

**THE MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT**

**DECISION No. 99/2008/QĐ-BNN OF
OCTOBER 15, 2008, PROMULGATING
THE REGULATION ON MANAGEMENT
OF SAFE VEGETABLE, FRUIT AND TEA
PRODUCTION AND TRADING**

**THE MINISTER OF AGRICULTURE
AND RURAL DEVELOPMENT**

*Pursuant to the Government's Decree No.
01/2008/ND-CP of January 3, 2008, defining
the functions, tasks, powers and organizational
structure of the Ministry of Agriculture and
Rural Development;*

*At the proposal of the director of the
Cultivation Department and the director of the
Agricultural, Forestry and Aquatic Product
Quality Management Department,*

DECIDES:

Article 1.- To promulgate together with this
Decision the Regulation on management of safe
vegetable, fruit and tea production and trading.

Article 2.- This Decision takes effect 15 days
after its publication in "CONG BAO" and replaces
the Minister of Agriculture and Rural Development's
Decision No. 43/2007/QĐ-BNN of May 16, 2007,
promulgating the Regulation on safe tea production,
processing and certification; and Decision No. 106/
2007/QĐ-BNN of December 28, 2007, promulgating

the Regulation on management of safe vegetable production and trading.

Article 3.- The director of the Ministry's Office, the director of the Cultivation Department, the director of the Agricultural, Forestry and Aquatic Product Quality Management Department, heads of units attached to the Ministry of Agriculture and Rural Development, directors of provincial-level Services of Agriculture and Rural Development, and concerned organizations and individuals shall implement this Decision.

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

REGULATION ON MANAGEMENT OF SAFE VEGETABLE, FRUIT AND TEA PRODUCTION AND TRADING

*(Promulgated together with the Minister of
Agriculture and Rural Development's Decision
No. 99/2008/QĐ-BNN of October 15, 2008)*

Article 1.- Governing scope and subjects of application

1. This Regulation prescribes conditions and certification of eligibility for safe vegetable and fruit production and preliminary processing; conditions for safe tea production and processing; safe

vegetable, fruit and tea assessment and certification; safe vegetable, fruit and tea notification; business conditions; inspection, and handling of violations in safe vegetable, fruit and tea production and trading.

2. This Regulation applies to domestic and foreign organizations and individuals that register for safe vegetable, fruit and tea production and trading; organizations and individuals involved in the certification of eligibility for production and preliminary processing; certification and notification; and inspection and handling of violations in safe vegetable, fruit and tea production and trading in Vietnam.

3. If a treaty to which Vietnam is a contracting party otherwise provides, that treaty prevails.

Article 2.- Interpretation of terms

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

1. Safe vegetables and fruits mean fresh vegetables and fruits produced and preliminarily processed in accordance with food hygiene and safety regulations in VietGAP (Vietnamese Good Agricultural Practices for safe vegetables and fruits) or other GAP standards equivalent to VietGAP and typical samples meeting food hygiene and safety criteria prescribed in Appendix 3 to this Regulation.

2. Safe tea means fresh tea buds produced in accordance with food hygiene and safety regulations in VietGAP (Vietnamese Good Agricultural Practices for safe fresh tea buds) or other GAP standards equivalent to VietGAP;

processed according to the safe tea processing process promulgated by the Ministry of Agriculture and Rural Development and typical samples meeting food hygiene and safety criteria prescribed in Appendix 3 to this Regulation.

3. Safe vegetable, fruit and tea producers means organizations and individuals that register for vegetable production and preliminary processing or tea production and processing and notify safe vegetable, fruit and tea products meeting technical standards and regulations at provincial-level Services of Agriculture and Rural Development as guided in this Regulation.

4. Certificate of eligibility for safe vegetable and fruit production and preliminary processing means a certificate granted by a provincial-level Service of Agriculture and Rural Development to a producer that meets the requirements prescribed in Article 3 of this Regulation.

