

**THE MINISTRY OF AGRICULTURE AND  
RURAL DEVELOPMENT**

**DECISION No. 100/2003/QĐ-BNN OF  
SEPTEMBER 8, 2003 PROMULGATING THE  
REGULATION ON FERTILIZER MANAGEMENT**

**THE MINISTER OF AGRICULTURE AND  
RURAL DEVELOPMENT**

*Pursuant to Ordinance No. 18/1999/PL-UBTVQH10  
of December 24, 1999 of the National Assembly  
Standing Committee on Goods Quality;*

*Pursuant to the Government's Decree No. 86/2003/  
ND-CP of July 18, 2003 prescribing the functions, tasks,  
powers and organizational structure of the Ministry of  
Agriculture and Rural Development;*

*Pursuant to the Government's Decree No. 86/CP of  
December 8, 1995 prescribing the assignment of the  
responsibility for State management over goods quality  
and Joint Circular No. 1537/KCM-NN&PTNT of June  
15, 1996 of the Ministry of Science, Technology and  
Environment and the Ministry of Agriculture and Rural  
Development guiding the implementation of Decree No.  
86/CP;*

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

**DECIDES:**

**Article 1.-** To issue together with this Decision the  
Regulation on fertilizer management.

**Article 2.-** This Decision takes effect 15 days after  
its publication in the Official Gazette. All previous  
regulations contrary to this Decision are hereby  
annulled.

**Article 3.-** The director of the Ministry's Office, the  
director of the Agriculture Department, the director of  
the Science and Technology Department, the directors  
of the provincial/municipal Agriculture and Rural  
Development Services, the heads of units, and domestic  
as well as foreign organizations and individuals engaged  
in activities related to the production of, and trading in,  
fertilizers in Vietnam shall have to implement this  
Decision.

***For the Minister of Agriculture and  
Rural Development  
Vice Minister  
BUI BA BONG***

**REGULATION ON FERTILIZER MANAGEMENT**

*(Issued together with Decision No. 100/2003/QĐ-BNN  
of September 8, 2003)*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.-** Regulation scope and subjects of  
application

1. This Regulation shall apply to the testing and  
recognition of new fertilizers; the promulgation of the  
list of fertilizers permitted for production and trading in  
Vietnam; the production of, and trading in, fertilizers,  
and the assignment of responsibility for the  
management thereof.

Traditional organic fertilizers shall not be governed  
by this Regulation.

2. Domestic as well as foreign organizations and

individuals engaged in activities related to fertilizers in the Vietnamese territory shall have to comply with this Regulation.

**Article 2.-** Interpretation of terms

In this Regulation, the following terms shall be construed as follows:

1. Root fertilizers mean assorted fertilizers to be applied directly to soil or water in order to provide plants with nutrients through their root assemblages;
2. Foliar fertilizers mean assorted fertilizers to be sprinkled or sprayed directly on plant foliage or stems in order to provide nutrients for plants;
3. Inorganic fertilizers (mineral fertilizers, chemical fertilizers) mean fertilizers containing inorganic nutrients necessary for the growth and development of plants.
4. Macronutrients (hereinafter called macro-element fertilizers) mean nutritious elements used by plants in large quantities, including nitrogen, phosphorus and potassium;
5. Secondary nutrients (hereinafter called secondary-element fertilizers) mean nutritious elements used by plants in medium quantities, including calcium, magnesium and sulfur;
6. Micronutrients (hereinafter called micro-element fertilizers) mean nutritious elements used by plants in small quantities, including iron, zinc, copper, boron, molybdenum and other trace elements;
7. Single fertilizers (single mineral fertilizers) mean inorganic fertilizers containing only one of three macronutrients;
8. Multi-nutrient fertilizers mean inorganic fertilizers containing two or more macronutrients, excluding secondary nutrients and micronutrients;
9. Compound fertilizers mean multi-nutrient fertilizers produced on the basis of chemically synthesizing assorted raw materials;
10. Mixed mineral fertilizers mean multi-nutrient fertilizers produced by way of mechanically mixing many single fertilizers;
11. Microbiological fertilizers mean fertilizers containing one or more useful microbe species, with a density compatible with the promulgated standards;
12. Bio-organic fertilizers mean fertilizers produced from organic raw materials through the effects of useful microbes or other biological agents;
13. Microbiological organic fertilizers mean fertilizers produced from organic raw materials and containing one or more useful microbe species, with a density compatible with the promulgated standards;
14. Mineral organic fertilizers mean fertilizers produced from organic raw materials and added with one or more nutritious elements, including at least one macronutrients;
15. Traditional organic fertilizers mean fertilizers originated from animals or plants such as buffalo and cow dung, pig and chicken excrements, human excrement, urine and assorted green manure;
16. Nutritious contents mean the quantities of nutrients in fertilizers which are expressed in percentage over fertilizers' weight or volume.
17. Allowable toxic contents mean the maximum allowable contents of heavy metals, harmful organisms, biure and free acids in fertilizers;
18. Fertilizers added with growth regulators mean fertilizers added with growth regulators permitted for use in Vietnam, which stimulate or repress the growth and development of plants;
19. Soil fertility-improvement materials mean the substances to be applied to soil in order to raise its

