form a basis for execution of an annual inspection program specified in point b of this clause;

b) The annual inspection program includes name and address of the importer to be inspected, number of products to be inspected, inspection contents, inspecting authority, date of inspection and deadline for submission of the inspection result report.

c) Before October 30 every year, the Department of Livestock Production shall notify the inspection program to the Department of Agriculture and Rural Development. The inspecting authority specified in clause 1 of this Article shall carry out an inspection and prepare in inspection record using the Form No. 16.TACN in the Appendix I to this Decree; process the inspection result as prescribed by law.

5. Funding for inspection: The funding for inspection shall be covered by the central and local administrative budget.

6. Implementation: The inspecting authority specified in clause 1 of this Article shall organize post-customs clearance state inspection of quality of imported feeds in association with inspection of the producer, trader, importer or user of feeds.”

11. Clause 2 of Article 19 is amended as follows:

“2. The feed sample testing serving state management shall be conducted before the expiry date of a batch of products whose samples are collected (not applicable to inspection of substances prohibited from use in feeds).

The notification of initial inspection result shall be sent to an entity at least 15 days before the expiry date of the product batch (not applicable to the surprise inspection in accordance with regulations of law on inspection). Within 02 working days after receiving a complaint from the entity, the inspecting authority shall send samples for re-testing.”

12. Several clauses of Article 21 are amended as follows:

a) Clause 1 is amended as follows:

“1. The livestock production scale is determined by the number of livestock units at the same time with respect to types of domestic animals specified in the Appendix V to this Decree.”

b) Introductory paragraph of Clause 2 is amended as follows:

“2. Livestock production scale shall be determined as follows:”

c) Point b of clause 3 is amended as follows:

“b) Medium- and small-scale farming shall be subject to the conditions specified in clause 1 Article 55 and clause 2 Article 57 of the Law on Animal Husbandry.

Every Department of Agriculture and Rural Development and district-level People’s Committee shall inspect the satisfaction of conditions for livestock production by the medium- and small-scale farms according to the criteria specified in the inspection checklist in the Form No. 04.ĐKCN in the Appendix I to this Decree. A periodic inspection shall be carried out every 03 years; a surprise inspection shall be carried out upon suspecting a violation or receiving a complaint or denunciation about animal product quality or livestock production conditions at the request of a competent authority or under the direction of a superior authority.

In case a violation is committed, medium- and small-scale farms shall undertake to rectify it and satisfy conditions for livestock production within 06 months from the date on which the violation is found, and send a rectification report to the inspecting authority. The inspecting authority shall carry out a site inspection where necessary.”

13. Article 4a is added after clause 4 Article 24 as follows:

“4a) The inspection of satisfaction of conditions for livestock production shall be carried out as follows: Within 06 months before the date of inspection, the competent authority specified in clause 5 of this Article shall notify the entity in writing. Within 20 days from the date of notification, the inspecting authority shall establish an inspectorate and carry out a site inspection at the establishment as prescribed in point b clause 1 and clause 3 of this Article. Within 05 working days from the end of the inspection, the inspecting authority shall issue a notification of inspection result using the Form No. 06.ĐKCN in the Appendix I to this Decree.”

14. Clause 2 of Article 29 is amended as follows:

“2. Unless otherwise prescribed by an agreement between Vietnam and a foreign country, border checkpoints that receive live livestock imported to Vietnam include:

- a) International airports;
- b) Land border checkpoints: international border checkpoints and major checkpoints;
- c) Special seaports, class I, class II and class III seaports.”

15. Several clauses of Article 30 are amended as follows:

a) Clause 1 is amended as follows:

“1. Entities producing and selling livestock waste treatment products must declare their applied standards and conformity in accordance with regulations of law on quality of products and goods.

Livestock waste treatment product specifications to be included in the applied standards are provided in the Form No. 01.MTCN in the Appendix I to this Decree.”

b) Clause 2 is amended as follows:

“2. Entities shall access the web portal of the Ministry of Agriculture and Rural Development to declare information about their livestock waste treatment products themselves before putting them on the market.

After self-declaration of product information, entities are entitled to produce and trade the products and take responsibility for quality and safety of the products declared.

