

2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 50 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law on Product and Goods Quality,

which was passed on November 21, 2007, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 2nd session.

*President of
the Socialist Republic of Vietnam*
NGUYEN MINH TRIET

ORDER No. 14/2007/L-CTN OF DECEMBER 5, 2007, ON THE PROMULGATION OF LAW

**THE PRESIDENT OF THE SOCIALIST
REPUBLIC OF VIETNAM**

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25,

**LAW ON PRODUCT AND GOODS
QUALITY**

(No. 05/2007/QH12)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam with a number of articles already amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law on Product and Goods Quality.

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

This Law provides for the rights and obligations of organizations and individuals producing or trading in products or goods as well as organizations and individuals conducting activities related to product and goods quality; and the management of product and goods quality.

Article 2.- Subjects of application

This Law applies to organizations and individuals producing or trading in products or goods and organizations and individuals conducting activities related to product and goods quality in Vietnam.

Article 3.- Interpretation of terms

In this Law, the terms below are construed as follows:

1. Product means the output of a production or service provision process for a commercial or consumption purpose.
2. Goods means products put on the market or for consumption through exchange, sale or marketing.
3. Products and goods incapable of causing unsafety (below referred to as group-1 products and goods) mean those products and goods which, under rational conditions of transportation, storage, preservation and use for proper purposes, cause no harms to humans, animals, plants, assets or the environment.
4. Products and goods capable of causing unsafety (below referred to as group-2 products and goods) mean those products and goods which, under rational conditions of transportation, storage, preservation and use for proper purposes, can latently cause harms to humans, animals, plants, assets or the environment.
5. Product and goods quality means the product

and goods properties' extent of satisfaction of the requirements under announced applicable standards or relevant technical regulations.

6. Production and business organizations and individuals mean organizations and individuals that organize and conduct production (below referred to as producers), import (below referred to as importers), export (below referred to as exporters), sale or service provision activities (below referred to as sellers).

7. Organizations and individuals involved in product and goods quality-related activities mean consumers, conformity evaluation organizations, professional organizations, consumer interest-protecting organizations, supervision agencies and state management agencies in charge of product and goods quality.

8. Conformity evaluation organization means an organization which tests, inspects, verifies and certifies the conformity of products, goods, production or service provision processes with announced applicable standards or relevant technical regulations.

9. Designated conformity evaluation organization means an organization which meets the conditions set in Clause 5, Article 25 of this Law and is considered and put on a list promulgated by a competent state agency for production and business organizations and individuals to select and use its conformity evaluation services to meet state management requirements.

10. Test means to conduct technical manipulations to identify one or properties of products and goods according to a certain process.

11. Inspect means to examine the conformity of products and goods with contracts or

announced applicable standards or relevant technical regulations through observation and appraisal of measurement and test results.

12. Certify means to evaluate and attest the conformity of products, production or service provision processes with announced applicable standards (referred to as standard conformity certification) or with technical regulations (referred to as regulation conformity certification).

13. Verify means to conduct technical operations in a certain process aimed at assessing and attesting the products' or goods' satisfaction of the requirements of relevant technical regulations.

14. Recognition of conformity evaluation results means that a competent state agency, organization or individual operating in Vietnam recognizes conformity evaluation results given by a conformity evaluation organization of another nation or territory.

15. State examination of product and goods quality (below referred to as product and goods quality examination) means that a state agency reconsiders and reevaluates the quality of products, goods or production or service provision processes which have been evaluated in terms of quality by conformity evaluation organizations or to which other quality control measures have been applied by production and business organizations or individuals.

16. Agency in charge of state examination of product quality and goods (below referred to as product and goods quality examination agency) means an agency assigned or decentralized to perform the state control of product and goods quality under a line ministry or a specialized agency of the provincial/municipal People's Committee.

17. Documents accompanying products or goods include conformity evaluation results, documents for advertising, introducing properties, utilities or use instructions of products or goods.

Article 4.- Application of laws

1. Production and business activities as well as product and goods quality-related activities must comply with this Law and relevant provisions of law.

2. Production and business activities as well as activities related to the quality of products and goods being construction works, services or used goods not subject to verification; products and goods used exclusively for defense or security and other particular ones must comply with general principles of this Law and be specifically governed by other legal documents.

3. When a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions different from those of this Law, the provisions of that treaty prevail.

Article 5.- Principles for product and goods quality control

1. Product and goods quality shall be controlled on the basis of announced applicable standards and relevant technical regulations. Depending on their capability of causing unsafety, products and goods are controlled as follows:

a/ The quality of group-1 products and goods shall be controlled on the basis of applicable standards announced by producers;

b/ The quality of group-2 products and goods shall be controlled on the basis of relevant technical regulations promulgated by competent state management agencies and applicable standards announced by producers.

The Government shall specify the promulgation of a list of group-7 products and goods.

2. Product and goods quality control is the responsibility of producers and traders, aimed to ensure safety for humans, animals, plants, assets and the environment and raise the productivity, quality and competitiveness of Vietnam's products and goods.

3. State control of product and goods quality is the responsibility of competent state management agency, aimed to enforce legal provisions on product and goods quality.

Activities of state control of product and goods quality must ensure transparency, objectivity, no discrimination based on goods origin and organizations and individuals involved in product and goods quality-related activities, conformity with international practice, and protection of lawful rights and interests of production and business organizations and individuals as well as consumers

Article 6.- State policies on product and goods quality-related activities

1. To encourage organizations and individuals to formulate and apply advanced standards to products and goods as well as the management and administration of production and business.

2. To formulate national programs on raising the productivity, quality and competitiveness of products and goods.

3. To invest in and develop the testing system to meet the requirements of production, business and state control of product and goods quality.

4. To enhance training and retraining of human resources for product and goods quality control.

5. To propagate and disseminate policies and

laws on product and goods quality; to form a sense of producing and trading in quality products and goods for consumers' interest, which save energy and are environment-friendly; to raise social awareness about consumption and build civilized consumption habits.

6. To encourage and create conditions for domestic and foreign organizations and individuals to invest and participate in testing, inspecting, verifying and certifying product and goods quality.

7. To expand cooperation with other nations, territories, international organizations, regional organizations as well as foreign organizations and individuals in activities related to product and goods quality; to enhance the conclusion of treaties and agreements between Vietnam and other countries, territories, international or regional organizations on mutual recognition of conformity evaluation results; to encourage Vietnamese conformity evaluation organizations to sign agreements on recognition of conformity evaluation results given by corresponding organizations of other countries or territories so as to facilitate the development of trade between Vietnam and those countries or territories.

Article 7.- Product and goods quality prizes

1. Product and goods quality prizes include national prizes and prizes awarded by organizations or individuals.

2. Conditions and procedures for consideration and award of national quality prizes are provided for by the Government.

3. Conditions and procedures for consideration and award of product and goods quality prizes of organizations and individuals are provided for by the Ministry of Science and Technology.