fertility (physical, chemical, biological characteristics...), in order to create conditions for plants to well grow and develop thus giving high yield and high quality of farm produce;

20. Fertilizer processing means the production of fertilizers by Vietnam-based enterprises having the functions of producing fertilizers under contracts with foreign organizations and/or individuals;

21. List of fertilizers permitted for production and trading in Vietnam (hereinafter called the fertilizer list) means the list of assorted fertilizers recognized and permitted for production and trading in Vietnam by the Ministry of Agriculture and Rural Development.

## **Chapter II**

### **FERTILIZER LIST, TESTING, EXPERTISE AND RECOGNITION OF NEW FERTILIZERS**

#### **Article 3.-** List of fertilizers

1. The Ministry of Agriculture and Rural Development shall issue the list of fertilizers permitted for production and trading in Vietnam.

2. Fertilizers to be included in the fertilizer list comprise:

a/ Fertilizers which, through testing, are recognized by the Ministry of Agriculture and Rural Development as new fertilizers.

b/ Fertilizers which have not yet gone through testing but meet the following criteria:

- Being single mineral fertilizers meeting the prescribed quality standards;
- Being multi-nutrient fertilizers or mixed mineral fertilizers with the total nutritious contents  $N + P_2O_5$  (evanescent) +  $K_2O \geq 18\%$ .

c/ Fertilizers which are the outcomes of scientific research subjects tested by the ministerial- or State-level fertilizer-specialized councils and recognized as

technical advances.

3. Annually, the Ministry of Agriculture and Rural Development shall revise the fertilizer list in order to:

a/ Add new types of fertilizers;

b/ Exclude from the fertilizer list fertilizers which are no longer available on the market and fertilizers which, in the course of use, are detected as having caused harms to production and environment.

**Article 4.-** Fertilizers which must be tested for inclusion in the fertilizer list

1. Fertilizers not on the fertilizer list which are: foliar fertilizers; microbiological fertilizers, bio-organic fertilizers; microbiological organic fertilizers; mineral organic fertilizers; secondary-element fertilizers, micro-element fertilizers; mixed mineral fertilizers containing secondary nutrients and/or trace elements; fertilizers added with growth regulators; and soil fertility-improvement preparations.

2. Fertilizers defined in Clause 1 of Article 3 which have been included in the fertilizer list but have:

- Changed in composition, or
- Reduced the weight of one of pure macro, secondary and organic elements in a weight or volume unit by more than 5% over their quantity upon the recognition of new fertilizers;
- Increased the weight of one of elements of micro-element fertilizers or foliar fertilizers in a weight or volume unit by more than 10% over their quantity upon the recognition of new fertilizers.

**Article 5.-** Conditions for fertilizers to be registered for testing

For the following fertilizers to be registered for testing, the following conditions must be met:

1. For bio-organic fertilizers: The organic contents <sup>a</sup> 23% (C  $\geq$  13%), moisture  $\leq$  25%, pH<sub>KCl</sub>: 5-7.

2. For microbiological organic fertilizers: The organic

contents  $\geq 23\%$  ( $C \geq 13\%$ ), density of useful microbes  $\geq 1,10^6$  microbes/gram of fertilizer, moisture  $\leq 30\%$ .