During the period of establishing and completing the database used for self-declaration of information about livestock waste treatment products, entities shall send information about their livestock waste treatment products to the Department of Livestock Production for consolidation and publication on the web portal of the Ministry of Agriculture and Rural Development. “1. Entities shall take responsibility for information declared, quality and safety of the livestock waste treatment products declared.”

c) Clause 3 is amended as follows:

“3. The documents concerning declaration of information about a domestically produced livestock waste treatment product include:

- a) Information about the producer of livestock waste treatment products (according to the Form No. 02.MTCN in the Appendix I to this Decree);
- b) The standard applied and declaration of conformity of the product;
- c) A product quality test report;
- d) A sample label in accordance with regulations of law on goods label.”

d) Clause 4 is amended as follows:

“4. The documents concerning declaration of information about an imported livestock waste treatment product include:

- a) Information about the producer of livestock waste treatment products (according to the Form No. 02.MTCN in the Appendix I to this Decree);
- b) Certificate of Free Sale or equivalent document issued by a competent authority of the country of origin;
- c) Information about the ingredients, uses, instructions for use, which is provided by the producer;
- d) The standard applied or declaration of product conformity;
- dd) A product label provided by the producer; enclosed with a secondary label written in Vietnamese language;
- e) A test report.”

16. Several clauses of Article 31 are amended as follows:

a) Clause 1 is amended as follows:

“1. If a livestock waste treatment product produced or imported into Vietnam for the first time contains a new substance that has not undergone testing in Vietnam, it shall be tested before the declaration; except for the product that is sourced from the result of a ministerial- or national-level science and technology task that has been recognized.

If a livestock waste treatment product produced or imported into Vietnam for the first time contains a new substance on the List of ingredients permitted for use as feeds, the testing shall be carried out as prescribed in points a and c clause 3 of this Article.

The Ministry of Agriculture and Rural Development shall promulgate a List of chemicals, biological preparations and microorganisms permitted for use in livestock waste treatment products in Vietnam according to the testing result or science and technology task that has been recognized or as permitted by a competent authority or result of review, investigation and practical assessment.”

b) Clause 3 is amended as follows:

“3. Contents of the testing:

a) Assessment of ingredients and quality of products according to the standards applied;

b) Assessment of safety of humans and animals, environmental safety during the use of products;

c) Assessment of product effectiveness.”

c) Clause 4 is amended as follows:

“4. Recognize testing result

a) After the end of the testing, the entity shall prepare an application for recognition of testing result;

b) An application for recognition of testing result consists of:

An application form for recognition of result of testing of livestock waste treatment product containing new substance, which is made using the Form No. 03.MTCN in the Appendix I to this Decree;

A report on result of testing of livestock waste treatment product containing a new substance, which is made using the Form No. 04.MTCN in the Appendix I to this Decree;

c) Sequence and procedures for recognition of testing result

The entity which has a tested livestock waste treatment product shall submit an application specified in point b clause 4 of this Article to the Department of Livestock Production.

Within 20 working days from the receipt of a sufficient and valid application, the Department of Livestock Production shall establish a testing result assessment council which is composed of the Department of Livestock Production, relevant units and technical experts. Within 05 working days from the receipt of the application completed following opinions of the assessment council, the Department of Livestock Production shall consider issuing a decision on recognition of successfully tested livestock waste treatment product containing new substance according to the Form No. 05.MTCN in the Appendix I to this Decree. In case of rejection of the application, a written notice and explanation shall be sent.

d) Within 03 working days from the date on which the decision on recognition of testing result is issued, the Department of Livestock Production shall publish the decision on its web portal. The entity is permitted to produce and sell the product immediately after the decision on recognition of testing result is obtained.”

d) Clause 5 is amended as follows:

“5. The testing facility shall retain documents relating to testing results for at least 03 years after the end of the testing, bear responsibility for testing results and be subject to inspection of testing activities by competent authorities.”

17. Clauses 8 and 9 are added to Article 32 as follows:

“8. The holder of the certificate of eligibility for production of livestock waste treatment product shall, upon producing commercial livestock waste treatment products or livestock waste treatment products on orders placed by other organizations and individuals, transfer a copy of the batch production logbook to the hiring entities for retention to serve the inspection and traceability.

9. Any entity hiring the holder of the certificate of eligibility for production of livestock waste treatment product to produce commercial livestock waste treatment products shall archive documents concerning declaration of product information on the web portal of the Ministry of Agriculture and Rural Development, and declare their standard applied, conformity, production logbook and testing results so as to serve the inspection and traceability.

Any entity hiring the holder of the certificate of eligibility for production of livestock waste treatment product to produce livestock waste treatment products on orders shall archive their production logbook and testing results so as to serve the inspection and traceability.”