Article 8.- Prohibited acts

1. Manufacturing products, importing, selling or purchasing goods banned from circulation by the State.

2. Manufacturing products, importing, exporting, selling, purchasing, exchanging or marketing products or goods which fail to comply with relevant technical regulations.

3. Importing, exporting, selling or purchasing goods of unclear origin.

4. Importing, exporting, selling, purchasing goods, exchanging or marketing products or goods of which the use duration has expired.

5. Using foods or pharmaceuticals of poor quality or with expired use duration for charity purposes or donation.

6. Deliberately supplying untrue or forged results of testing, examination, inspection, verification and certification of product and goods quality.

7. Forging or illegally using standard- or regulation-conformity stamps or other signs of product and goods quality.

8. Replacing, fraudulently exchanging, adding or reducing ingredients or additives of, or mixing impurities with products and goods, thus reducing their quality compared with announced applicable standards or relevant technical regulations.

9. Giving untruthful information or advertisement or committing fraudulent acts related to product and goods quality or goods origin.

10. Concealing information on the products' and goods' capability of causing unsafety to humans, animals, plants, assets or the environment.

11. Manufacturing or processing products and

goods with raw materials or materials banned from use for the production or processing of those products and goods.

12. Abusing one's positions or powers or the state control of product and goods quality to illegally obstruct, trouble or harass production and business activities of organizations and individuals or cover up acts of violation of the law on product and goods quality.

13. Abusing product and goods quality control activities to cause harms to national interests, social order and safety.

Chapter II

RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS TOWARDS PRODUCT AND GOODS QUALITY

Section 1. RIGHTS AND OBLIGATIONS OF PRODUCTION AND BUSINESS ORGANIZATIONS AND INDIVIDUALS

Article 9.- Rights of producers

1. To decide on and announce the quality of products they manufacture or supply.

2. To decide on internal control measures in order to ensure product quality.

3. To select appropriate evaluation organizations for testing, verifying, inspecting and certifying product and goods quality.

In case of certification of regulation conformity, examination of product quality according to state management requirements, producers shall select designated conformity evaluation organizations.

4. To use standard- or regulation- conformity stamps and other signs for products according to

law.

5. To request sellers to cooperate in the withdrawal and handling of goods of poor quality.

6. To complain about conclusions of examination teams or decisions of examination agencies or competent state management agencies.

7. To be entitled to compensation under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

Article 10.- Obligations of producers

1. To observe the conditions for ensuring the quality of products before they are put on the market according to Article 28 of this Law and take responsibility for products they manufacture.

2. To display quality information on goods labels, packings or in documents accompanying goods in accordance with legal provisions on goods labeling.

3. To supply truthful information on product and goods quality.

4. To warn about the products' capability of causing unsafety and notify preventive methods to sellers and consumers.

5. To announce the requirements on transportation, storage, preservation and use of products and goods.

6. To supply purchasers and consumers with information on warranty and warranty services for products and goods.

7. To repair, refund money or exchange for new goods or receive back defective ones which are returned by sellers or consumers.

8. To promptly stop production, notify such to concerned parties and take remedies when

detecting that products or goods cause unsafety or fail to conform to announced applicable standards or relevant technical regulations.

9. To withdraw and handle products and goods of poor quality. If the goods must be destroyed, to bear all costs of goods destruction and be liable for its consequences in accordance with law.

10. To pay compensation under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

11. To observe competent state agencies' regulations and decisions on inspection and supervision.

12. To pay costs of testing, standard- or regulation- conformity certification according to Article 31; sample-taking and testing costs according to Article 41; sample-taking, testing and inspection costs according to Article 58 of this Law.

13. To prove wrong results and faults of conformity evaluation organizations according to Clause 2, Article 63 of this Law.

Article 11.- Rights of importers

1. To decide to select the level of quality of goods they import.

2. To request exporters to supply goods of proper quality as agreed upon in contracts.

3. To select inspection organizations to inspect the quality of goods they import.

4. To use standard- or regulation-conformity stamps and other signs for imported goods according to regulations.

5. To decide on internal control measures in order to maintain the quality of products and goods they import.

6. To request sellers to cooperate in withdrawing and handling goods of inferior quality.

7. To complain about conclusions of quality controllers or examination teams, or decisions of examination agencies or competent state management agencies.

8. To be entitled to compensation under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

Article 12.- Obligations of importers

1. To observe the conditions for ensuring the quality of imported goods according to Article 34 of this Law.

2. To take responsibility for the quality and labeling of goods they import in accordance with law.

3. To supply truthful information on product and goods quality.

4. To organize and control the process of transportation, storage and preservation in order to maintain goods quality.

5. To announce conditions which must be complied with during the transportation, storage and preservation of goods in accordance with law.

6. To warn sellers and consumers about the goods' capability of causing unsafety and notify them of preventive measures.

7. To supply information on warranty and provide warranty service to sellers and consumers.

8. To repair, refund money or exchange for new goods or receive back defective ones returned by sellers or consumers.

9. To promptly stop the import, notify such to concerned parties and take remedies when

detecting that the goods cause unsafety or fail to conform to announced applicable standards or relevant technical regulations.

10. To re-export imported goods which fail to conform to relevant technical regulations.

11. To destroy imported goods which fail to conform with relevant regulations but cannot be re-exported; to bear all costs of goods destruction and be liable for its consequences in accordance with law.

12. To withdraw and handle goods of poor quality.

13. To pay compensation under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

14. To observe competent state agencies' regulations and decisions on inspection and supervision.

15. To pay goods quality examination costs and fees according to Article 37; sample-taking and testing costs according to Article 41; sample-taking, testing and expertise costs according to Article 58 of this Law.

Article 13.- Rights of exporters

1. To decide to select the level of quality of goods they export.

2. To select appropriate conformity evaluation organizations in order to test, inspect and certify the quality of export goods.

3. To decide on internal control measures in order to maintain the quality of goods till the time of transfer of ownership of those goods to importers.

4. To use standard- or regulation-conformity stamps and other signs for exported goods according to regulations.

5. To request importers to cooperate in withdrawing and handling goods which fail to ensure the quality as agreed upon.

6. To complain about decisions of examination agencies or competent state management agencies.

7. To be entitled to compensation under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

Article 14.- Obligations of exporters

1. To observe the conditions for ensuring the quality of exported goods according to Article 32 of this Law and take responsibility for goods quality.

2. To take measures for handling exported goods which fail to comply with Article 33 of this Law. If the goods must be destroyed, to bear all costs of goods destruction and take responsibility for its consequences in accordance with law.

3. To comply with competent state agencies' regulations and decisions on inspection and supervision.

4. To pay costs of testing and standard- or regulation-conformity certification according to Article 31; sample-taking and testing costs according to Article 41 and sample-taking, testing and inspection costs according Article 38 of this Law.