3. For mineral organic fertilizers: The organic contents  $\geq 15\%$  ( $C \geq 8,5\%$ ), moisture  $\leq 25\%$ , the total contents of  $N + P_2O_5$  (evanescent) +  $K_2O \geq 8\%$ .

4. For fertilizers added with growth regulators: Apart from nutritious elements, the contents of growth regulators  $\leq 0,5\%$  of a weight or volume unit of fertilizer.

**Article 6.-** Units carrying out the testing

1. Units carrying out the testing of fertilizers must meet the following conditions:

a/ Having cadres specialized in fertilizers.

b/ Having material foundations and equipment suitable to the testing and analysis of each kind of fertilizers.

2. Testing units must be recognized by the Ministry of Agriculture and Rural Development.

3. In case of necessary, the Agriculture Department shall appoint units carrying out the testing.

**Article 7.-** Testing order

1. Organizations and individuals having fertilizers to be tested shall send dossiers to the Agriculture Department - the Ministry of Agriculture and Rural Development.

Such a dossier includes:

a/ An application of registration for testing (made according to set form).

b/ Documents on peculiarities of fertilizers to be tested:

- Chemical names and assorted trademarks;

- Form of fertilizer (foliar fertilizer, root fertilizer, in liquid, granule, powder...), color;

- Composition and contents of nutrients and analyzing methods:

+ For foliar fertilizers: Macro, secondary and trace elements, organic substances, carriers and growth regulators (if any);

+ For bio-organic fertilizers: The contents of organic substances, biological active substances, moisture,  $pH_{KCl}$  and other nutrients (if any);

+ For mineral organic fertilizers: The contents of organic substances, macro, secondary and trace elements, moisture;

+ For microbiological fertilizers: The species and density of useful microbes;

+ For microbic organic fertilizers: The organic substances, species and density of useful microbes,  $pH_{KCl}$ ;

+ For secondary-element fertilizers and micro-element fertilizers: The contents and components of each element of fertilizers and carriers;

+ For fertilizers added with growth regulators: The components and contents of nutritious elements of the basic fertilizers and the growth regulators permitted for use;

+ For soil fertility-improvement preparations: The components and contents of each element of the preparations.

c/ Documents on the toxicity of fertilizers: For fertilizers produced from industrial waste, urban waste and other substances containing toxic elements, the contents of heavy metals such as Pb, Hg, Cd, As; the density of disease-producing microbes (E.Coli, Salmonella); and ascaris must be analyzed.

d/ For imported fertilizers: The names of producing firms/companies and countries; documents permitting the production and trading, and use guidance in foreign countries.

e/ For home-made fertilizers: The technological process and authors thereof; results of preliminary testing and use guidance of producers.

f/ The origins and main components of raw materials used for the production of fertilizers.

g/ Samples and goods labels of the fertilizers (if any).

2. Granting of testing permits: The Agriculture Department shall grant testing permits (made according to set form) within 15 days as from the date of receiving full and valid dossiers. In cases of invalid dossiers, the Agriculture Department shall notify organizations and individuals thereof for the latter to supplement necessary documents as prescribed.

3. Implementation of the testing: Organizations and individuals having fertilizers to be tested shall sign contracts with testing units. Testing units shall carry out the testing according to the Testing Procedures issued by the Ministry of Agriculture and Rural Development.

**Article 8.- Expertise and recognition of new fertilizers**

1. After the testing completes, organizations and individuals having fertilizers must submit dossiers of application for expertise and recognition of new fertilizers to the Science and Technology Department.

2. A dossier of application for expertise and recognition of new fertilizers includes:

a/ An application for expertise and recognition of new fertilizers;

b/ The report on the testing results certified by the testing units.

3. Organization of the expertise of testing results:

After receiving valid dossiers from organizations and/ or individuals having fertilizers and the Agriculture Department's comments on the testing procedures and results, the Science and Technology Department shall propose to the Minister of Agriculture and Rural Development to set up a council (specialized in fertilizers) to expertise the testing results.