18. Article 32a, Article 32b, Article 32c, Article 32d, Article 32dd, Article 32a, Article 32g and Article 32h is added after Article 32 as follows:

a) Article 32a is amended as follows:

“Article 32a. Issuance, re-issuance and revocation of certificate of eligibility for production of livestock waste treatment product

1. Authority in charge: Department of Livestock Production.

2. An application for issuance of certificate of eligibility for production of livestock waste treatment products includes:

a) An application form for issuance of certificate of eligibility for production of livestock waste treatment product, which is made using the Form No. 06.MTCN in the Appendix I to this Decree;

b) A description of condition of producer of livestock waste treatment products, which is made using the Form 07.MTCN in the Appendix I to this Decree;

c) Procedures for control of quality and bio-safety of the producer of livestock waste treatment products, which are established using the Form No. 08.MTCN in the Appendix I to this Decree;

d) The documents specified in points a and b of this clause and points c and d clause 2 Article 10 of this Decree if the producer produces both livestock waste treatment products and supplement feeds.

3. Sequence and procedures for issuance of certificate of eligibility for production of livestock waste treatment product:

a) The producer shall submit an application specified in clause 2 of this Article to the Department of Livestock Production. Within 10 working days from the receipt of a sufficient application, the Department of Livestock Production shall appraise it. If the application is unsatisfactory, the Department of Livestock Production shall request the producer to complete it;

b) If the application is satisfactory, within 20 working days from the receipt of a valid application, the Department of Livestock Production shall establish an inspectorate to carry out a site inspection at the manufacturing establishment with the inspection contents specified in the Form No. 09.MTCN in the Appendix I to this Decree and make an inspection record using the Form No. 10.MTCN in the Appendix I to this Decree. In case of failure to satisfy the conditions, within 06 months from the date of making the inspection record, the establishment shall take corrective actions and submit a rectification report to the Department of Livestock Production for re-inspection (where necessary).

If the establishment satisfies the conditions, within 05 working days from the end of the site inspection, the Department of Livestock Production shall issue a certificate of eligibility for production of livestock waste treatment product according to the Form No. 11.MTCN in the Appendix I to this Decree; in case of rejection, a written notice and explanation shall be sent.

4. Producer of both supplement feeds and livestock waste treatment products

a) If they are produced on the same line and using the same equipment: the producer issued with the certificate of eligibility for feed production is permitted to produce livestock waste treatment products; the producer issued with the certificate of eligibility for production of livestock waste treatment products is permitted to produce feeds;

b) If they are produced on different lines, the inspection shall be carried out with the contents specified in the Form No. 04.TACN and Form No. 09.MTCN in the Appendix I to this Decree. Repeated criteria may be skipped and the inspection thereof shall be documented in the inspection record.

5. An application for re-issuance of certificate of eligibility for production of livestock waste treatment product includes:

a) An application form for re-issuance of certificate of eligibility for production of livestock waste treatment product, which is made using the Form No. 06.MTCN in the Appendix I to this Decree;

b) Documents evidencing the change(s) to information relating to the organization or individual on the certificate.

6. Sequence and procedures for re-issuance of certificate of eligibility for production of livestock waste treatment product

The producer shall submit an application specified in clause 5 of this Article to the Department of Livestock Production. Within 05 working days from the receipt of a valid application, the Department of Livestock Production shall re-issue the certificate of eligibility for production of livestock waste treatment product according to the Form No. 11.MTCN in the Appendix I to this Decree; in case of rejection, a written notice and explanation shall be sent.

7. A certificate of eligibility for production of livestock waste treatment product shall be re-issued in the following cases:

a) It is lost or damaged;

b) Information relating to the organization or individual on the certificate is changed.

8. A certificate of eligibility for production of livestock waste treatment product shall be revoked in the following cases:

a) It is erased or falsified;

b) The producer no longer satisfies the requirements laid down in Article 32 of this Decree and clause 1 Article 63 of the Law on Animal Husbandry but fails to take corrective actions by the deadline promised to the competent authority;

c) The producer commits other violations to an extent that the law requires the revocation.

9. Producers that produce livestock waste treatment products for non-profit purposes are not required to obtain the certificate of eligibility for production of livestock waste treatment products.

10. If the producer issued with the certificate of eligibility for production of livestock waste treatment product wishes to change its manufacturing location, the entity shall follow the procedures specified in clause 3 of this Article.