Article 15.- Rights of sellers

1. To decide on modes of examination of goods quality.

2. To select appropriate evaluation organizations for testing and inspecting goods.

3. To decide on internal control measures in order to maintain goods quality.

4. To settle disputes under the provisions of Section 1, Chapter V of this Law and request producers or importers that have supplied goods to pay compensation for damage according to Clause 1, Article 61 of this Law.

5. To complain about conclusions of quality controllers, examination teams and decisions of examination agencies or competent state management agencies.

6. To be entitled to compensations under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

Article 16.- Obligations of sellers

1. To observe the conditions for ensuring the quality of goods circulated on the market according to Article 38 of this Law and take responsibility for goods quality.

2. To check the origin of goods, goods' labels, standard- or regulation-conformity stamps and documents related to goods quality.

3. To supply truthful information on product and goods quality.

4. To apply measures to maintain the quality of goods during their transportation, storage and preservation.

5. To notify purchasers of conditions to be ensured during the transportation, storage, preservation and use of goods.

6. To supply purchasers with information on goods warranty.

7. To supply documents and information on goods subject to examination to quality controllers, and product and goods quality examination teams and agencies.

8. To promptly supply purchasers with

information on the goods' capability of causing unsafety and preventive measures upon receiving warnings from producers or importers.

9. To promptly stop selling goods and notifying producers, importers and purchasers when detecting unsafe goods or goods which fail to conform to announced applicable standards or relevant technical regulations.

10. To refund money or exchange goods for new ones or receive back defective goods returned by purchasers.

11. To cooperate with producers and importers in withdrawing and handling goods which fail to conform to announced applicable standards or relevant technical regulations.

12. To pay compensation under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

13. To comply with competent state agencies' regulations and decisions on inspection and supervision.

14. To pay sample-taking and testing costs according to Article 41, and sample-taking and inspection costs according Article 58 of this Law.

Section 2. RIGHTS AND OBLIGATIONS OF CONSUMERS

Article 17.- Rights of consumers

1. To be supplied with truthful information on the safety and quality of products and goods and provided with instructions on their transportation, storage, preservation and use.

2. To be supplied with information on warranty for goods, their capability of causing unsafety and preventive measures upon receiving warnings from producers or importers.

3. To request sellers to repair, refund money for, exchange or receive back defective goods.

4. To be entitled to compensations under the provisions of Section 2, Chapter V of this Law and relevant provisions of law.

5. To request organizations and individuals producing and/or trading in goods to fulfill their responsibility for the protection of consumer interests according to the law on protection of consumer interests.

6. To request consumer interest-protecting organizations to protect their lawful interests according to the law on protection of consumer interests.

Article 18.- Obligations of consumers

1. To observe the conditions for assurance of good quality in the course of using goods according to Article 42 of this Law.

2. To comply with producers', importers' and sellers' regulations and instructions on the transportation, storage, preservation and use of products and goods.

3. To comply with regulations on verification of the quality of products and goods quality in the process of using those on the lists issued by line ministries.

4. To observe legal provisions on environmental protection in the process of using products and goods.

Section 3. RIGHTS AND OBLIGATIONS OF CONFORMITY EVALUATION ORGANIZATIONS AND CONSUMER INTEREST-PROTECTING ORGANIZATIONS

Article 19.- Rights of conformity evaluation organizations

1. To test, inspect, verify and certify product and goods quality on the basis of contracts signed with organizations and individuals requesting conformity evaluation in their registered operation domain or under designation by competent state agencies.

2. To get paid according to agreements with organizations or individuals producing and/or trading in products and goods that request conformity evaluation or at the request of competent state agencies.

3. To supply testing results to corresponding subjects of conformity evaluation.

4. To grant, re-grant, expand, narrow the scope or suspend and withdraw conformity evaluation certificates, the right to use standard- or regulation-conformity stamps already granted to corresponding subjects of verification or certification.

5. To refuse to supply information related to goods-quality test, inspection, verification and certification results to third parties, unless it is requested by a competent state agency.

6. To have their conformity evaluation results recognized by competent state agencies in accordance with law.

7. To collect costs of test and certification of standard or regulation conformity according to Article 31; charges and fees for examination of the quality of imported goods according to Article 37; testing costs according to Article 41; and testing and inspection costs according to Article 58 of this Law.

Article 20.- Obligations of conformity evaluation organizations

1. To meet the conditions set in Clause 5, Article 25 of this Law.

2. Not to refuse to supply services unless they can give plausible reasons.

3. To keep secret conformity evaluation information, data and results of organizations subject to conformity evaluation, unless they are requested by competent state agencies.

4. To ensure publicity, transparency, independence, objectivity, accuracy and no discrimination based on goods origin and organizations and individuals conducting product and goods quality-related activities.

5. To ensure the conformity evaluation order and procedures according to the law on standards and technical regulations.

6. To announce on the mass media the grant, re-grant, expansion, narrowing down of the scope, suspension or revocation of conformity certificates and the right to use standard- or regulation-conformity stamps.

7. To be subject to supervision or inspection of their conformity evaluation activities by competent state agencies.

8. To take responsibility before law for conformity evaluation results.

9. To pay fines to organizations and individuals with evaluated products and goods in case of supplying wrong conformity evaluation results. Fine levels shall be agreed upon by concerned parties but must not exceed 10 times the evaluation cost; if concerned parties cannot reach agreement, fine levels shall be decided by arbitration or a court but must not exceed 10 times the evaluation cost.

10. To pay compensation according to Clause 1, Article 63 of this Law.

Article 21.- Rights and obligations of professional organizations

1. To propagate and disseminate to production and business organizations and individuals knowledge about the application of the law on product and goods quality; to form a sense of responsibility for producing and trading in quality products and goods for consumer interests, which save energy and are environment-friendly; to raise social awareness about consumption, form civilized consumption habits.

2. To support, and raise the awareness of, production and business organizations and individuals about and encourage them to apply the law on product and goods quality.

3. To organize training and retraining in the modes of product and goods quality control and social debate in the control of product and goods quality.

4. To comment on draft legal documents on product and goods quality.

5. To lodge complaints or initiate lawsuits concerning disputes over product and goods quality which cause harms to their or their members' interests.

Article 22.- Rights and obligations of consumer interest-protecting organizations

1. To represent consumers in protecting their lawful rights and interests when receiving complaints or reports on the quality of goods which fail to conform to announced applicable standards, relevant technical regulations, the quantity indicated on goods' labels or the quality prescribed in contracts.

2. To receive information relating to organizations and individuals producing unconformable products or trading in unconformable goods, the degree of the goods' non-conformity with announced applicable standards or corresponding technical regulations,

and supply this information to mass media agencies, and concurrently take responsibility for their supplied information.

