

MINISTRY OF HEALTH

No.: 30/2012/TT-BYT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Ha Noi, December 05, 2012

CIRCULAR

REGULATIONS ON FOOD SAFETY CONDITIONS FOR FOOD SERVICES BUSINESS AND STREET FOOD BUSINESS ESTABLISHMENTS

Pursuant to the Law on Food Safety 2010;

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

Pursuant to the Decree No. 63/2012/ND-CP dated August 31, 2012 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Health;

At the request of the Director of Department of Food Safety;

The Minister of Health issues Circular on food safety conditions for food services business and street food business establishments.

Chapter I

GENERAL REGULATION

Article 1. Scope of adjustment

1. This Circular specifies the conditions for food services business and street food business establishments (hereinafter referred to as establishment).
2. This Circular applies to organizations or individuals, households operating food services business and street food business in the territory of Vietnam.

Article 2. Explanation of terms

In this Circular, the terms are construed as follows:

1. Food business services establishment is the one which organizes processing and supply of food, beverages for instant eating with fixed location including ready-made helping processing establishment, canteen, collective kitchen; kitchen, hotel's restaurant, resort, restaurant, eatery, shop, fast food and cooked food stall,
2. Street food business is the type of foodstuff and food and beverage business for instant eating and drinking being sold on streets or at public locations (bus station, train station, railway station, tourist site, festivals) or at similar places.

Chapter II

CONDITION FOR FOOD SAFETY ASSURANCE FOR FOOD SERVICES BUSINESS ESTABLISHMENTS

Article 3. For ready-made helping processing establishment

1. Material facilities, equipment, tools and person directly process ready-made helping shall comply with the requirements specified in Article 1, 2, 3, and 4 of Circular No. 15/2012/TT-BYT 12 dated December 09, 2012 of the Ministry of Health specifying general conditions to ensure food safety for foodstuff production and business establishments.
2. Actual number of helping of ready-made helping processing establishment must be consistent with design performance of ready-made helping processing line of establishments.
3. Food materials, food additives, ready packed foodstuff must have contract concerning supply sources as prescribed with expiry date; food additives in the list of food additives permitted for use and issued by the Ministry of Health.
4. Ice used in food must be produced from water source in accordance with the Technical Regulations (QCVN) on the quality of drinking water No. 01:2009 / MOH.
5. Having enough books recording the implementation of three-step food checking mode under the guidance of the Ministry of Health; having enough devices for food sample storage, conservator of food sample and ensuring regulation on food sample storage at the establishment at least 24 hours from the time the helping are already finished.
6. Ensuring food safety in ready-made helping and instant food.
 - a) Appliance containing ready-made helping and instant food must be separated from the surrounding environment, prevent the entry of dust, insects, and in accordance with the size of shipping food;
 - b) Special-use transport equipment, devices and packing directly contacting with ready-made helping and instant food must be made of non-polluting material of non food-polluting material and easy to clean and ensure sanitation before, during and after transporting ready-made helping and instant food;
 - c) There is adequate equipment to control temperature, humidity, ventilation and other factors affecting food safety according to the technical requirements for ready-made helping and instant food during transport;
 - d) There must be rules regulating food safety in the transport of ready-made helping and instant food and maintaining and controlling the maintenance mode as required during transportation;
 - e) Equipment and instrument for the transportation of ready-made helping and instant food shall not be stored with the toxic goods or cause cross contamination affecting the quality and safety of food.
 - f) Time for preservation, transportation of ready-made helping and instant food since the food is completely processed until being served does not exceed 04 hours (if food can not be preserved hot, cold or frozen). The time from transporting ready-made helpings until they are eaten in case in the absence of special-use preservation equipment (hot keeping holder, freezer) is no more than 2 hours. If exceeding the above time, there must be measures to enhance the heating and pasteurization to ensure food safety prior to use for drinking.

Article 4. For canteen, collective kitchen, kitchen, hotel's restaurant, resort restaurant;