11. Every entity applying for inspection for issuance or re-issuance of the certificate of eligibility for production of livestock waste treatment product or inspection of satisfaction of conditions for production of livestock waste treatment products shall pay fees in accordance with regulations of law on fees and charges.”

b) Article 32b is added as follows:

“Article 32b. Site inspection of satisfaction of conditions by producer of livestock waste treatment products

1. Site inspection of satisfaction of conditions by a producer of livestock waste treatment products means the act of carrying out a observation of the producer; considering and searching for records and documents; and carrying out other relevant activities, including:

a) Inspection for issuance of certificate of eligibility for production of livestock waste treatment product;

b) Inspection of satisfaction of conditions by the producer of livestock waste treatment products.

2. The Department of Livestock Production shall establish an inspectorate to carry out a site inspection of satisfaction conditions by the producer of livestock waste treatment products. The inspectorate is composed of a chief who must be holding the position of a department manager or higher and at least 01 member who obtain at least a bachelor’s degree in husbandry, veterinary medicine, chemistry, biotechnology or environmental technology.

3. An inspection of satisfaction of conditions by the producer of livestock waste treatment products shall be carry out every 24 months. If the producer has been inspected and issued with a certificated of conformity with standard, the inspection shall be carried out every 36 months. Upon suspecting the producer of violating the law or receiving a complaint or denunciation about quality or under the direction of the superior authority, the Department of Livestock Production shall carry out an inspection or surprise inspection.

4. The inspection of satisfaction of conditions for production of livestock waste treatment products shall be carried out as follows: Within 06 months before the date of inspection, the Department of Livestock Production shall notify the entity in writing. Within 20 working days from the date of notification, the Department of Livestock Production shall establish an inspectorate to carry out a site inspection at the manufacturing establishment according to the Form No. 09.MTCN in the Appendix I to this Decree. Within 05 working days from the end of the inspection, the inspecting authority shall issue a notification of inspection result using the Form No. 12.MTCN in the Appendix I to this Decree.”

c) Article 32c is added as follows:

“Article 32c. Conditions for trading and import of livestock waste treatment products

1. Equipment and tools shall be in place to store livestock waste treatment products as instructed by the manufacturer and supplier.

2. Places for sale and warehouses of livestock waste treatment products shall be separated or protected from contamination by pesticides, fertilizers and other toxic chemicals; meet the quality and safety requirements as prescribed by law and follow the supplier’s recommendations.

3. There shall be harmful organism control measures.”

d) Article 32d is added as follows:

“Article 32d. Export and import of livestock waste treatment products

1. Documents about and quality of imported livestock waste treatment products shall comply with the regulations imposed by importers and importing countries and relevant Vietnam’s laws.

2. Imported livestock waste treatment products must undergo state inspection of their quality as prescribed in clause 1 Article 32dd of this Decree.

Cases where state inspection of quality is not required: samples, goods for introduction at exhibitions and fairs, goods as gifts; goods temporarily imported for re-export; goods in

transit, transshipped goods; goods sent to bonded warehouses; goods processed by Vietnamese enterprises for foreign traders; products imported to serve emergency needs under the direction of the Government and the Prime Minister.

3. Entities are entitled to import livestock waste treatment products containing chemicals, biological preparations and microorganisms on the List of chemicals, biological preparations and microorganisms permitted for use in livestock waste treatment products in Vietnam.

In case of importing livestock waste treatment products containing new substances for testing, scientific research or display at fairs or exhibitions, use as samples for analysis in laboratories or production or processing of exported products, it is required to obtain permission from the Ministry of Agriculture and Rural Development.

4. An application form for import of a livestock waste treatment product containing new substances for testing, scientific research or display at fairs or exhibitions, use as samples for analysis in laboratories or production or processing of exported products includes:

a) An application form for import, which is made using the Form No. 13.MTCN in the Appendix I to this Decree;

b) A research or testing proposal, which is made using the Form No. 14.MTCN in the Appendix I to this Decree in case of import for research or testing.

Documentary evidence for organization of and participation in the fair or exhibition in case of import for introduction or display at the fair or exhibition.

A written agreement on the analysis service between a testing laboratory or a domestic enterprise on the one side, and a testing laboratory or enterprise or entity vested with regulatory authority over livestock waste treatment products of an exporting country on the other side, under which both parties agree that samples of imported products are used for non-commercial purposes in the case of import as samples for analysis in laboratories.

A contract for manufacturing and processing of livestock waste treatment products for export purposes as conformable to Vietnam's laws on import of goods to be used for manufacturing and processing of exported products.

5. Procedures for issuance of license for import of livestock waste treatment product containing new substances as follows:

a) The entity shall submit an application specified in clause 4 of this Article to the Department of Livestock Production;

b) Within 15 working days from the receipt of a sufficient and valid application, the Department of Livestock Production shall issue the license for import of livestock waste

treatment product according to the Form No. 15.MTCN in the Appendix I to this Decree; in case of rejection, a written notice and explanation shall be sent.