3. To propose supervision and inspection agencies or competent state agencies to handle production and business organizations for their violations related to product and goods quality.

4. To lodge complaints or initiate lawsuits about the quality of products or goods which cause harms to consumers.

5. To provide guidance and advise on consumer interests related to product and goods quality.

Chapter III

CONTROL OF PRODUCT AND GOODS QUALITY IN PRODUCTION, IMPORT, EXPORT, CIRCULATION ON MARKET, AND USE

Section 1. GENERAL PROVISIONS ON MEASURES FOR PRODUCT AND GOODS QUALITY CONTROL

Article 23.- Announcement of applicable standards

1. Producers and importers shall announce fundamental properties, warning information and standard codes on goods on one of the following:

a/ Goods packings;

b/ Goods labels;

c/ Documents accompanying products or goods.

2. Contents of announced applicable standards must not be contrary to the requirements under technical regulations promulgated by competent state agencies.

Article 24.- Announcement of conformity

1. Producers shall announce their products' conformity with the set standards (below referred to as standard-conformity announcement) or with technical regulations (below referred to as regulation-conformity announcement).

2. Announcement of standard- or regulation-conformity must comply with legal provisions on standards and technical regulations.

Article 25.- Conformity evaluation

1. Test is prescribed as follows:

a/ Test in service of operations of production and business organizations and individuals is conducted according to agreements with testing organizations;

b/ Test in service of state management is conducted at designated laboratories.

2. Inspection is prescribed as follows:

a/ Inspection for commercial purposes is conducted by inspection organizations according to agreements with organizations or individuals that request inspection;

b/ Inspection in service of state management is conducted by designated inspection organizations.

3. Certification is prescribed as follows:

a/ Standard-conformity certification is conducted according to agreements between organizations or individuals requesting certification and certification organizations;

b/ Regulation-conformity certification is conducted by designated certification organizations.

4. Verification is prescribed as follows:

a/ Verification includes periodical and extraordinary verification.

b/ Verification must be conducted by

designated verification organizations.

5. Conformity evaluation organizations must meet the following conditions:

a/ Being duly organized and capable to meet general requirements under relevant national or international standards;

b/ Establishing and maintaining an appropriate management system conforming to requirements under relevant national or international standards;

c/ Registering the field of conformity evaluation with a competent state agency.

Article 26.- Recognition of conformity evaluation results

1. Recognition of conformity evaluation results between organizations and individuals in Vietnam and others in foreign countries or territories shall be agreed upon by concerned parties.

2. Recognition of conformity evaluation results in service of state management complies with treaties to which the Socialist Republic of Vietnam is a contracting party or international agreements to which a competent state agency of the Socialist Republic of Vietnam is a signatory.

Article 27.- Examination of product and goods quality

1. Examination of product quality in production covers the following contents:

a/ Examining the application of requirements under technical regulations related to conditions of production processes and measures for state control of production quality;

b/ Examining conformity evaluation results, goods labels, standard- or regulation-conformity stamps and documents accompanying products subject to examination,

c/ Testing samples according to announced applicable standards or relevant technical regulations, when necessary.

2. Examination of goods quality in import or circulation on the market covers the following contents:

a/ Examining conformity evaluation results, goods labels, standard- or regulation-conformity stamps and documents accompanying products or goods subject to examination;

b/ Testing samples according to announced applicable standards or relevant technical regulations when necessary.

3. Examination of product and goods quality is conducted by product and goods quality examination agencies specified in Article 45 of this Law.

4. The exemption or reduction of examination of the quality of products and goods for which standard- or regulation-conformity has been certified or announced or to which advanced control systems have been applied according to international or regional standards and certified comply with regulations of line ministries.

Section 2. CONTROL OF PRODUCT QUALITY IN PRODUCTION

Article 28.- Conditions for ensuring the quality of products in production before they are put on the market

1. Producers must abide by requirements on product quality control in production as follows:

a/ To apply control systems in order to ensure that the quality of their products conform to announced applicable standards or relevant technical regulations;

b/ To announce applicable standards according to Article 23 of this Law and label goods according

to the law on goods labeling;

c/ To opt for conformity certification and announce standard conformity for group-1 products;

d/ To comply with technical regulations related to the production process, certification of regulation conformity and announcement of regulation conformity according to relevant technical regulations applicable to group-2 products.

2. The assurance of quality of products of small sized production and business before they are put on the market complies with regulations of line ministries.

Article 29.- Examination of product quality in production

1. Examination of product quality in production shall be conducted in one of the following cases:

a/ Exported goods fail to ensure the quality as prescribed in Article 32 of this Law,

b/ Goods circulated on the market fail to conform to announced applicable standards or relevant technical criteria specified in Clause 3, Article 40 of this Law.

2. Examination of product quality in production shall be conducted by product and goods quality examination agencies in the form of inspection team according to Article 48 of this Law.

3. The order and procedures for examination of product quality in production are prescribed as follows:

a/ Producing the examination decision;

b/ Conducting examination according to the contents specified in Clause 1, Article 27 of this Law;

c/ Making an examination minutes;

d/ Notifying producers and reporting to product and goods quality examination agency of the examination results;

e/ Handling violations according to Article 30 of this Law.

Article 30.- Handling of violations in the process of examination of product quality in production

1. Through the examination of product quality in production, if a producer is detected to fail to comply with requirements of announced applicable standards or relevant technical regulations for products and conditions related to the production process, the producer shall be handled as follows:

a/ The examination team shall ask the producer to take remedies or repair the products to ensure their quality before they are put on the market;

b/ If the producer continues committing violations despite the examination team's request, the product and goods quality examination agency shall, within 7 working days after making conclusions on violations of the production and business organization or individual, announce on the mass media the name and address of the producer, the appellations of uncomformable products and the extent of their uncomformity;

c/ If the producer still commits violations after his/her/its name is announced on the mass media, the goods and product quality examination agency shall propose a competent state agency to handle violations in accordance with law.

2. During the examination of product quality in production, if testing results show that products are uncomformable with announced applicable standards or relevant technical regulations, threatening the safety of people, animals, plants, assets or the environment, the goods and product quality examination agency shall announce those

results on the mass media, suspend the production of uncomformable products and propose a competent state agency to handle violations in accordance with law.

Article 31.- Costs of testing and certification of standard or regulation conformity

Producers shall pay costs of testing and certification of standard or regulation conformity under agreements with testing organizations or organizations certifying standard or regulation conformity.

Section 3. CONTROL OF EXPORTED GOODS' QUALITY

Article 32.- Conditions for ensuring exported goods' quality

1. Goods exporters must ensure that exported goods comply with regulations of importing countries, contracts or international treaties or agreements on mutual recognition of conformity results with related countries or territories.

2. Producers must apply relevant technical regulations to the production process or form and apply by themselves control systems in order to ensure the quality of their products.

