

**THE MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT**

**DECISION No. 71/2004/QĐ-BNN OF
DECEMBER 8, 2004 PROMULGATING THE
REGULATION ON ASSAY AND RECOGNITION
OF NEW FERTILIZERS**

**THE MINISTER OF AGRICULTURE AND
RURAL DEVELOPMENT**

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

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

*Pursuant to the Government's Decree No. 113/
2003/ND-CP of October 7, 2003 on the
management of fertilizer production and trading;*

Pursuant to the Government's Decree No. 179/2004/ND-CP of October 21, 2004 prescribing the State management over product and goods quality;

At the proposal of the Director of the Agriculture Department,

DECIDES:

Article 1.- To issue together with this Decision the Regulation on assay and recognition of new fertilizers.

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 Office, the Director of the Agriculture Department of the Ministry, the directors of the provincial/municipal Agriculture and Rural Development Services, the heads of units and concerned organizations and individuals shall have to implement this Decision.

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

REGULATION ON ASSAY AND RECOGNITION OF NEW FERTILIZERS

(Issued together with Decision No. 71/2004/QĐ-BNN of December 8, 2004)

I. GENERAL PROVISIONS

1. This Regulation shall apply to the assay and recognition of new fertilizers.

2. Domestic as well as foreign organizations and individuals engaged in activities related to the assay and recognition of new fertilizers in the Vietnamese territory shall have to comply with this Regulation.

3. Fertilizers which must be assayed include:

a/ Fertilizers newly produced at home or imported and not yet put on the list of fertilizers permitted for production, trading and use in Vietnam (hereinafter referred to as the fertilizer list), which are: organic fertilizers, foliar fertilizers, microorganic fertilizers, bio-organic fertilizers; microbiological organic fertilizers, mineral organic fertilizers, fertilizers added with growth regulators and soil-improvement preparations.

b/ Fertilizers defined at Point a, Clause 1 of Section I, put on the fertilizer list but having gone through change in:

- Components of major nutrients, or

Reduction of weight of one of pure macro-nutritious elements in a weight or volume unit by more than 5% over their quantity upon recognition.

- Reduction of weight of one of pure secondary-nutritious, micro-nutritious or organic elements in a weight or volume unit by more than 10% over their quantity upon recognition.

- Increase or reduction of weight of one of pure elements of foliar fertilizers in a weight or volume unit by more than 10% over their quantity over the recognition.

II. ASSAY OF FERTILIZERS

1. Conditions for fertilizers to be registered for

assay

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

a/ For organic fertilizers: The organic contents $\geq 22.36\%$ ($C \geq 13\%$) and $N \geq 3\%$.

b/ For bio-organic fertilizers : The organic contents $\geq 22.36\%$ ($C \geq 13\%$), moisture $\leq 25\%$ (for fertilizers in form of granule or powder), pH_{KCl} : 5-7.

c/ For microbiological organic fertilizers: The organic content $\geq 15\%$ ($C \geq 8.5\%$), the density of useful living microorganisms $\geq 1.10^6$ microorganisms/gram ($\geq 1.10^6$ microorganisms/ml for liquid fertilizers), and moisture $\leq 30\%$ (for fertilizers in form of granule or powder).

d/ For microbiological fertilizers: The density of useful living microorganisms $\geq 1.10^9$ microorganisms/gram ($\geq 1.10^9$ microorganisms/ml for liquid fertilizers) on pasteurized carriers or the density of useful living microorganisms of $\geq 1.10^6$ microorganisms/gram ($\geq 1.10^6$ microorganisms/ml for liquid fertilizers) on non-pasteurized carriers; and moisture of $\leq 30\%$ (for fertilizers in form of granule or powder).

e/ For mineral organic fertilizers: The organic contents $\geq 15\%$ ($C \geq 8.5\%$), moisture $\leq 25\%$ (for fertilizers in form of granule or powder), and the total contents of $N + P_2O_5$ (evanescent) + $K_2O \geq 8\%$.

f/ Fertilizers added with growth regulators: Apart from nutritious elements, the contents of growth regulators $\leq 0.5\%$ of a weight or volume unit of fertilizers.

2. Assaying order

2.1. Organizations and individuals having fertilizers to be assayed shall submit dossiers to

the Agriculture Department. Such a dossier includes:

a/ The application for assay registration, made according to set form.

b/ Documents of the peculiarities of the fertilizers to be assayed:

- Trade names and other names (if any);
- Types of fertilizer (foliar fertilizers, root fertilizers);
- Names of firms/companies and countries of manufacture;
- Peculiarities: form (liquid, granule, powder), color;
- Composition and contents of nutrients (clearly stating the analyzing methods) as follows:
 - + For foliar fertilizers: Macro, secondary and micro elements, organic elements, 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 micro elements, moisture;
 - + For microorganic fertilizers: The species and density of useful microorganisms, moisture;
 - + For microbiological organic fertilizers The organic substances, species and density of useful microorganisms, moisture;
 - + For fertilizers added with growth regulators: *The components and contents of nutritious elements of basic fertilizers and growth regulators permitted for use;*

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

preparations.

c/ Documents on the toxicity of fertilizers: For fertilizers produced from industrial refuse, urban garbage and other matters containing toxic elements, the contents of heavy metals such as Pb, Hg, Cd and As, the density of pathogenic microorganisms (E. Coli, Salmonella) and ascaris must be analyzed.