6. The Minister of Agriculture and Rural Development shall consider deciding to inspect the system for management and production of livestock waste treatment products in the exporting country in accordance with Vietnam's law and treaties to which the Socialist Republic of Vietnam is a signatory in the following cases:

a) Carry out assessment for mutual recognition;

b) Discover risks affecting quality, disease control and environmental safety of the products imported into Vietnam.”

dd) Article 32dd is added as follows:

“Article 32dd. State inspection of quality of livestock waste treatment products

1. State inspection of quality of a livestock waste treatment product

a) Inspecting authority: Department of Livestock Production;

b) Inspection contents: inspection of application for import; physical inspection of quantity, weight, specifications, packaging, labeling, expiry date, origin and other organoleptic indicators of the product; collection of samples for testing and assessment of conformity in terms of the product's quality and safety;

c) Sequence and procedures for inspection: complying with regulations of law on inspection of quality of imported products and goods.

2. State inspection of quality of a livestock waste treatment product during its production and circulation on the market

a) Inspecting authority: Department of Livestock Production which will conduct inspection nationwide; Department of Agriculture and Rural Development which will conduct inspection within its province;

b) Inspection contents

Contents of inspection of quality of the product during its production: inspection of conformity with the standard applied, respective national technical regulation and regulations of the Ministry of Agriculture and Rural Development; inspection of result of conformity assessment, labeling, conformity mark and production records. Where necessary, the inspecting authority may employ experts to carry out inspection in accordance with the requirements laid down in the respective technical regulation;

Contents of inspection of quality of the product during its circulation on the market: inspection of its label in accordance with regulations of law on goods labels; inspection of the display of the standard applied and conformity mark in accordance with regulations of law; inspection of the satisfaction of conditions for goods preservation specified in the standard applied or its label; inspection of conformity of the product with the standard applied, respective national technical regulation and enclosed documents.

c) Inspection frequency: 01 product of the same origin of 01 manufacturing/trading establishment shall undergo no more than 01 inspection per year. A surprise inspection shall be carried out upon suspecting the manufacturing/trading establishment committing a violation or receipt of a complaint or denunciation about the product quality or at the request of a competent authority or under the direction of a superior authority.

3. Testing of a livestock waste treatment product shall be conducted by a laboratory which is designated by the Ministry of Agriculture and Rural Development or a legally recognized laboratory. If a designated laboratory or legally recognized laboratory providing livestock waste treatment product testing services is not available, the testing shall be carried out at the designated laboratory or legally recognized laboratory providing testing services in the areas of feeds, veterinary drugs, fertilizers, aquaculture feeds and environmental treating products in aquaculture in cases where there are appropriate testing methods. If the testing methods are yet to be designated or recognized, the Ministry of Agriculture and Rural Development shall make a decision on the test methods to be applied.”

e) Article 32e is added as follows:

“Article 32e. Processing results of testing of livestock waste treatment product quality

1. A result of livestock waste treatment product quality testing refers to the result of testing of product sample testing result given by a designated laboratory after calculating the permissible tolerance prescribed in the Appendix IV to this Decree.

2. The livestock waste treatment product sample testing serving state management shall be conducted before the expiry date of a batch of products whose samples are collected (not applicable to inspection of substances prohibited from use in livestock production).

The notification of initial inspection result shall be sent to an entity at least 15 days before the expiry date of the product batch (not applicable to the surprise inspection). Within 02 working days after receiving a complaint from the entity, the inspecting authority shall send samples for testing.

3. In case the testing result is unsatisfactory:

a) Within 03 working days from the date on which the testing result is received, the inspecting authority shall send a test report to the entity by post or online;

b) Within 07 working days from the date on which the test report is received, if the entity does not complain about the testing result, the inspecting authority shall impose penalties as prescribed by law.

4. Settlement of complaints about the testing result:

a) The entity that does not agree with the testing result is entitled to file a complaint with the inspecting authority.

