

the Government's Decree No. 02/2007/ND-CP of January 5, 2007, on plant quarantine; and conduct domestic plant quarantine in an effective and unified manner, the Ministry of Agriculture and Rural Development guides domestic plant quarantine in provinces and centrally run cities as follows:

I. GENERAL PROVISIONS

1. Principles of domestic plant quarantine

Domestic plant quarantine is an inseparable part of the process of protection and quarantine of imported and exported plants.

Domestic plant quarantine must promptly and accurately detect and apply measures to effectively deal with regulated pests that appear in localities.

2. Scope of application

This Circular applies to domestic plant quarantine nationwide.

3. Subjects of application

Domestic and foreign organizations and individuals that conduct domestic plant quarantine activities shall implement this Circular.

4. Provisions applicable to plant quarantine officers

While performing their duties, plant quarantine officers must wear uniforms, badges, rank insignia and plant quarantine cards. The regime of allocation and use of uniforms, badges, rank insignia and plant quarantine cards applicable to plant quarantine cadres and officials complies with the Agriculture and Rural Development Minister's Decision No. 58/2007/QĐ-BNN of June 15, 2007; and Joint Circular No. 92 TT/LB of December 13, 1995, of the Ministry of Finance and the Ministry of Agriculture and Rural Development, guiding the implementation of the regime of uniforms for plant and animal quarantine officers and plant protection and animal health inspectors.

Plant quarantine officers are entitled to occupation-based preferential allowances under the Prime

THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

CIRCULAR No. 88/2007/TT-BNN OF NOVEMBER 1, 2007, GUIDING DOMESTIC PLANT QUARANTINE

*In order to implement the August 8, 2001
Ordinance on Plant Protection and Quarantine and*

Minister's Decision No. 132/2006/OD-TTg of May 31, 2006, providing for the regime of occupation-based preferential allowances for forest protection, plant protection, veterinary and dyke control cadres and officials.

5. Handling of violations

Organizations and individuals that commit acts in violation of the provisions on domestic plant quarantine shall be handled according to current regulations.

II. CONTENTS OF DOMESTIC PLANT QUARANTINE

1. Management of regulated pests for imported plant varieties and useful organisms

a/ For imported plant varieties

To check plant quarantine certificates of plant varieties permitted for production or trading or post-importation plant quarantine certificates of plant varieties imported for the first time, granted by a competent Vietnamese plant quarantine agency. In case of lack of these certificates, plant quarantine officers shall make written records of violation and transfer them to plant protection and quarantine inspectorates for handling and, at the same time, carry out plant quarantine procedures for the lots of articles in violation.

To monitor, examine and supervise pests in sowing and cultivation areas according to notices of plant quarantine agencies or reports of article owners in localities. When detecting regulated pests on imported plant varieties in localities, Plant Protection Sub-Departments in provinces and centrally run cities (below referred to as provincial Plant Protection Sub-Departments for short) must report thereon to regional Plant Quarantine Sub-Departments for taking timely handling measures and, at the same time, directly guide and supervise article owners in applying handling measures.

The monitoring and surveillance of pests on imported plant varieties comply with current

regulations. Survey and monitoring results shall be recorded according to a form in Appendix 1 (*not printed herein*). The monitoring duration is counted from the time of cultivation to the end of a harvest, for short-term plants, or is 2 years from the time of cultivation, for long-term plants.

Domestically produced plant varieties which are domestically transported not from or through epidemic zones are not subject to plant quarantine.

b/ For imported useful organisms

To check imported plant quarantine certificates and post-importation plant quarantine certificates, granted by competent plant quarantine agencies.

To provide guidance on the use of imported useful organisms and supervise local places where they are used.

2. Management of regulated pests for plant products preserved in store

a/ To regularly investigate, monitor and supervise pests on imported plant products preserved in store and at plant-product producing, processing and selling establishments in order to detect regulated pests in Vietnam. Pest survey and monitoring results shall be recorded according to a form in Appendix 2 (*not printed herein*).

b/ When detecting regulated pests or foreign harmful organisms, provincial Plant Protection Sub-Departments shall report thereon to regional Plant Quarantine Sub-Departments and, at the same time, guide and supervise article owners in applying handling measures.

3. Management of epidemic-infected articles, epidemic foci and epidemic zones

a/ Management of imported plant quarantine articles which are contaminated with regulated pests and have been handled at border gates

To further supervise and closely monitor lots of articles already handled at border gates and brought to localities according to notices of border-gate plant quarantine agencies.

b/ Management of regulated pest nidi

When regulated pest nidi appear in localities, provincial Plant Protection Sub-Departments shall apply measures to control the spread of pests, rapidly report thereon to regional Plant Quarantine Sub-Departments and, at the same time, guide and supervise article owners in applying handling measures.