Article 33.- Measures to handle exported goods which fail to meet export conditions

For goods which fail to meet the export conditions specified in Clause 1, Article 32 of this Law, and therefore, cannot be exported or are returned, the goods and product quality examination agency shall, depending on the nature and severity of violations, apply one or several of the following handling measures:

1. Taking measures to examine product quality in production according to the contents specified in Clause 1 of Article 27 and the order and

procedures specified in Clause 3, Article 29 of this Law with regard to export goods which fail to ensure their quality, thus affecting the national interests and prestige.

2. Allowing the circulation of goods on the market if their quality conforms to relevant technical regulations of Vietnam.

3. Requesting producers to remedy or repair goods so that they may continue to be exported or circulated on the Vietnamese market after satisfying relevant technical regulations.

4. Proposing competent state agencies to issue destruction decisions.

Section 4. CONTROL OF IMPORTED GOODS' QUALITY

Article 34.- Conditions for ensuring imported goods' quality

1. Imported goods must have their applicable standards announced according to Article 23 of this Law and be labeled according to the labeling law.

2. Imported group-2 goods must be announced in terms of regulation conformity and certified in terms of conformity with relevant technical regulations related to the production process and end products by designated or accredited certification organizations according to Article 26 of this Law.

3. When imported, group-2 goods which fail to comply with Clause 2 of this Article must be inspected at the border gates of export or import by designated or accredited inspection organizations.

4. When imported, group-2 goods must have quality examined according to the contents specified in Clause 2 of Article 27 and the order

and procedures specified in Article 35 of this Law.

Article 35.- Order and procedures for examination of imported goods' quality

1. Product and goods quality examination agencies shall conduct examination according to the following order and procedures:

a/ Receiving importers' dossiers of registration for quality examination, each comprising a written registration of quality examination, a copy of the authenticated quality certificate, related technical documents, a copy of the sale and purchase contract and a list of goods accompanying the contract;

b/ Considering the validity and completeness of examination registration dossiers upon their receipt from importers;

c/ Conducting examination according to the contents specified in Clause 2, Article 27 of this Law;

d/ Notifying examination results to importers, certifying that the goods meet the quality requirements so that they can proceed with import procedures at customs agencies;

e/ Handling violations during the examination according to Article 36 of this Law.

2. Based on the provisions of Clause 1 of this Article, line ministries shall specify the order and procedures for examination of imported goods which fall within their assigned management competence defined in Clause 5 of Article 68, Clause 4 of Article 69, and Clause 2 of Article 70 of this Law.

Article 36.- Handling of violations during examination of imported goods' quality

1. For goods having certificates of conformity evaluation results but failing to meet the requirements on labeling, standard- or regulation-

conformity stamps, product and goods quality examination agencies shall request importers to remedy them before making certification for those importers to carry out import procedures at customs agencies.

2. If goods meet labeling requirements but having no certificates of conformity evaluation results, product and goods quality examination agencies shall request importers to select one of designated or accredited inspection organizations to conduct evaluation and grant import certificates at the border gates of import or export.

3. If goods quality testing or inspection results show that the goods fail to conform to announced applicable standards or relevant technical regulations of Vietnam, product and goods quality examination agencies shall report and propose handling measures to competent state agencies; depending on the nature and severity of violations of quality control requirements, competent state agencies shall decide on compulsory re-export, destruction or reprocessing of the goods, and at the same time, notify such to customs agencies for coordinated handling and to importers for implementation.

4. After customs clearance, imported goods may be circulated on the market and subject to quality examination under the provisions of Section 5 of this Chapter.

Article 37.- Costs and fees of examination of import goods' quality

1. Importers shall pay testing and inspection costs as agreed upon with quality testing or inspection organizations.

2. Importers shall pay fees for inspection of imported goods' quality.

3. The Ministry of Finance shall specify levels, the collection and management of fees for

examination of imported goods' quality.

Section 5. CONTROL OF QUALITY OF GOODS CIRCULATED ON THE MARKET

Article 38.- Conditions for ensuring the quality of goods circulated on the market

Sellers of goods circulated on the market must meet the following requirements on management of goods quality:

1. To observe relevant technical regulations in the process of circulation of goods or apply by themselves quality control measures in order to maintain the quality of goods they sell.

2. To submit to goods quality examination according to contents specified in Clause 2 of Article 27; the order and procedures specified in Article 39; and the handling of violations of law specified in Article 40 of this Law.

Article 39.- Order and procedures for examination of the quality of goods circulated on the market

1. An inspection team shall conduct examination according to the following order and procedures:

a/ Producing the examination decision before examination;

b/ Conducting examination according to the contents specified in Clause 2, Article 27 of this Law;

c/ Making an examination record;

d/ Notifying examination results to the seller and reporting thereon to product and goods quality examination agency;

e/ Handling violations according to Article 40 of this Law.

2. A quality controller shall conduct independent examination according to the following order

and procedures:

a/ Producing the controller's card before examination;

b/ Conducting examination according to the contents specified in Clause 2, Article 27 of this Law;

c/ Making an examination record;

d/ Notifying examination results to the seller and reporting thereon to product and goods quality examination agency;

e/ Handling violations under the provisions of Article 40 of this Law.

Article 40.- Handling of violations during the examination of quality of goods circulated on the market

1. During the examination of quality of goods circulated on the market, if detecting that the goods fail to meet the requirements on labeling, standard- or regulation-conformity stamps, quality control measures under relevant technical regulations and conditions related to the production process, examination teams or quality controllers shall handle violations according to the following steps:

a/ Requesting sellers to suspend the sale of goods and report thereon within 24 hours to product and goods quality examination agencies for handling according to their competence;

b/ Requesting sellers to contact producers or importers in order to take remedies, or repair the goods;

c/ If the sellers continue violations, at the request of examination teams or quality controllers, product and goods quality examination agencies shall, within 7 working days after obtaining conclusions on violations of production and business organizations or individuals, announce on the mass media the names of the sellers, addresses of goods selling

places, appellations of goods, and extent of their unconformity with the set regulations or standards;

d/ If the sellers continue violations despite the public announcement, product and goods quality examination agencies shall propose competent state agencies to handle them in accordance with law.

2. If the goods sample-testing results do not conform to announced applicable standards or relevant technical regulations, depending on the nature and severity of violations, examination teams or quality controllers shall apply the following handling measures:

a/ Sealing the goods, not permitting the sellers to continue selling the goods and, within 24 hours, reporting to product and goods quality examination agencies for handling according to their competence;

b/ Requesting sellers to contact producers or importers in order to take remedies or repair the goods;

c/ If sellers continue violations or the goods which are unconformable to announced applicable standards or relevant regulations threaten the safety of humans, animals, plants, assets or the environment, product and goods quality examination agencies shall announce on the mass media the names and addresses of business organizations or individuals, appellations of the goods, and extent of their unconformity with the set regulations or standards;

d/ If sellers continue violations despite the public announcement, product and goods quality examination agencies shall propose competent state agencies to handle violations in accordance with law.