5. Organization certifying VietGAP for safe vegetables, fruits and tea (below referred to as certifying organization) means a certifying organization designated and operating under the VietGAP Certification Regulation promulgated together with Decision No. 84/2008/QĐ-BNN of July 28, 2008, of the Minister of Agriculture and Rural Development (below referred to as Decision No. 84/2008/QĐ-BNN).

6. VietGAP certification for safe vegetables, fruits and tea (below referred to as VietGAP certification) means the assessment, supervision and certification by a certifying organization of the vegetable, fruit and tea production process of a producer, which is compliant with VietGAP.

7. VietGAP certificate is a certificate issued by a certifying organization to a producer that produces and preliminarily processes vegetables, fruits or tea in compliance with VietGAP.

8. Self-assessment report of a producer means a report on the assessment by a producer or by a hired assessor of the process of vegetable, fruit or tea production and preliminary processing under VietGAP; tea processing according to the process of safe tea processing and typical sample analysis according to the food hygiene and safety criteria prescribed in Appendix 3 to this Regulation.

9. Safe vegetable, fruit and tea notification means that producers base themselves on the results of certification by certifying organizations or their self-assessment and sample-analyzing results to notify that their products are produced and preliminarily processed in accordance with VietGAP (or equivalent GAP), with a safe processing process and achieve the food hygiene and safety criteria prescribed in Appendix 3 to this Regulation.

Article 3.- Safe vegetable and fruit production and preliminary processing conditions

Pending the promulgation of technical regulations on safe vegetable and fruit production and preliminary processing conditions for the grant of certificates of eligibility for safe vegetable and fruit production and preliminary processing, producers must meet the following basic conditions:

1. Safe vegetable and fruit production conditions

a/ Employees:

- Employing or hiring cultivation or plant protection technicians with intermediate or higher qualifications to guide and supervise safe vegetable and fruit production techniques (production units' technicians, agriculture extension or plant protection technicians or those working under permanent or non-permanent labor contracts);

- Laborers who have attended technical training courses and obtained training certificates issued by provincial-level Services of Agriculture and Rural Development or organizations permitted to provide VietGAP training, and strictly observe regulations on safe vegetable, fruit and tea production and trading management.

b/ Cultivation soil and growing media

- Cultivation soil areas must be included in the planning approved by provincial-level People's Committees, not directly affected by industrial wastes and daily-life wastes from population quarters, hospitals, slaughter houses, cemeteries, and big roads;

- The contents of a number of heavy metals in soil and growing media before and during production (inspection is conducted upon realization of polluting danger) must not exceed the allowable limits defined in Appendix 1 to this Regulation.

c/ Irrigating water

- Industrial wastewater, wastewater from hospitals, population quarters, cattle farms or slaughter houses must not be used to directly water vegetables, fruits and tea.

- The contents of a number of chemicals and heavy metals in irrigating water before and during production (inspection is conducted upon realization of polluting danger) must not exceed the allowable

limits prescribed in Appendix 2 to this Regulation.

- Water used in the production of sprout vegetables must be up to the standards of daily-life water for humans.

d/ Safe vegetable and fruit production process

Producers shall formulate production processes suitable to cultivated trees and local practical conditions which, however, must comply with the food hygiene and safety regulations in VietGAP.

e/ Producers must commit to ensure food hygiene and safety and keep full records of the production processes under VietGAP.

2. Safe vegetable and fruit preliminary processing conditions

a/ Employees must satisfy the conditions defined at Item a, Clause 1 of this Article and have periodical health checks to ensure that they are free from contagious diseases under the Health Ministry's current regulations;

b/ Preliminary processing locations, workshops and instruments, packages, and means of transport must satisfy the food hygiene and safety conditions under VietGAP;

c/ Water used for washing vegetables and fruits must be up to the standards defined in the Health Minister's Decision No. 1329/2002/QĐ-BYT of April 18, 2002, promulgating drinking water hygiene standards;

d/ Having contracts on purchase of safe fresh vegetables and fruits from producers (in case of purchase of raw materials for preliminary processing);

e/ Producers must commit to ensure food hygiene and safety and keep full records of the

preliminary processing process under VietGAP.