The inspecting authority shall use the stored sample or collect a new sample (where necessary) to test the criteria against which the complaint is filed at another designated testing laboratory. The result of this testing shall serve as the basis for drawing a final conclusion;

b) If an entity files a complaint about the result of the testing carried out by the only testing laboratory designated in Vietnam, the inspecting authority may send samples to a foreign testing laboratory that has been accredited by an international or regional body or Department of Livestock Production. The result of this testing shall serve as the basis for drawing a final conclusion;

c) The costs of handling complaints about testing results shall be covered by entities as prescribed by law.”

g) Article 32g is added as follows:

“Article 32e. Handling of livestock waste treatment products violating regulations on quality

1. One or more sanctions below shall be imposed on stock waste treatment products that violate regulations on quality (hereinafter referred to as “violating livestock waste treatment products”):

a) Mandatory re-export: If an entity that has a violating livestock waste treatment product is liable for re-export, such entity shall follow re-export procedures in accordance with regulations of the law on customs and other relevant regulations of law, and submit the re-export documentation to the authority responsible for state inspection of livestock waste treatment product quality (hereinafter referred to as “the inspecting authority”);

b) Mandatory destruction: If an entity that has a violating livestock waste treatment product is liable for destruction, such entity shall sign a contract with an entity licensed to destroy violating goods. The contract shall clearly specify the destruction method in order for the inspecting authority to carry out the supervision;

c) Mandatory recycling: If an entity that has a violating livestock waste treatment product is liable for recycling, such entity shall recycle the livestock waste treatment product using an appropriate method in accordance with regulations of law, ensuring that the

quality of the recycled livestock waste treatment product must be conformable with the applied quality standard and respective national technical regulation; notify the inspecting authority of the recycling plan and result for supervision purpose;

d) Mandatory repurposing: If an entity that has a violating livestock waste treatment product is liable for livestock waste treatment product repurposing, such entity shall repurpose the livestock waste treatment product using an appropriate method in accordance with regulations of law; notify the inspecting authority of the repurposing plan and result for supervision purpose;

dd) Mandatory correction of information: If an entity that has a livestock waste treatment product is liable for information correction, such entity shall specify the corrected information about the product in the label or enclosed documents before its circulation on the market or use.

2. Supervision of violating livestock waste treatment product destruction shall be carried out as follows:

a) The authority having the power to impose administrative penalties shall supervise the violating livestock waste treatment product destruction with respect to violation cases within its power, make a supervision record as prescribed in point c of this clause;

b) Every Department of Agriculture and Rural Development shall supervise the violating livestock waste treatment product destruction in its province within its power or at the request of the Department of Livestock Production;

c) A supervision record shall contain the following information: legal bases and reasons for destruction; date and place of destruction; participants; names, types, origin, number and status of the products; destruction methods and other necessary information.

The supervision record shall be certified by representatives of parties involved in the supervision and entities whose products are destroyed.

3. If an entity that has violating livestock waste treatment products is subject to the sanctions specified in clause 1 of this Article, such entity shall incur all relevant costs.

4. If the livestock waste treatment product owner fails to be identified, the provincial People's Committee shall handle the violating waste treatment products and cover the costs incurred.”

h) Article 32h is added as follows:

“Article 32h. Rights and obligations of producers, traders, importers and users of livestock waste treatment products

1. Producers, traders and importers of livestock waste treatment products have the right to:

a) receive State's incentives in relation to livestock waste treatment product production and trading;

b) produce, trade and import livestock waste treatment products in compliance with regulations of this Decree and other relevant regulations of law;

c) make complaints or denunciations or file lawsuits relating to production, trading and import of livestock waste treatment products as prescribed by law.

2. Producers of livestock waste treatment products have the obligation to:

a) Satisfy the conditions applicable to producer of livestock waste treatment products during their operation;

b) set up and follow a process for control of quality and biosafety of livestock waste treatment products, ensuring that the livestock waste treatment products conform to the applied quality standards declared and equivalent national technical regulations and ensuring traceability of livestock waste treatment products; archive the process for control of quality and biosafety of livestock waste treatment products;

c) be subject to the inspection of their satisfaction of conditions for production and quality of their livestock waste treatment products by competent authorities; take legal responsibility for quality of their livestock waste treatment products;

d) declare the standards applied, conformity with respective national technical regulations; label their products in accordance with regulations of law on goods labelling; archive production records in service of product traceability; store samples of livestock waste treatment products for at least 30 days from their expiry dates.

3. Traders and importers of livestock waste treatment products have the obligation to:

a) satisfy the conditions applicable to traders and importers of livestock waste treatment products during their operation;

b) comply with regulations of law on assurance of quality and provision of information about origin of livestock waste treatment products;

c) adopt measures for assurance of product quality according to producers' recommendations of producers so as to maintain quality of livestock waste treatment products;

d) only trade and import livestock waste treatment products declared on the web portal of the Ministry of Agriculture and Rural Development;

dd) record and store information about trading and import of livestock waste treatment products during their trading and import to ensure traceability;

e) quote prices and facilitate inspection by competent authorities.