3. If detecting that goods circulated on the market fail to conform to announced applicable standards or relevant technical regulations,

depending on the nature and severity of violations, product and goods quality examination agencies shall examine product quality according to the contents specified in Clause 1, Article 27 of this Law.

Article 41.- Costs of sample taking and testing for quality examination and settlement of complaints and denunciations about product and goods quality

1. Costs of sample taking and testing for examination of the quality of products in production and goods circulated on the market shall be paid by product and goods quality examination agencies which decide on sample taking and testing of product and goods quality. Sample taking and testing costs shall be included in operation fund estimates of product and goods quality examination agencies.

2. Based on testing results, if product and goods quality examination agencies conclude that producers or sellers violate regulations on product and goods quality, those producers or sellers shall pay costs of sample taking and testing of product and goods quality to product and goods quality examination agencies.

3. In case of complaints or denunciations about the quality of products or goods but product and goods quality examination agencies conclude that those complaints or denunciations are wrong, the complainants or denouncers shall pay costs of sample taking and testing of product and goods quality to product and goods quality examination agencies.

Section 6. CONTROL OF GOODS QUALITY IN THE USE PROCESS

Article 42.- Conditions for ensuring the quality of goods in the use process

1. Goods must be used, transported, stored, preserved, maintained and cared for in accordance with producers' instructions.

2. Goods must be verified according to relevant technical regulations promulgated by competent state management agencies.

Article 43.- Handling of verification results

1. After being verified, goods which satisfy relevant technical regulations may further be used in a period specified by those regulations.

2. If the verification shows that goods fail to satisfy relevant technical regulations, their owners shall take remedies; if after remedies have been applied, verification results still show that the goods are unconfirmable, verifying organizations will not grant verification certificates and the goods must not be used any more.

Article 44.- Fee of goods verification in the use process

1. The verification of goods in the use process is liable to a fee.

2. The Ministry of Finance shall specify the levels, collection and management of fees for goods verification in the use process.

Chapter IV

EXAMINATION, INSPECTION OF PRODUCT AND GOODS QUALITY

Section 1. EXAMINATION OF PRODUCT AND GOODS QUALITY

Article 45.- Assignment of responsibilities among product and goods quality examination agencies

1. Product and goods quality examination

agencies under line ministries shall examine the quality of products in production within their assigned scope defined in Clause 1, Article 70 of this Law and goods in import, export, circulation on the market or use process within their assigned scope defined in Clause 5, Article 18, and Clause 2, Article 70 of this Law.

2. Product and goods quality examination agencies under the Ministry of Science and Technology shall examine the quality of products in production within their assigned scope prescribed in Clause 1, Article 70 of this Law as well as goods imported, exported or circulated on the market and goods in the use process within their assigned scope prescribed in Clause 4, Article 69 of this Law.

3. Product and goods quality examination agencies under provincial/municipal People's Committees shall examine product and goods quality in their respective localities according to regulations of line ministries.

4. Product and goods quality examination agencies defined in Clauses 1 and 2 of this Article shall coordinate with product and goods quality examination agencies under provincial/municipal People's Committees and concerned agencies in examining product and goods quality.

Article 46.- Powers of product and goods quality examination agencies

Within the scope of their tasks and powers, product and goods quality examination agencies have the following powers:

1. To decide on setting up examination teams or assign quality controllers to conduct regular or extraordinary examination.
2. To warn about the failure to ensure product and goods quality.
3. To handle violations during the examination

according to Articles 30, 36 and 40 of this Law.

4. To settle complaints and denunciations about decisions of examination teams or quality controllers in accordance with the law on complaints and denunciations.

Article 47.- Tasks of product and goods quality examination agencies

Within the ambit of their tasks and powers, product and goods quality examination agencies have the following tasks:

1. To identify specific categories of goods in order to examine their quality.
2. To work out annual examination plans to be submitted to competent state agencies for decision.
3. To receive importers' dossiers of registration for quality examination.
4. To certify conditions for ensuring the quality of imported goods.
5. To make and submit to competent state agencies decision on building a contingent of quality controllers and equipping technical facilities to meet the requirements of product and goods quality examination.
6. To issue handling decisions within 3 working days after receiving reports from examination teams or quality controllers on production suspension, sealing of goods or sale suspension.
7. To ensure objectivity, accuracy, publicity, transparency and non-discrimination in the examination of product and goods quality.
8. To keep secret inspection results pending the release of official conclusions, information and documents related to inspected production and business organizations or individuals.
9. To take responsibility before law for

examination results and related conclusions.

Article 48.- Examination teams

1. Examination teams are set up under decisions of heads of product and goods quality examination agencies, based on the examination programs or plans already approved by competent state agencies or upon extraordinary examination request.

2. An examination team must have at least 50% of its members who are quality controllers.

Article 49.- Tasks and powers of examination teams

During the examination of product and goods quality, an examination team has the following tasks and powers:

1. To request production and business organizations or individuals to produce documents related to products and goods according to examination contents specified in Article 27 and handle violations during the examination according to Articles 30 and 40 of this Law; when necessary, to request production and business organizations or individuals to supply copies of documents specified in this Clause.

2. To take samples for testing when necessary.

3. To seal goods and suspend the sale of unconfirmable goods on the market in the process of examination.

4. To request organizations or individuals producing and/or trading in goods which fail to conform to announced applicable standards or relevant technical regulations to take remedies or repair the goods.

5. To propose the product and goods quality examination agency to handle violations according to their competence prescribed in Article 46 of this Law.

6. To ensure the principles of objectivity, accuracy and non-discrimination while conducting examination.

7. To keep secret examination results and information related to inspected production and business organizations or individuals.

8. To report accurately and promptly examination results to the product and goods quality examination agency.

9. To take responsibility before law for examination results, conclusions and the handling of violations.

Article 50.- Quality controllers

1. Quality controllers are public employees appointed to the rank of quality controller in product and goods quality examination agencies.

2. Criteria, mechanisms for and appointment of quality controllers shall be prescribed by the Government.

Article 51.- Tasks and powers of quality controllers

During the examination of product and goods quality, quality controllers have the following tasks and powers:

1. To request production and business organizations or individuals to produce documents related to products and goods according to examination contents specified in Clause 2 of Article 27 and handle violations during the examination according to Article 40 of this Law; when necessary, to request production and business organizations or individuals to supply copies of documents specified in this Clause.

2. To seal, suspend sale of, unconfirmable goods on the market during the examination.

3. To request organizations and individuals that

produce and/or trade in products or goods which fail to conform to announced applicable standards or relevant technical regulations to take remedies or repair the goods.