1. Facilities, equipment, instrument and person directly processing and serving food at canteens, collective kitchen, hotel, resort, restaurant shall comply with the requirements specified in Article 1, 2, 3, and 4 of Circular No. 15/2012/TT-BYT dated September 12, 2012 of the Ministry of Health regulating the general conditions to ensure food safety for food production and business establishment.
2. Designed with preliminary processing of food ingredients, processing and cooking area, food preservation area, dining area; food ingredient store, separate packed food preservation storage, separate hand-washing area and toilet. For collective kitchen using ready-made helping services moving in must have private area and in accordance with the number of helpings served to ensure food safety.
3. The food processing place must be designed on the one-way principle with adequate processing devices and exclusively used for the fresh food and cooked food with enough tools for division, gripping and containing food, the eating utensils must be clean with daily hygiene mode, equipped with clean disposable gloves when in direct contact with food; having equipment to prevent flies, cockroach, insect and pathogenic animal.
4. Dining area must be cool and furnished and regularly clean, equipped with equipment to prevent fly, cockroach, insect and pathogenic animal. There must be sinks for 50 eaters and toilet. The number is at least 01 (a) toilet for 25 people eaters.
5. Display and preservation of instant and cooked foodstuff area must ensure sanitation. The instant and cooked food must be displayed on table or shelf at least 60cm high and fully equipped and other objects to prevent dust, fly, cockroach and pathogenic insects. There are adequate hygiene instrument for clamping, picking and gripping food.
6. Ice used in food must be produced from water in accordance with the National Technical Regulations (QCVN) about the quality of drinking water No. 01:2009/BYT.
7. Having books to record the implementation of three-step food checking mode under the guidance of the Ministry of Health. Having devices for food sample storage and ensuring the food sample storage mode in at least 24 hours at the establishment after the food is processed.
8. Having waste material and garbage containers and ensuring the closure with lids. The waste material and garbage must be collected, processed daily as prescribed; waste water is collected in a closed system so as not to cause environmental pollution.

Article 5. For eating shops

1. Material facilities, equipment, devices and people directly processing and serving food at the eating shops shall comply with the requirements specified in Clauses 1, 2, 3, 4, 6 and 12 of Article 51, Clause 2 and 3, Article 6, Clause 1, 2, 3 and 4 of Article 7, Clause 1, 2, 4, 5, 7 and 8, Article 4 of Circular No. 15/2012/TT-BYT dated September 12, 2012 of the Ministry of Health regulating the general conditions to ensure food safety for food production and business establishment
2. The establishment is designed with place for food processing, display and sale of goods, place for customers to wash their hands and food processing and beverages; clean

eating place separated from sources of pollution; food display area must be separated between raw foods and cooked foods.

3. Having adequate processing, division and containing device and eating utensils must be hygienic; being equipped with clean disposable gloves when in direct contact with food. Materials and food packaging must ensure food safety.

4. Water used to cook food complies with the National Technical Regulation (QCVN) 01:2009 / BYT; water used to preliminarily prepare food materials and clean equipment, for customers to wash their hands must have adequate quantity and in accordance with National Technical Regulation (QCVN) No. 02:2009 / BYT and must be periodically tested at least once a year as prescribed; ice for preparing drinks must be produced from water source in accordance with the National Technical Regulation (QCVN) No. 01:2009 / BYT.

5. Food materials, food additives and packed food must have invoices and documents proving clear origin; food additives in the list of food additives that are permitted for use and issued by the Ministry of Health.

6. Instant food and cooked food must be displayed on table or shelf at least 60cm high from the ground, placed in glass window or preservation equipment to prevent flies, bluebottle, dust, rain, sun, insects and pests.

7. Establishment must have sufficient waste material and garbage containers, which must be closed with lids and moved daily; wastewater collected in system does not pollute the environment.

Article 6. For store and stall of cooked and instant food business

1. Establishment must be placed far from pollution source.

2. Place of processing and sale of instant and cooked food must be clean, cool and separate from each other for easy cleaning without pollution to the surrounding environment.

3. Water used for instant and cooked food processing should be sufficient and consistent with the National Technical Regulation (QCVN) No. 01:2009 / BYT; water used to preliminarily process materials and clean devices and wash hands must be sufficient and consistent with the National Technical Regulation (QCVN) No. 02:2009 / BYT; ice used in the preparation of beverages must be produced from water source in accordance with the National Technical Regulation (QCVN) No. 01:2009 / BYT.

4. Have enough devices to divide, grip, contain and preserve instant and cooked food and must be washed and dried before use; being equipped with disposable gloves when in direct contact with instant and cooked food; materials and packing of instant and cooked food must ensure food safety.

5. Raw materials used to prepare instant and cooked food must have invoices and documents to prove the origin and ensure safety as prescribed; only use food additives in the list of food additives permitted for use and issued by the Ministry of Health.