Article 4.- Safe tea production and processing conditions

1. Safe tea production and preliminary processing conditions are the same as those prescribed in Article 3 of this Regulation.

2. Safe tea processing conditions

Pending the promulgation of technical regulations on tea processing establishments and food hygiene and safety conditions, safe tea producers or processors must satisfy the following basic conditions.

a/ Their employees must satisfy the conditions prescribed at Item a, Clause 2, Article 3 of this Regulation;

b/ Processing locations, workshops, equipment and instruments; regulations on treatment of discarded materials and wastes as well as environmental sanitation are compliant with branch standard 10TCN605-2004; the means for transportation of dry tea must be clean and free from strange smells;

c/ Tea storehouses must be dry, clean, well ventilated, far away from sources of polluting chemicals, heavy metals or harmful microorganisms; tea preservation packages must be tight and durable, dry and clean, free from strange smells;

d/ Having contracts on purchase of raw-material fresh tea buds from safe fresh tea bud producers (in case of purchase of raw materials for processing), which are up to the food hygiene and safety standards defined in Appendix 3 to this Regulation;

e/ Producers commit to ensure food hygiene and safety under the safe tea processing process in compliance with HACCP, and keep full records of the processing process.

3. With regard to safe tea production, producers are not required to register for safe tea production and processing eligibility as provided for in Article 5 below, but they shall guarantee to continuously maintain the conditions defined in Clauses 1 and 2 of this Article in the process of production and processing.

Article 5.- Order of and procedures for the grant of certificates of eligibility for safe vegetable, fruit and tea production and/or preliminary processing

1. Producers shall file their registration applications for certificates of eligibility for safe vegetable and fruit production and preliminary processing to the provincial-level Services of Agriculture and Rural Development of the localities of production, each comprising:

a/ A written registration application for a certificate of eligibility for safe vegetable and fruit production and preliminary processing, made according to the set form in Appendix 4 to this Regulation (*not printed herein*);

b/ A list of safe vegetable and fruit production and preliminary processing conditions, made according to the set form in Appendix 5 to this Regulation (*not printed herein*);

c/ Other relevant documents (if any).

2. Within 15 (fifteen) days after receiving valid

registration dossiers, the provincial-level Services of Agriculture and Rural Development shall set up assessment teams, each comprising between 3 and 5 members. The assessment teams shall examine the dossiers and conduct on-site inspections; if necessary, take soil and water samples for analysis; make assessment records to be certified by representatives of the assessment teams and producers.

If the prescribed conditions are met, the assessment teams shall request the provincial-level Services of Agriculture and Rural Development to grant certificates of eligibility for production and preliminary processing. If producers only preliminarily process vegetables and fruits, they will be granted certificates of eligibility for safe vegetable and fruit preliminary processing.

If the conditions are not yet fully met, the assessment teams shall clearly state in the assessment records the norms not yet meeting the requirements and the time limits for producers to remedy. After receiving the remedy reports, the assessment teams will conduct re-examination and propose the grant of certificates when the requirements are met.

3. A certificate of eligibility for safe vegetable and fruit production and preliminary processing is valid for not more than 3 (three) years.

One month before the expiration of their certificates, producers shall file dossiers of application for re-grant of certificates to the concerned provincial-level Services of Agriculture and Rural Development together with their reports on safe vegetable and fruit production and/or processing results in the validity period of the

granted certificates.

In case of having their certificates of eligibility for safe vegetable and fruit production and preliminary processing revoked, producers shall, after taking remedies, file dossiers of application for re-grant of certificates to the concerned provincial-level Services of Agriculture and Rural Development together with their reports on remedies already taken.

Dossiers and procedures for the regrant of certificates comply with Clauses 1 and 2 of this Article.

4. Dossiers for the grant of certificates of eligibility for safe vegetable and fruit production and preliminary processing will be archived by provincial-level Services of Agriculture and Rural Development and producers in service of examination and inspection.