4. To propose product and goods quality examination agencies to handle violations according to their competence defined in Article 46 of this Law.

5. To ensure the principles of objectivity, accuracy and non-discrimination while conducting examination.

6. To keep secret examination results and information related to inspected production and business organizations or individuals.

7. To report accurately and promptly examination results to product and goods quality examination agencies.

8. To take responsibility before law for examination results, conclusions and handling of violations.

Section 2. PRODUCT AND GOODS QUALITY INSPECTORATE

Article 52.- Product and goods quality inspectorate

1. The product and goods quality inspectorate is a specialized inspectorate.

2. Inspection is conducted in accordance with the inspection law.

3. The Government shall specify the organization and operation of the product and goods quality inspectorate.

Article 53.- Tasks and subjects of product and goods quality inspection

1. The product and goods quality inspectorate is tasked to inspect the observance of law by

organizations and individuals producing and/or trading in products and goods and organizations and individuals conducting product and goods quality-related activities.

2. Subject to product and goods quality inspection are production and business organizations and individuals, consumers, conformity evaluation organizations, professional organizations, consumer interest-protecting organization and product and goods inspection agencies.

Chapter V

SETTLEMENT OF DISPUTES, COMPENSATION FOR DAMAGE, SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS, AND HANDLING OF VIOLATIONS OF THE LAW ON PRODUCT AND GOODS QUALITY

Section 1. SETTLEMENT OF DISPUTES OVER PRODUCT AND GOODS QUALITY

Article 54.- Disputes over product and goods quality

Disputes over product and goods quality include:

1. Disputes between purchasers and importers or sellers or between traders due to products' or goods' non-conformity with announced applicable standards, relevant technical regulations or contractual agreements on quality.

2. Disputes between production and business organizations or individuals and consumers and concerned parties due to products' or goods' poor quality, which causes harms to humans, animals, plants, properties or the environment.

Article 55.- Forms of settlement of disputes over product and goods quality

1. Negotiation on product and goods quality

between disputing parties.

2. Conciliation between the parties by an intermediary agency, organization or individual agreed upon by the parties.

3. Settlement by arbitration or a court.

Procedures for settlement of disputes over product and goods quality by arbitration or courts comply with legal provisions on arbitration or civil procedures.

Article 56.- Statute of limitations for complaint and initiation of lawsuits on product and goods quality

1. The statute of limitations for initiation of lawsuits on product and goods quality between purchasers and sellers complies with the Civil Code.

2. The statute of limitations for complaint and initiation of lawsuits on product and goods quality between production and business organizations or individuals comply with the Commercial Law.

3. The statute of limitations for complaint and initiation of lawsuits claiming compensation for damage caused by products or goods of poor quality to humans, animals, plants, assets or the environment is 2 years from the time the concerned parties are notified of the damage, provided that the damage is caused in the use duration of products or goods which is displayed on those products or goods, or 5 years from the date of goods delivery, for products and goods with unspecified use duration.

Article 57.- Examination, test, inspection for settlement of disputes over product and goods quality

1. Designated dispute-settling agencies or organizations or involved parties shall reach agreement on requesting professional agencies or

organizations to examine, test or inspect products and goods whose quality is under dispute.

2. Bases for examination, test and inspection of products and goods under dispute include:

a/ Contractual agreements on product and goods quality;

b/ Announced standards and relevant technical regulations applied to those products and goods.

Article 58.- Sample-taking, testing or inspection costs in the settlement of disputes over product and goods quality

1. Complainants or initiators of lawsuits shall pay costs of sample taking, testing or inspection of product and goods quality.

2. If the testing or inspection results show that organizations or individuals producing and/or trading in products and goods commit violations on product and goods quality, those organizations or individuals shall pay to complainants or lawsuit initiators costs of sample taking and testing or inspection of the quality of products and goods under dispute.

Section 2. COMPENSATION FOR DAMAGE CAUSED BY PRODUCT AND GOODS QUALITY

Article 59.- Principles for compensation

1. Damage caused by violations of regulations on product and goods quality must be compensated wholly and promptly.

2. Damage to be compensated is specified in Article 60 of this Law, unless otherwise agreed upon by disputing parties.

Article 60.- Damage to be compensated due to goods' poor quality

1. Damage in terms of value of broken or destroyed goods or assets.

2. Damage in terms of human life or health.
3. Damage in terms of interests associated with the use or exploitation of goods or assets.
4. Reasonable expenses for prevention, mitigation and overcoming of damage.

Article 61.- Compensation liabilities

1. Producers and importers shall pay compensation to sellers or consumers when their goods cause harms to the latter due to their failure to ensure the goods' quality, except for cases specified in Clause 1, Article 62 of this Law. Compensation shall be paid according to agreements between involved parties or court decisions or arbitral awards.

2. Sellers shall pay compensation to purchasers or consumers for damage caused by their failure to ensure the goods' quality, except for cases specified in Clause 2, Article 62 of this Law. Compensation shall be paid according to agreements between involved parties or court decisions or arbitral awards.

Article 62.- Cases in which compensation needs not be paid

1. Producers and importers need not pay compensation in the following cases:

- a/ Sellers sell or users use goods of which the use duration has expired;
- b/ The statute of limitations for complaint or initiation of lawsuits has expired;
- c/ The withdrawal of defective goods has been notified to sellers and users before the goods cause harms;
- d/ Products or goods are defective due to their compliance with regulations of competent state agencies;
- e/ The world's scientific and technological level is not high enough to detect that products

may be unsafe by the time they cause harms;

- f/ The damage is caused at the seller's fault;
- g/ The damage is caused at the purchaser's or consumer's fault.

2. Sellers need not pay compensation to purchasers or consumers in the following cases:

- a/ Consumers use goods of which the use duration has expired,
- b/ The statute of limitations for complaint or denunciation has expired;
- c/ That the goods are defective has been notified to purchasers or consumers but they still purchase or use those goods;
- d/ The goods are defective because the producers or importers comply with regulations of competent state agencies;
- e/ The world's scientific and technological level is not high enough to detect that the goods may be unsafe by the time they cause harms;
- f/ The damage is caused at the purchaser's or consumer's fault.

Article 63.- Compensation liability of conformity evaluation organizations which supply wrong results

1. Conformity evaluation organizations which supply wrong results shall pay compensation for damage caused to evaluation-requesting organizations or individuals according to the civil law.

2. Organizations and individuals with products or goods evaluated in terms of conformity are obliged to prove the wrong results given by and the faults of conformity evaluation organizations specified in Clause 1 of this Article.

Section 3. SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS

Article 64.- Complaints and denunciations

about violations of the law on product and goods quality

1. Organizations and individuals may lodge complaints with state agencies or competent persons about administrative decisions or acts of state agencies or competent persons which they consider illegal or about acts in infringement of their lawful rights and interests in the domain of product and goods quality.