4. Fertilizers concluded by the Expertising Council as having met the requirements shall be reported by the Science and Technology Department to the Minister of Agriculture and Rural Development for recognition of fertilizers as new fertilizers.

5. Expenses for the testing, expertise and recognition of new fertilizers shall be paid by organizations and/or individuals having fertilizers.

**Chapter III**

**PRODUCTION AND PROCESSING OF FERTILIZERS**

**Article 9.- Production of fertilizers**

1. Organizations and individuals wishing to produce fertilizers must have the certificates of registration for fertilizer business.

2. Enterprises producing fertilizers must meet the following conditions:

a/ Having suitable machinery and equipment for the production of fertilizers with prescribed quality standards;

b/ Having fertilizer quality-analyzing and -testing sections. In cases where the enterprises do not have fertilizer quality-analyzing and -testing sections, they must sign contracts to hire analyzing laboratories recognized by competent State agencies to carry out the testing.

c/ Having waste-treatment system so as not to cause environmental pollution and ensure conditions on environmental safety and sanitation as prescribed by law;

d/ Having technical staff who are professionally trained and capable of meeting production requirements.

3. Fertilizers permitted to be produced for trading include:

a/ Fertilizers included in the fertilizer list;

b/ Fertilizers recognized by the Ministry of Agriculture and Rural Development as new fertilizers;

c/ Fertilizers created by scientific research subjects tested by the ministerial- or State-level fertilizer-specialized councils and recognized as technical

advances.

**Article 10.-** Processing of fertilizers

1. Enterprises processing fertilizers must meet conditions prescribed in Clause 1 and Clause 2, Article 9 of this Regulation.

2. The processing of fertilizers outside Vietnam's fertilizer list must be permitted by the Ministry of Agriculture and Rural Development.

**Chapter IV**

**TRADING IN, AND TRANSFER OF  
TECHNOLOGIES FOR THE PRODUCTION OF,  
FERTILIZERS**

**Article 11.-** Trading in fertilizers

1. Fertilizers permitted for trading include: Assorted fertilizers defined in Clause 3, Article 9 of this Regulation.

2. Organizations and individuals trading in fertilizers must fully meet the following conditions:

a/ Having the certificates of registration for fertilizer business.

b/ Having locations for trading in fertilizers without causing environmental pollution.

c/ Having warehouses for storing fertilizers.

3. Fertilizers, when being traded in, must have their quality standards and compatibility with set standards announced according to current regulations.

4. Fertilizers, when being traded in, must have labels in conformity with the Government's Regulation on labeling of domestically-circulated goods and import/export goods as well as guiding circulars of concerned ministries and branches.

5. The trading in fake fertilizers, fertilizers with expired use date; fertilizers suspended from production and/or consumption; and/or fertilizers without labels or with

labels incompatible with registration are strictly prohibited.

6. Fertilizers, when being transported, must be firmly packed or stored in containers so as to ensure their quality and not to cause environmental pollution.

**Article 12.-** Import and export of fertilizers

1. Organizations and individuals may import fertilizers on the fertilizer list issued by the Ministry of Agriculture and Rural Development.

2. The import of raw materials for the production of fertilizers and the import of fertilizers in other special cases must be permitted by the Ministry of Agriculture and Rural Development.

3. The import of fertilizers for testing must be permitted by the Ministry of Agriculture and Rural Development. Permits for the import of fertilizers for testing shall be granted only to fertilizers which have already been permitted for extensive use in foreign countries. The import of fertilizers, which have not yet been tested or are being in the period of testing in foreign countries, into Vietnam for testing shall not be permitted.

A dossier of application for the import of fertilizers for testing includes:

a/ An application for the import of fertilizers (made according to set form).

b/ Documents on specifications of imported fertilizers:

- Chemical names and assorted trademarks;
- Types of fertilizers (foliar fertilizers, root fertilizers);
- Names of producing firm/company and country;
- Characteristics: form (in liquid, granule, powder) and color;
- Nutritious components and contents;
- Documents on fertilizers' toxicity;
- Fertilizers' label.

c/ Documents proving that the fertilizers have been granted business licenses in foreign countries.

4. Organizations and individuals may import fertilizers at their customers' requests.

5. The temporary import for re-export and transit of fertilizers shall comply with the State's current regulations on temporary import for re-export and transit of goods.