6. Instant and cooked food must be placed in hygienic glass window and preservation equipment to prevent flies, bluebottles, dust, insects and pests and must be 60cm high from the ground.
7. For establishment owner and person who are carrying on business of instant and cooked food shall comply with the requirements specified in Clauses 1, 2, 3 and 4, Article 7 of Circular No. 15/2012/TT-BYT dated September 12, 2012 of the Ministry of Health regulating the general conditions to ensure food safety for food production and business establishment.
8. Establishment must have adequate garbage container and be moved daily. Waste water is collected into public sewage system and does not cause environmental pollution.

Chapter III

CONDITIONS FOR FOOD SAFETY ASSURANCE FOR STREET FOOD BUSINESS

Article 7. Location, equipment and device

1. Business layout in public areas (bus, train station, railway station, resorts, festivals, exhibitions), sidewalk; food display and sale must be separated from sources of pollution, ensure cleanliness and not pollute the surrounding environment.
2. In case of carrying on business on the means for hawking, it must design the cage for holding and containing instant food and beverages to ensure the sanitation and prevent dirt, rain, sun, bluebottles, insects and pests
3. Water used to simply process instant food and prepare drinks must be sufficient quantity and in accordance with the National Technical Regulation (QCVN) No. 01:2009 / BYT; waater used to process materials, clean devices and wash hands must be sufficient and consistent with the National Technical Regulation (QCVN) No. 02:2009 / BYT; having adequate water for preparing drinks from water resources in accordance with the National Technical Regulation (QCVN) No. 01:2009 / MOH.
4. Having adequate equipment and devices for processing, preservation and sale of separate raw food and instant food; having adequate eating utensils, hygienic food packaging; having adequate food coverage and preservation equipment, in the process of transportation, business and ensuring cleanliness; tables, chairs, cabinets for the sale of food, beverages must be at least 60 cm high from the ground.
5. Instant food and drinks must be placed in glass window or sanitary preservation devices and must be resistant to the entry of dirt, rain, sun, flies, bluebottles and insect.
6. Salesperson must wear clean and neat costume; upon direct contact with food and drinks, use disposable gloves.
7. Food materials, food additives, food packaging and packed and processed food must have invoices and documents proving the clear origin and ensure food safety as prescribed.
8. Fully equipped and regularly using garbage cans with lids and bags to gather and contain garbage and must be taken to public garbage collecting place in day; waste water must be collected and not cause environmental pollution of business place.

Article 8. For person carrying on business of street food

1. Person carrying on business of street food must have training and is issued certificate of training on food safety knowledge as prescribed.
2. Person carrying on business of street food must have a medical examination and is issued certificate of health eligibility as prescribed. The medical examination and issuance of certificate of health eligibility are carried out by health authorities from district or equivalent level.
3. Person who is suffering from the diseases in the list of infectious diseases of which employees are not allowed for direct contact during production and processing of food prescribed by the Ministry of Public Health shall not be allowed to carry on business of street food.

Chapter IV

INSPECTING FOOD SERVICES BUSINESS AND STREET FOOD BUSINESS ESTABLISHMENT

Article 9. Periodical inspection

The Service of Health of centrally-affiliated provinces and cities and the competent authority are responsible for inspection of street food services business and street food business establishments in management areas. The frequency of inspection is as follows:

1. No more than 02 (two) times / year for the food and beverage services business establishments are issued Certificate of eligible establishment for food safety by functional units authorized by the People's Committee of centrally-affiliated cities and provinces.
2. No more than 03 (three) times / year for the food and beverage services business establishments are issued Certificate of eligible establishment for food safety by functional units authorized by district-level People's Committee.
3. No more than 04 (four) times / year for the street food business subjects which are managed or issued certificate of eligibility for food safety by commune/ ward-level People's Committee

Article 10. Irregular inspection

State agencies shall conduct irregular inspection upon occurrence of violation on food safety, food safety related incidents, the peak inspections under the direction of the superior agencies.

Chapter V

IMPLEMENTATION PROVISION

Article 11. Effect

1. This Circular takes effect from January 20, 2013.
2. Annuling Decision No. 41/2005/QD-BYT dated December 12, 2005 of the Minister of Health on issuing Regulation on Food hygiene and safety conditions for food services business establishments from the effective date of this Circular.

Article 12. Implementation organization

1. The Food Safety Department is responsible for guiding the implementation of this Circular nationwide.
2. The Service of Health, Food Safety and Hygiene Sub-Department of centrally-affiliated provinces and cities are responsible for guiding the implementation of this Circular and decentralization of management for food services business and street food business establishments to the competent authorities in the area in accordance with Clause 3, Article 23 of Decree No. 38/2012/ND-CP of April 25, 2012 of the Government detailing a number of articles of the Law on food safety.

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