2. Individuals may denounce to state agencies or competent persons acts in violation of the law on product and goods quality in accordance with the law on complaint and denunciation.

3. Organizations and individuals are responsible for their complaints or denunciations.

Article 65.- Settlement of complaints and denunciations about violations of the law on product and goods quality

State agencies and persons competent to settle complaints and denunciations shall consider and settle violations of the law on product and goods quality in accordance with the law on complaints and denunciations.

Section 4. HANDLING OF VIOLATIONS OF THE LAW ON PRODUCT AND GOODS QUALITY

Article 66.- Handling of violations of the law on product and goods quality

1. Individuals committing acts of violating the law on product and goods quality shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability and, if causing damage, pay compensation in accordance with law.

2. Organizations violating the law on product and goods quality shall, depending on the nature and severity of their violations, be administratively

handled and, if causing damage, pay compensation in accordance with law.

3. The fine level imposed on administrative violations specified in Clauses 1 and 2 of this Article must be at least equal to the value of consumed products or goods in violation but must not exceed five times that value; money gained from violations shall be confiscated in accordance with law.

The Government shall specify administrative violations, forms of sanctioning and levels of fine imposed on those violations in the domain of product and goods quality and ways of determining the value of products and goods in violation.

Article 67.- Initiation of administrative lawsuits

Organizations and individuals may initiate lawsuits against state agencies or competent persons at courts regarding administrative decisions or acts related to product and goods quality in accordance with the law on procedures for settlement of administrative cases.

Chapter VI

RESPONSIBILITIES FOR STATE CONTROL OF PRODUCT AND GOODS QUALITY

Article 68.- Responsibilities for state control of product and goods quality

1. The Government shall exercise the unified state control of product and goods quality throughout the country.

2. The Ministry of Science and Technology shall take responsibility before the Government for unified control of product and goods quality.

3. Line ministries shall, within the scope of their tasks and powers, coordinate with the Ministry of Science and Technology in performing the task of state control of product and goods quality.

4. People's Committees at all levels shall exercise the state control of product and goods quality in their localities under the Government's decentralization.

5. Based on the socio-economic development situation and state control requirements for product and goods quality in each period, the Government shall specify state control responsibilities of each line ministry for products and goods which are not yet specified in Clause 2, Article 70 of this Law.

Article 69.- State management responsibilities of the Ministry of Science and Technology

1. To formulate and promulgate or submit to the Government for promulgation, and organize the implementation of, policies, strategies, plannings, plans and legal documents on product and goods quality.

2. To assume the prime responsibility for, and coordinate with line ministries and provincial/municipal People's Committees in, elaborating and submitting to competent authorities for approval and organize the implementation of a national program on raising the productivity, quality and competitiveness of products and goods.

3. To exercise the state control of product quality in production according to Clause 1, Article 70 of this Law.

4. To organize and direct activities of state control of the quality of goods imported, exported or circulated on the market in the use process related to radiation safety, nuclear safety, measuring equipment, and other goods, except for goods falling within responsibilities of line ministries defined in Clause 2, Article 70 of this Law.

5. To assume the prime responsibility for, and coordinate with line ministries in, formulating and organizing the application of measures for state control of quality, regulations on management or

designation of conformity evaluation organizations, with regard to products in production and goods imported, exported or circulated on the market; organize international cooperation on product and goods quality.

6. To assume the prime responsibility for organizing evaluation, propose forms of honoring or rewarding at the national level products and goods of organizations and individuals with outstanding achievements in terms of product and goods quality; provide conditions and procedures for awarding product and goods quality prizes to organizations and individuals.

7. To monitor, make statistics and review the situation of management of product and goods quality throughout the country, to propagate and disseminate the law, organize training in, popularize knowledge and information about product and goods quality and control of product and goods quality.

8. To supervise the observance of the law on product and goods quality; to settle complaints and denunciations about, and handle violations of the law on, product and goods quality in the assigned domains.

Article 70.- State control responsibilities of line ministries

1. Line ministries shall exercise the state control of product and goods quality in their assigned domains, having the following responsibilities:

a/ Formulating, promulgating or submitting to the Government for promulgation, and organizing the implementation of, policies, strategies, plannings, plans or development programs on raising product and goods quality;

b/ To formulate, promulgate, and organize the implementation of, legal documents on product and goods quality in conformity with specific requirements and tasks of ministries and branches;

c/ To organize and direct activities of state control of product and goods quality;

d/ To designate and manage operations of conformity evaluation organizations to meet the requirements of state control of product and goods quality;

e/ To inspect the observance of the law on product and goods quality; to settle complaints and denunciations about, and handle violations of the law on, product and goods quality within the scope of their tasks and powers;

f/ To monitor, make statistics and review the situation of product and goods quality control; to propagate, disseminate and guide the law on product and goods quality; to assist production and business organizations and individuals in getting information on product and goods quality;

g/ To coordinate with the Ministry of Science and Technology in organizing the implementation of international treaties or agreements on mutual recognition of conformity evaluation results;

2. Responsibilities for state control of the quality of imported, exported or marketed products and goods which are capable of causing unsafety in their use process, are defined as follows:

a/ The Ministry of Health shall take responsibility for foods, pharmaceuticals, vaccines, medical bio-products, cosmetics, drug materials, drugs for human use, domestic chemicals, insecticides, disinfectants and medical equipment and facilities;

b/ The Ministry of Agriculture and Rural Development shall take responsibility for plants, animals, fertilizers, animal feeds, plant protection drugs, veterinary drugs, bio-products for use in agriculture, forestry or aquaculture, irrigation works, and dykes;

c/ The Ministry of Transport shall take responsibility for means of transport, loading and unloading means and equipment, specialized

transport equipment for construction, marine exploration and exploitation equipment, and traffic works;

d/ The Ministry of Industry and Trade shall take responsibility for pressure equipment, lifting equipment for industrial use, chemicals, industrial explosives, oil and gas mining equipment, except for marine exploration and exploitation equipment and facilities,

e/ The Ministry of Construction shall take responsibility for civil works, industrial works and technical infrastructure works;

f/ The Ministry of Defense shall take responsibility for military equipment and facilities, ammunitions, weapons and products in service of defense, and defense works;

g/ The Ministry of Public Security shall take responsibility for fire prevention and fighting equipment; technical equipment, ammunitions, weapons, support instruments, except for those specified at Point f of this Clause.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 71.- Implementation effect

This Law takes effect on July 1, 2008.

The December 24, 1999 Ordinance on Goods Quality ceases to be effective on the effective date of this Law.

Article 72.- Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was passed on November 21, 2007, by the 11th National Assembly of the Socialist Republic of Vietnam at its 2nd session.

Chairman of the National Assembly
NGUYEN PHU TRONG