In localities where many epidemic nidi appear, threatening to spread into epidemic zones, provincial Plant Protection Sub-Departments shall immediately report thereon to competent agencies for epidemic announcement according to Article 11 of the Ordinance on Plant Protection and Quarantine.

c/ Management of plant quarantine pest zones

Provincial Plant Protection Sub-Departments shall rapidly identify the boundaries of epidemic zones and report thereon to competent agencies for epidemic announcement; set up quarantine posts, decide on plant quarantine places, carry out plant quarantine procedures for plant quarantine articles which are transported from epidemic zones to epidemic-free zones, and notify the epidemic to plant protection agencies in neighboring localities.

To examine and supervise lots of plant quarantine articles transported from or through epidemic zones. If these lots do not have an imported plant quarantine certificate, provincial Plant Protection Sub-Departments shall make written records of the violation and transfer them to plant protection and quarantine inspectorates for handling and, at the same time, carry out plant quarantine procedures according to regulations.

d/ Management of zones affected by regulated non-quarantine pests

Provincial Plant Protection Sub-Departments shall regularly inspect and supervise regulated non-quarantine pests in localities. When detecting these pests, they shall immediately apply handling measures.

4. Management of, and application of measures to conduct, plant quarantine in localities

To perform the state management of fumigation

of plant quarantine articles and take other plant quarantine measures in localities according to current regulations.

To guide, supervise and apply plant quarantine measures to eradicate regulated pests in localities.

5. Formulation and implementation of programs on survey and surveillance of regulated pests for imported plant varieties and plant products preserved in store

a/ To formulate and implement programs on survey and early detection of regulated pests in localities.

b/ To formulate and implement programs on surveillance of pests on major plants and plant products preserved in store in localities according to regulations for the establishment of pest-free zones.

6. Quarantine of imported, exported and transited articles subject to plant quarantine shall be conducted under written authorization of the Plant Protection Department.

III. ORGANIZATION OF IMPLEMENTATION

1. The director of the Plant Protection Department shall assist the Minister of Agriculture and Rural Development in directing, guiding and inspecting provincial Plant Protection Sub-Departments, the Department's units and concerned organizations and individuals to organize and conduct domestic plant quarantine according to the provisions of this Circular.

2. Directors of provincial/municipal Agriculture and Rural Development Services shall, within the ambit of their powers, assist provincial/municipal People's Committees in inspecting and supervising domestic plant quarantine according to the provisions of this Circular.

3. Regional Plant Quarantine Sub-Departments shall:

a/ Guide and urge provincial Plant Protection Sub-Departments to conduct domestic plant quarantine;

b/ Provide professional training on domestic plant

quarantine for provincial Plant Protection Sub-Departments;

c/ Provide necessary information relating to plant quarantine to provincial Plant Protection Sub-Departments.

4. Provincial Plant Protection Sub-Departments shall:

a/ Propose to provincial/municipal Agriculture and Rural Development Services and People's Committees the setting up of plant quarantine stations under the Sub-Departments. Those stations shall be staffed and equipped (according to current regulations) and funded for conducting domestic plant quarantine,

b/ Directly conduct domestic plant quarantine and guide article owners in implementing regulations on domestic plant quarantine;

c/ Provide information for regional Plant Quarantine Sub-Departments upon request;

d/ Biannually (before June 20) and annually (before December 20) report on domestic plant quarantine in localities to regional Plant Quarantine Sub-Departments;

e/ Collect plant quarantine charges and fees. The collection and use of plant quarantine charges and fees comply with current regulations.

5. Article owners shall:

a/ Declare in writing imported plant varieties which are supplied in localities to provincial Plant Protection Sub-Departments (Appendix 3, *not printed herein*);

b/ Regularly monitor pests on plant products preserved in store; when suspecting that those products are infected with regulated pests, promptly report thereon to provincial Plant Protection Sub-Departments for inspection and guidance on handling measures;

c/ Create conditions for plant quarantine officers to perform their tasks according to regulations;

d/ Take measures to handle their articles under the guidance of competent plant quarantine agencies;

e/ Provide information relating to their articles when so requested by plant quarantine agencies.

IV. IMPLEMENTATION PROVISIONS

This Circular takes effect 15 days after its publication in "CONG BAO" and replaces the Agriculture and Rural Development Minister's Circular No. 73/2003/TT-BNN of July 1, 2003, guiding domestic plant quarantine.

Any problems arising in the course of implementation should be promptly reported to the Ministry of Agriculture and Rural Development for study and solution.

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