**Article 13.-** Transfer of fertilizer-producing technologies

1. Organizations and individuals may transfer the technologies for the production of fertilizers on the fertilizer list.

2. The transfer of fertilizer-producing technologies shall comply with the Government's Decree No. 45/1998/ND-CP of July 1, 1998 detailing the technology transfer and Circular No. 1254/1999/TT-BKHONMT of July 12, 1999 of the Ministry of Science, Technology and Environment guiding the implementation thereof.

**Chapter V**

**RESPONSIBILITIES OF CONCERNED AGENCIES AND ENTERPRISES**

**Article 14.-** Responsibilities of agencies under the Ministry of Agriculture and Rural Development

1. The Agriculture Department:

a/ To perform the uniform management over fertilizer quality; and coordinate with concerned agencies in elaborating production plans as well as policies to encourage the development and use of fertilizers.

b/ To elaborate and submit to the Ministry for promulgation regulations on fertilizer management, organize the implementation thereof and provide professional guidance thereon.

c/ To elaborate and submit to the Ministry for

promulgation procedures and criteria regarding fertilizers.

d/ To receive and evaluate dossiers of registration for testing; grant permits for testing of new fertilizers; appoint testing units (when necessary); supervise the testing process and give comments on the testing process and results.

e/ To receive and evaluate dossiers of application for the import of fertilizers; grant and withdraw permits for the import of fertilizers and permits for the import of raw materials for the production of fertilizers.

f/ To propose the Minister of Agriculture and Rural Development to recognize new fertilizers.

g/ To receive and process dossiers of announcement of quality standards and compatibility with prescribed standards of fertilizers of State enterprises under ministries or central branches, and enterprises with 100% foreign capital.

h/ To make the fertilizer list and submit it to the Ministry for promulgation.

h/ To examine and inspect the implementation of the regulations on fertilizer management throughout the country.

2. The Science and Technology Department:

a/ To organize the research into, and application of, scientific and technological advances to activities related fertilizers.

b/ To participate in the elaboration of regulations and standards on fertilizers for submission to the Ministry for promulgation.

c/ To receive dossiers, organize the expertise of the testing results and propose the Minister of Agriculture and Rural Development to recognize new fertilizers.

d/ To receive and process dossiers on the transfer of fertilizer-producing technologies.

e/ To appraise and propose the Ministry to recognize the fertilizer-testing units.

**Article 15.-** Responsibilities of the provincial/municipal Agriculture and Rural Development Services

1. To perform the functions of State management over fertilizers in their respective localities.

2. To monitor, examine and inspect the quality of fertilizers produced and traded in the localities under their management.

3. To receive and process dossiers of announcement of the quality standards and compatibility with prescribed standards of fertilizers produced and traded in by enterprises in localities under their management.

4. To report to the Agriculture Department on the production of, and trading in, fertilizers as well as the announcement of their quality standards by local organizations and individuals in December every year.

**Article 16.-** Responsibilities of enterprises

1. Organizations and individuals producing and/or trading in fertilizers must strictly comply with the contents of this Regulation and other relevant law provisions.

2. In December every year, enterprises shall have to report on the production of, and trading in, fertilizers, to the provincial/municipal Agriculture and Rural Development Services of the localities where they are headquartered.

**Article 17.-** Implementation provisions

1. Mixed mineral fertilizers on the fertilizer list issued before the promulgation of this Regulation, which are being produced or traded in but have the total contents of  $N + P_2O_5$  (evanescent) +  $K_2O < 18\%$ , or fertilizers which have the nutritious contents lower than, or incompatible with, the standards prescribed in Article 4 and Clause 3 of Article 9 of this Regulation, may be produced and traded in within 01 year as from the effective date of this Regulation. Past the above-stated time limit, they must not be produced and traded in.

2. All organizations and individuals engaged in the activities of producing, trading in, importing/exporting, testing and recognizing new fertilizers shall have to strictly comply with this Regulation. If they act contrarily, causing bad consequences to the production, they shall be sanctioned according to law provisions.

**For the Minister  
of Agriculture and Rural Development  
Vice Minister  
BUI BA BONG**