5. Producers that have already been assessed and granted VietGAP certificates by certifying organizations are not required to file registration dossiers for certificates of eligibility for safe vegetable and fruit production and preliminary processing to the provincial-level Services of Agriculture and Rural Development.

Article 6.- Certification of safe vegetable, fruit, tea production and preliminary processing under VietGAP and tea processing under the safe tea processing process

1. In case of assessment, certification and supervision by certifying organizations

a/ The procedures for, and contents of, assessment and grant of VietGAP and supervision

after the grant of certificates comply with the VietGAP Certification Regulation promulgated together with Decision No. 84/2008/QĐ-BNN;

b/ The procedures for, and contents of, assessment and grant of certificates of conformity with other GAP standards and supervision after the grant of certificates comply with the regulations of agencies that manage such standards;

c/ For safe tea: Certifying organizations shall additionally assess producers' processing processes and certify their conformity with the safe tea processing process promulgated by the Ministry of Agriculture and Rural Development.

2. In case of self-assessment and internal supervision by producers

a/ Conditions for self-assessment and internal supervision:

Safe vegetable, fruit, tea producers shall themselves assess and supervise the production process under VietGAP when meeting the following conditions:

- Possessing a certificate of eligibility for safe vegetable and fruit production and preliminary processing; for safe tea producers, the list of safe tea production and processing conditions, made according the set form in Appendix 5 to this Regulation (*not printed herein*), is also required;
- Having a designated or accredited laboratory or a contract on the rent of a designated or accredited laboratory for testing food hygiene and safety criteria on vegetables, fruits and tea;
- Possessing or hiring designated or certified samplers to conduct tests.

- Possessing or hiring cultivation or plant protection technicians with a university or higher degree and working seniority of three years or more, and a certificate of training in assessment and internal supervision.

b/ Self-assessment and internal supervision order and contents:

- Elaborating a plan for self-assessment and internal supervision;
- Disseminating and guiding the self-assessment and internal supervision plan, criteria and methods as well as production information-updating forms to laborers;
- Conducting the self-assessment and supervision according to the criteria and methods mentioned in Appendix 3 to the VietGAP Certification Regulation promulgated together with Decision No. 84/2008/QĐ-BNN.

For safe tea: Producers shall themselves additionally assess and supervise their processing processes and certify their conformity with the safe tea processing process promulgated by the Ministry of Agriculture and Rural Development;

- Taking typical vegetable, fruit and tea samples (representing each kind of product) in production, preliminary processing, processing or in the market for testing food hygiene and safety criteria specified in Appendix 3 to this Regulation;
- Based on the self-assessment results, if deeming that they fully meet the conditions, producers shall make self-assessment reports serving as a basis for safe vegetable, fruit and tea notification.

Article 7.- Safe vegetable, fruit and tea product notification

1. Producers shall file their dossiers of safe vegetable, fruit and tea product notification to the provincial-level Services of Agriculture and Rural Development of the localities of production, each comprising:

a/ In case of notification based on results of assessment and supervision by certifying organizations:

- The safe vegetable, fruit and tea notification document, made according to the set form in Appendix 6 to this Regulation (*not printed herein*);

- A valid copy of the VietGAP certificate (or certificate of conformity with other GAP standards);

- A valid copy of the certificate of conformity with the safe tea processing process (in case of safe tea product notification), issued by the certifying organization;

- A valid copy of the typical sample-testing result card (if any).

b/ In case of notification based on results of self-assessment and internal supervision:

- The safe vegetable, fruit and tea notification document, made according to the set form in Appendix 6 to this Regulation (*not printed herein*);

- The self-assessment and international supervision plan and criteria;

- The report on self-assessment of the production, preliminary processing or processing process;

- A valid copy of the producer's decision designating the laboratory a laboratory-renting contract;

- A valid copy of the decision designating, or training certificates of, samplers;

- Valid copies of professional certificates of assessors and internal supervisors;

- A valid copy of the typical sample-testing result card.

2. Within 7 (seven) working days after receiving the valid dossiers, the provincial-level Services of Agriculture and Rural Development shall send written notices, made according to the set form in Appendix 7 to this Regulation (*not printed herein*), to producers having submitted these dossiers.