4. Users of livestock waste treatment products have the right to:

a) Obtain information about quality, origin and instructions for use of livestock waste treatment products from suppliers;

b) Make complaints or denunciations or file lawsuits relating to the use of livestock waste treatment products as prescribed by law;

c) Receive compensation for damage as prescribed by law.

5. Users of livestock waste treatment products have the obligation to:

a) adhere to regulations of law and suppliers and producers' instructions on transport, storage, preservation and use of products;

b) be subject to the inspection of product quality by competent authorities; cooperate in imposing sanctions on violating livestock waste treatment products as prescribed by law.”

19. Several forms and Appendices are amended as follows:

a) The Form No. 06.TACN in the Appendix I, Appendix II and Appendix V to the Decree No. 13/2020/ND-CP are amended in the Appendix to this Decree; The Form No. 13.TACN, Form No. 14.TACN, Form No. 15.TACN, Form No. 16.TACN, Form No. 17.TACN, Form No. 06.ĐKCN, Form No. 01.MTCN, Form No. 02.MTCN, Form No. 03.MTCN, Form No. 04.MTCN, Form No. 05.MTCN, Form No. 06.MTCN, Form No. 07.MTCN, Form No. 08.MTCN, Form No. 09.MTCN, Form No. 10.MTCN, Form No. 11.MTCN, Form No. 12.MTCN, Form No. 13.MTCN, Form No. 14.MTCN and Form No. 15.MTCN in the Appendix to this Decree are added.

b) Points a and b of clause 5 are amended and clause 3 is added to Section III Form No. 04.TACN in the Appendix I as follows:

“a) For a producer of complete feeds, concentrated feeds or premixed feed additives:

The addition or cutting of inspection contents shall comply with the regulations laid down in Sections I and II.

If the producer does not have equipment for mixing micronutrients (premixes) before mixing them with raw materials or macronutrients to form finished products (unless the producer buys premixes from other production/trading establishments) specified in point

a clause 3 Section I of this Guidance, the establishment must have a document proving the uniformity of these micronutrients in the finished products.

If the producer of feeds containing antibiotics does not have equipment or tool to mix veterinary drugs containing antibiotics before production as prescribed in point a clause 9 Section I of this Guidance, the establishment have a document proving the uniformity of these antibiotics in the finished products;

b) For a producer of traditional feeds or supplement feeds: Depending on the production technology and nature of feed products, the inspectorate may remove several inspection criteria or change the requirements for inspection and major of technical personnel but shall ensure that the producer is able to control the quality and safety of the products and facilitate traceability. These contents must be documented in the inspection record. For a biomass fermentation establishment, it is required to satisfy the regulations laid down in point d clause 3 of this Guidance and have a document proving that microorganisms are safe for domestic animals.

3. Process inspection results

a) Pre-certification inspection

The establishment will be issued with the certificate if 100% of inspection criteria are satisfactory;

b) Inspection of satisfaction of conditions

The establishment's certificate remains effective if 100% of inspection criteria are satisfactory.

The establishment shall suspend its production pending remedial actions if at least 02 class A criteria are unsatisfactory or at least 07 criteria are satisfactory.

The establishment will have its certificate revoked if it fails to take remedial actions against the unsatisfactory criteria specified in the inspection record by the promised deadline.”

c) II.9 of the inspection checklist enclosed with the Form No. 04.ĐKCN in the Appendix I is amended as follows:

“Fulfill livestock farms’ the obligations.”

d) The phrases “Sau khi cấp, đề nghị gửi 01 bản scan Giấy chứng nhận về Cục Chăn nuôi” (“After the issuance, send 01 scanned copy of the certificate to the Department of Livestock Production”) and “Trường hợp cấp lại Giấy chứng nhận thì ghi rõ “Giấy chứng nhận này thay thế Giấy chứng nhận Mã số, ngày.....”; Mã số Giấy chứng nhận cấp lại không thay đổi so với Mã số Giấy chứng nhận đã được cấp lần đầu” (“In case of re-

issuance of the certificate, please specify that “This certificate supersedes the certificate No. dated”; the number of the issued certificate is identical to that of the initial certificate”) are added to the “note” section of the Form No. 05.ĐKCN in the Appendix I;

dd) Title of the Appendix IV is changed to “Độ dao động cho phép của kết quả thử nghiệm chất lượng thức ăn chăn nuôi; sản phẩm xử lý chất thải chăn nuôi phục vụ công tác quản lý nhà nước.” (“Permissible tolerance of feed quality testing results; livestock waste treatment products serving state management”)

e) The ordinal number 08 is added to the Appendix VIII as follows:

No.	Name of animal	Latin name	Subpieces name
8	Ruồi lính đen (“Black soldier fly”)	Hermetia illucens	Hermetia illucens

Article 2. Replacement and repeal of some phrases, points, clauses, Articles and Appendices of the Government’s Decree No. 13/2020/ND-CP dated January 01, 2020 on elaboration of the Law on Animal Husbandry

1. The phrase “Bản sao, chụp tài liệu chứng minh có biện pháp bảo vệ môi trường được cơ quan có thẩm quyền xác nhận theo quy định của pháp luật về bảo vệ môi trường” (“Copy or photocopy of the proof of the environmental protection measures certified by the competent authority in accordance with regulations of law on environmental protection”) in 4.c of the Form No. 02.TACN and II.3 of the Form No. 02.ĐKCN is replaced with the phrase “Mô tả thông tin cơ sở đã có biện pháp bảo vệ môi trường theo quy định của pháp luật” (“Description of the environmental protection measures prescribed by regulations of law”).

2. The phrase “Kế hoạch bảo vệ môi trường” (“Environmental protection plan”) in the Form No. 04.TACN, Form No. 03.ĐKCN and Form No. 04.ĐKCN in the Appendix I is replaced with the phrase “Giấy phép bảo vệ môi trường” (“Environmental protection license”).

3. Point c clause 3 of Article 18, point c clause 4 of Article 19 and Form No. 01.MTCN in the Appendix I and Appendix IX are repealed.

4. The conclusion is removed from the Appendix to the Form No. 05.TACN in the Appendix I.

5. The entry “Số đơn vị vật nuôi đáp ứng yêu cầu về mật độ chăn nuôi của tỉnh/thành phố” (“Number of livestock units satisfying the livestock density requirement applicable to province/city”) is removed from I.2 Part B of the Form No. 03.ĐKCN and I.2 in the inspection checklist of the Form No. 04.ĐKCN in the Appendix I.

Article 3. Transitional clauses

1. Sufficient applications regarding feeds and import of live animals that have been submitted before the effective date of this Decree shall be processed in accordance with regulations of the Law on Animal Husbandry, documents elaborating the Law on Animal Husbandry and relevant laws in force at the time of submission. The regulations set forth in this Decree which are more favorable for entities shall prevail.

2. Producers of livestock waste treatment products operating before the effective date of this Decree are entitled to continue their operation and required to follow procedures to obtain the certificate of eligibility for production of livestock waste treatment products within 12 months from the effective date of this Decree.

3. The entities declaring information about livestock waste treatment products containing new substances before the effective date of this Decree shall comply with the regulations of the Law on Animal Husbandry, documents elaborating the Law on Animal Husbandry and relevant laws in force at the time of declaration.

4. The supplement feeds producers issued with the certificate of eligibility for feed production before the effective date of this Decree are permitted to produce livestock waste treatment products using the same supplement feed production line and equipment.

5. If a producer produces both supplement feeds and livestock waste treatment products on the same production line; products are used both as feeds and for livestock waste treatment, the regulations of law on feeds shall be complied with.

6. Products used both as supplement feeds and for livestock waste treatment which have been declared on the web portal of the Ministry of Agriculture and Rural Development in accordance with regulations of law on feeds and livestock waste treatment products shall bear the same label.

7. The retention of documents relating to state inspection of quality of imported feeds; state inspection of quality of imported livestock waste treatment products; import of feeds not declared on the web portal of the Ministry of Agriculture and Rural Development; import of livestock waste treatment products containing new substances before the effective date of this Decree shall comply with the regulations enshrined in point c clause 2 Article 1 of this Decree.

8. The state inspection of quality of feeds and livestock waste treatment products shall be conducted as prescribed in this Decree. If this Decree does not contain any regulations thereon, regulations of law on quality of products and goods and other relevant regulations of law shall apply.

Article 4. Effect

1. This Decree comes into force from the day on which it is signed.

2. Clause 10 Article 1 of this Decree shall not be implemented until the regulations on pre-customs clearance state inspection of quality of imported feeds specified in Article 18 of the Decree No. 13/2020/ND-CP are repealed.

3. The state inspection of quality of imported livestock waste treatment products shall be conducted from the effective date of the National technical regulation on livestock waste treatment products.

**ON BEHALF OF THE GOVERNMENT
PP. THE PRIME MINISTER
THE DEPUTY PRIME MINISTER**

Le Van Thanh

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