

THE MINISTRY OF AQUATIC RESOURCES

**DECISION No.650/2000/QD-BTS OF
AUGUST 4, 2000 PROMULGATING THE
REGULATION ON THE STATE
INSPECTION AND CERTIFICATION OF
AQUATIC GOODS QUALITY**

**THE MINISTER OF AQUATIC
RESOURCES**

Pursuant to the Government's Decree No.50/CP of June 21, 1994 defining the tasks, powers and organizational structure of the Ministry of Aquatic Resources;

Pursuant to the Government's Decree No.86/CP of December 8, 1995 on the assignment of the State management responsibility for goods quality;

Pursuant to Joint Circular No.02-TT/LB of May 24, 1996 of the Ministry of Science, Technology and Environment and the Ministry of Aquatic Resources guiding the implementation of Decree No.86/CP;

At the proposal of the director of the Science and Technology Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on the State inspection and certification of aquatic goods quality in replacement of the Regulation promulgated together with Decision No.08/2000/QD-BTS of January 7, 2000.

Article 2.- This Decision takes effect 15 days after

its signing.

Article 3.- The director of the Science and Technology Department shall have to guide and inspect the implementation of this Decision.

Article 4.- The director of the Office, the directors of the Departments and inspectors of the Ministry; the head of the Department for Aquatic Resources Protection, the director of the Center for Aquatic Product Quality and Hygiene Inspection, the directors of the Aquatic Resources Services as well as Agriculture and Rural Development Services of the provinces and cities managing aquatic resources shall have to implement this Decision.

Minister of Aquatic Resources
TA QUANG NGOC

**REGULATION ON THE STATE
INSPECTION AND CERTIFICATION OF
AQUATIC GOODS QUALITY**

(Issued together with Decision No.650/2000/QD-BTS of August 4, 2000 of the Minister of Aquatic Resources)

Chapter I

GENERAL PROVISIONS

Article 1.- Objects and scope of application

1. This Regulation prescribes the mode, contents and order of the State inspection and certification of aquatic goods quality as well as the powers and responsibilities of parties involved in the State inspection of aquatic goods quality.

2. This Regulation applies to aquatic goods exported, imported and domestically consumed, which are on the list of goods subject to the State inspection of quality (hereinafter called the List for short). Aquatic products for personal use and goods samples for exhibitions and fairs shall not be governed by this Regulation.

3. All organizations and individuals producing and/or trading in aquatic goods on the above-mentioned List (hereinafter called goods owners for short) shall have to make registration for inspection and submit to inspection by the bodies in charge of the State inspection and certification of aquatic goods quality (hereinafter called inspecting bodies for short) according to the provisions of this Regulation.

4. The inspection of quality of the lots of export goods outside the List, the inspection as required by importing countries/regions or the inspection at the goods owners' requests shall not be governed by this Regulation.

Article 2.- Inspecting bodies

1. Inspecting bodies mentioned in this Regulation are the units unanimously nominated by the Ministry of Science, Technology and Environment and the Ministry of Aquatic Resources in Circular No.02/TT-LB of May 24, 1996.

2. The scope of the State quality inspection responsibility of the inspecting bodies under the Ministry of Aquatic Resources is provided for in Circular No.03/TT-TCCB-LD of August 19, 1996 as well as the supplementing and amending documents of the Ministry of Aquatic Resources

Article 3.- Bases for the State inspection and certification of goods quality

1. Bases for the State inspection and certification of aquatic goods quality are the Vietnamese Standards, the Aquatic Resources Branch Standards, which must be applied; and other stipulations on food quality, hygiene and safety, issued by the Ministry of Aquatic Resources or the Health Ministry.

2. For export aquatic goods, the inspecting bodies are allowed to conduct inspection and make certification according to the standards of importing countries or importing market regions, provided that the quality norms stated in such standards meet the requirements prescribed in the documents mentioned

in Clause 1 of this Article.

Article 4.- Modes of inspection

1. Exemption of inspection: shall apply to the lots of aquatic goods produced by processing establishments that have been recognized by the Ministry of Aquatic Resources as meeting the food hygiene and safety standards (class A and class B), and registered by such establishments themselves for inspection for export or domestic consumption.

2. Relaxation of inspection: shall apply to aquatic goods lots produced by with stable quality establishments, which have in 6 consecutive months no goods lots re-processed, returned or destroyed as requested by domestic and foreign competent agencies.

3. Common inspection: shall apply to goods lots of establishments not defined in Clauses 1 and 2 of this Article.

4. Goods of the establishments mentioned in Clause 1 shall be subject to common inspection if they are returned or cancelled by foreign inspecting bodies; the concerned establishments shall be entitled to the inspection exemption only when they have applied all measures to ensure the food safety control, which is certified by the inspecting bodies.