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

e/ For home-made fertilizers: The technological process and authors thereof; the results of preliminary assay (if any) and use instructions of producers.

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

2.2. Grant of assaying permits

The Agriculture Department shall grant assaying permits (made according to set form) to organizations and individuals having fertilizers to be assayed within 15 working days after 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.

2.3. Implementation of the assay

a/ Units carrying out assays must meet the following conditions:

- Being recognized or designated by the Ministry of Agriculture and Rural Development;

- Having cadres specialized in fertilizers, who have university or higher degrees;

- Having material foundations and equipment suitable to the assaying requirements.

b/ Organizations and individuals having fertilizers to be assayed shall:

- Sign contracts with assaying units recognized by the Ministry of Agriculture and Rural Development or designated by the Agriculture Department;

- Foreign organizations and individuals that wish to register for fertilizer assays must have representative offices or representatives in Vietnam;

- Notify the provincial/municipal Agriculture and Rural Department Services of types of fertilizer to be assayed as well as assaying place and time.

III. APPRAISAL AND RECOGNITION OF NEW FERTILIZERS

1. Assay appraisal

a/ After the assays complete, organizations and individuals having fertilizers shall send dossiers of application for appraisal and recognition of new fertilizers to the Agriculture Department and the Science and Technology Department.

A dossier of application for appraisal and recognition of new fertilizers includes:

- An application for appraisal and recognition of new fertilizers;

- The reports on the assaying results;

- The comments of the provincial/municipal Agriculture and Rural Development Services on the assaying process and utility of the assayed fertilizers in their localities.

b/ Organization of the appraisal of assaying results:

The Science and Technology Department shall propose the Minister of Agriculture and Rural Development to set up a specialized appraising council to appraise the assaying results, after receiving full and valid dossiers of organizations and individuals having fertilizers and the Agriculture Department's comments on the assaying process.

2. Recognition of new fertilizers

a/ After fertilizers are concluded by the specialized appraisal council as having met the requirements, the Science and Technology Department shall propose the Minister of Agriculture and Rural Development to recognize new fertilizers and put them on the fertilizer list.

b/ The time limit for issuance of recognition decisions shall not exceed 30 working days after the appraisal council's meetings end.

IV. IMPLEMENTATION ORGANIZATION

1. The Agriculture Department

a/ To elaborate and submit to the Ministry of Agriculture and Rural Development for promulgation documents on processes and standards on assay of fertilizers.

b/ To receive and appraise dossiers of assay registration; to grant permits for assay of new fertilizers and permits for production of new fertilizers in the country for assay.

c/ To organize the appraisal and propose the Minister of Agriculture and Rural Development to recognize fertilizer-assaying units.

d/ To inspect, examine and handle violations on the assay of fertilizers.

2. The Science and Technology Department

a/ To submit to the Minister of Agriculture and

Rural Development decisions on setting up councils for appraisal and recognition of new fertilizers.

b/ To submit to the Minister of Agriculture and Rural Development decisions on recognition of new fertilizers.

3. The provincial/municipal Agriculture and Rural Development Services

a/ To monitor and inspect the assaying process in their localities.

b/ To comment and evaluate the assaying results and utility of the assayed fertilizers in their localities.

4. Assaying units

a/ To carry out the assays in strict accordance with the Regulation on assay of fertilizers, issued by the Ministry of Agriculture and Rural Development and bear responsibility for the assaying results.

b/ To report on the results of fertilizer assay to the Agriculture Department.

5. Organizations and individuals having fertilizers to be assayed

a/ To strictly comply with this Regulation and relevant law provisions.

b/ To coordinate with assaying units in reporting on the results of fertilizer assay to the Agriculture Department.

c/ To pay charges and fees for assay and recognition of new fertilizers.

V. HANDLING OF VIOLATIONS

1. Organizations and individuals that violate Decree No. 113/2003/ND-CP and this Regulation on fertilizer assay shall, depending on the nature

and seriousness of their violations, be examined for penal liability; if causing damage, they must pay compensation therefor according to law provisions.

2. The provincial/municipal Agriculture and Rural Development Services shall propose the Ministry of Agriculture and Rural Development to suspend or stop the fertilizer-assaying activities of organizations or individuals that fail to meet the conditions prescribed in this Regulation.

3. Those who abuse their positions and/or powers to obstruct lawful activities or violate the provisions on assay and recognition of new fertilizers shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensation therefor according to law provisions.

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