Article 5.- Conditions for goods to be imported, exported or domestically consumed

Goods on the List shall be exported, imported or domestically consumed only when they are granted one of the following documents:

1. The quality certificate;
2. The notice on quality inspection exemption.

Chapter II

RESPONSIBILITIES AND POWERS

Article 6.- Responsibilities of the goods owners

1. To create conditions for inspecting bodies to perform their tasks and fully supply dossiers and documents as provided for in Clause 1, Article 8 of this Regulation:

2. To pay inspection charges to inspecting bodies according to the provisions of Article 14 of this Regulation.

Article 7.- Responsibilities of the inspecting bodies

1. To perform the State inspection and certification of aquatic goods quality in strict compliance with the regulations within the scope of their assigned responsibility; to ensure the accuracy, honesty and objectivity in inspection and certification;

2. To register with the Ministry of Aquatic Resources, the General Department of Customs and concerned agencies the lists, titles and sample signatures of the persons competent to issue quality certificates or notices on quality inspection exemption;

3. To keep dossiers of inspection and certification of aquatic goods quality for two years and produce them when so requested by responsible agencies.

4. To keep and preserve strictly according to regulations the samples for microbiological and chemical tests for at least 30 days from the date such samples are taken;

5. To receive and settle in time the goods owners' complaints about their quality inspections;

6. To pay damages to goods owners for consequences incurred due to their errors in the State quality inspection and certification. The compensation levels may be agreed upon to between one and ten times the inspection charge already collected for the concerned goods lots;

7. To quarterly and annually send reports on aquatic goods quality inspection and certification work to the Ministry of Aquatic Resources according to regulations.

Article 8.- Powers of the inspecting bodies

1. To request goods owners to supply dossiers related to the origin and quality of the goods lots registered for inspection;

2. To travel in and out of places of aquatic goods production, preservation, maintenance and transportation for sample taking and inspection;

3. To take samples and inspect the quality of goods lots according to the stipulations in Chapter III of this Regulation;

4. To take samples on production chains or samples of products of establishments which are under suspicion with a view to supervising the food safety and hygiene of such establishments;

5. To grant quality certificates, notices on quality inspection exemption or notices on quality failure of the goods lots to goods owners.

6. To request goods owners to take measures for handling the qualitatively unqualified goods lots, and oversee the handling thereof in strict compliance with the regulations. To request the superior agencies to handle cases that fall beyond their competence;

7. To collect inspection charges according to the provisions of Article 14 of this Regulation.

Chapter III

INSPECTION PROCEDURES AND CONTENTS

Article 9.- Inspection registration and certification

thereof

1. For each lot of aquatic goods to be exported, imported or domestically consumed, which are on the List, the goods owner shall have to send the dossier of registration for goods quality inspection to the inspecting body.

2. Such an inspection registration dossier consists of:

a/ The registration paper for aquatic goods quality inspection (two copies);

b/ The detailed list of the goods lot;

c/ The specific requirements of the importing country as mentioned in Clause 2, Article 3 of this Regulation.

3. The goods owner shall have to register with the inspecting body for quality inspection of a goods lot in the following cases:

a/ The certificate of quality of the goods lot has expired.

b/ The goods lot has been damaged;

c/ The goods or packing have been changed as compared with the previous inspection;

d/ The goods lot has been re-processed, perfected or supplemented at the request of the inspecting body.

4. Upon the receipt of the full dossier, the inspecting body shall have to examine the dossier, guide the goods owner to supplement the incomplete parts, certify the inspection registration and immediately notify the goods owner of the time, place and contents of inspection.

Article 10.- Contents of inspection of export aquatic goods

1. For goods lots subject to common inspection:

a/ To inspect the origins and homogeneity of the goods lots;

b/ To inspect the appearance norms, packing specifications, labeling as well as conditions for transportation and preservation of the goods lots.

c/ To take samples for inspection of other norms according to the standards already specified for each goods category on the List.

2. For goods lots subject to relaxed inspection: The mode and extent of inspection relaxation shall be decided by the inspecting bodies in charge of overseeing the food safety and hygiene conditions of the concerned establishments; the relaxed inspection shall be conducted by such bodies themselves.

Article 11.- Contents of inspection of imported aquatic goods

1. If the imported goods lots have any details

varying with the contents of the inspection registration papers mentioned in Article 8, the goods owners shall have to supplement dossiers for the inspecting bodies.

2. The imported goods lots shall be exempt from sample taking for inspection if they have been granted quality certificates by the competent quality inspection bodies of the exporting countries that have signed mutual recognition agreements with Vietnam or by foreign expertizing organizations on the list already approved by the Ministry of Aquatic Resources.

3. For goods lots the exempt sample taking for inspection from under Clause 2, this Article, the inspecting bodies shall inspect the compatibility of origins, homogeneity, packing, labeling and appearance norms of the imported goods with the dossiers:

a/ In case of compatibility, within 2 days the goods lots shall be granted notices on inspection exemption.

b/ In case of incompatibility, the goods lots shall be inspected like common goods according to the contents prescribed in Clause 4 of this Article.

4. For other goods subject to common inspection, the inspection contents shall comply with Clause 1, Article 10 of this Regulation.

Article 12.- Notification of inspection results

1. For goods lots entitled to inspection exemption as prescribed in Clause 1 of Article 4, within 2 days after certifying the inspection registration, the inspecting bodies shall grant notices on inspection exemption to the goods owners.

2. For other good lots, within 10 days after certifying the registration for inspection thereof, the inspecting bodies shall have to:

a/ Send notification cards on inspection results to the goods owners;

b/ Grant quality certificates if the goods lots meet the prescribed standards;

c/ Send notices on goods lot quality failure if the goods lots fail to meet the prescribed standards, clearly stating the necessary handling measures and requesting the goods owners to implement them.

3. For qualitatively qualified goods lots, the inspecting bodies may also issue quality certificates according to other forms, based on the goods owners' requests or regulations of the importing countries/ regions of import markets, provided that the contents of such certificates are not contrary to the contents of the quality certificates already granted to the concerned goods lots.

Article 13.- Quality certificates, notices on inspection exemption, notices on goods lot quality failure

1. The quality certificates, notices on inspection exemption, notices on goods lot quality failure granted by inspecting bodies must ordinally numbered separately for each year and specifically for each type of such papers.

2. The numbering is uniformly stipulated as follows: each ordinal number shall comprise 3 groups of letters and numerals (For example: XA 0001/2000).

a/ The first group consisting of initials is the code of the inspecting body;

b/ The second group consisting of four numerals is the ordinal number of the paper granted by the inspecting body in the year;

c/ The third group consisting of 4 numerals after the slash is the year of granting the paper.

4. Each quality certificate, notice on inspection exemption or notice on goods lot quality failure shall be made in two copies: 1 copy to be given to the goods owner and the other to be kept at the inspecting body.

5. Each quality certificate, notice on inspection exemption or notice on goods lot quality failure shall be effective only for the concerned goods lot under the condition that the transportation and preservation have not changed the quality of the already inspected goods.

Chapter IV

CHARGES AND FEES FOR QUALITY INSPECTION AND CERTIFICATION

Article 14.- Charges and fees

1. Inspecting bodies are allowed to collect charges and fees for aquatic goods quality inspection and certification, except for the charge of sample analysis as required for supervision by the inspecting bodies, as prescribed in Clause 4, Article 8 of this Regulation.

2. The charge and fee levels as well as the management and use thereof shall comply with the regulations and guidance of the Finance Ministry. To strictly prohibit the inspecting bodies and inspectors to collect other charges and fees which are contrary to the stipulations.

Chapter V

COMPLAINTS, SETTLEMENT OF COMPLAINTS AND HANDLING OF VIOLATIONS

Article 15.- Complaints

1. Within 3 days after receiving notification cards on inspection results, the goods owners may request the inspecting bodies to conduct re-inspection.

2. The goods owners may make complaints according to the provisions of the Law on Complaints and Denunciations guided in the Government's Decree No.67/1999/ND-CP of August 7, 1999 on inspecting activities and granting of quality certificates.

Article 16.- Settlement of complaints

1. Within 10 days after receiving complaints from goods owners, the heads of the concerned inspecting bodies shall have to consider and settle them not in contravention of the provisions of the Law on Complaints and Denunciations and reply the goods owners in writing.

2. Goods owners shall have to fully pay the cost of re-inspection if the results thereof are not contrary to the results of the first inspection.

3. In cases where the inspection results of the inspecting bodies are inaccurate, thereby causing damage to the goods owners, such goods owners shall have the right to claim for compensation according to the levels prescribed in Clause 6, Article 6 of this Regulation.

Article 17.- Handling of violations

1. All acts of violating the provisions of this Regulation shall, depending on their seriousness, be

sanctioned according to law.

2. Administrative violations shall be sanctioned according to the Government's Decree No.57/CP of May 31, 1997 on sanctioning administrative violations in the field of measurement and goods quality.

3. Violations causing serious consequences or constituting serious recidivism shall be examined for penal liability according to law.

Chapter VI

FINAL PROVISIONS

Article 18.- Amendment of the Regulation

1. This Regulation replaces the Regulation on the State inspection and certification of aquatic goods quality issued together with Decision No.08/2000/QD-BTS of January 7, 2000 of the Minister of Aquatic Resources.

2. Any amendments and/or supplements to the contents of this Regulation shall be considered and approved in writing by the Minister of Aquatic Resources.

Minister of Aquatic Resources
TA QUANG NGOC