3. After making the notifications, producers shall:

- a/ Publicize their notifications on the mass media;

- b/ Submit to the certifying organization's supervision or conduct the internal supervision in order to guarantee that the production, preliminary processing or processing processes conform to VietGAP or safe tea processing process;

- c/ Upon detecting that the quality of produced or traded vegetables, fruits and tea is not compliant with the notifications, immediately carry out remedies, stop the production and trading and recover unconformable products already harvested, preliminarily processed, processed or being circulated on the market.

In case of failure to remove the non-safety

danger, report such to the concerned provincial-level Services of Agriculture and Rural Development for invalidation of the notifications.

4. Notification dossiers will be archived by provincial-level Services of Agriculture and Rural Development and producers in service of examination and inspection.

Article 8.- Safe vegetable, fruit and tea trading

1. Organizations and individuals registering for vegetable, fruit and tea trading at shops or agents (below referred to as goods sellers) shall observe the relevant regulations of trade and health services and also satisfy the following conditions:

a/ Having a valid copy of the notice of receipt of the safe vegetable, fruit and tea notification document of the provincial-level Service of Agriculture and Rural Development of the locality of production;

b/ Having contracts, warehousing and delivery bills, goods origin papers or books clearly recording types, volumes and origins of safe vegetables, fruits and tea and the warehousing and delivery time;

c/ Safe vegetable, fruit and tea products must be contained in hygienic packages and cases; the packages or labels directly attached to each product must contain at least the following information:

- Name and address of the safe vegetable, fruit or tea producer,

- The phrase “rau, qua, che an toan” (safe vegetable, fruit, tea).

It is encouraged to print the numerical or bar

codes; VietGAP logo, brands of the producer and certifying organization and other information on packages or labels.

For finished tea products, apart from the above-mentioned information, their labels must have full contents according to the State's current regulations.

2. Producers or goods sellers, when trading in safe vegetables, fruits and tea in the form of direct supply to customers or wholesale at wholesale markets, must satisfy the following conditions:

a/ Having contracts, warehousing and delivery bills; goods origin papers or books clearly recording types, volumes and origins of safe vegetables, fruits and tea and the warehousing and delivery time;

b/ Safe vegetable, fruit or tea products must be contained in hygienic packages, cases and transported on hygienic means, but must not necessarily contain the information specified at Point c, Clause 1 of this Article.

3. Organizations and individuals exporting safe vegetables, fruits or tea must ensure their quality required by importers; if they cannot export but put them into domestic circulation, they must meet the management requirements defined in this Regulation and relevant legal provisions.

4. Organizations and individuals importing safe vegetables, fruits or tea must ensure their quality and abide by the management requirements defined in this Regulation as well as other legal provisions.

Article 9.- Inspection, and handling of violations

1. Inspection

a/ The Cultivation Department; the Agricultural, Forestry and Aquatic Product Quality Management Department; the Agricultural, Forestry and Aquatic Product Processing and Trading and Salt Production Department; the Plant Protection Department; and provincial-level Services of Agriculture and Rural Department (below collectively referred to as inspection agencies) shall, according to their functions and tasks, set up teams for regular and extraordinary inspections of vegetable, fruit or tea producers, preliminary processors and processors under Article 29 of the Law on Product and Goods Quality and its guiding documents.

When necessary, the Cultivation Department shall assume the prime responsibility for setting up an inspection team comprising representatives of the above-said agencies.

b/ Safe vegetable, fruit, tea sellers, exporters and importers submit to regular and extraordinary inspections by central and local inspection agencies according to law.

c/ The specific order of and procedures for inspection of safe vegetable, fruit or tea producers, importers and sellers comply with Articles 29, 35 and 39 of the Law on Product and Goods Quality and its guiding documents.

2 Handling of violations committed by producers

a/ In the course of inspection, if detecting that producers fail to meet the production, preliminary processing or processing conditions, fail to comply with VietGAP (or other GAP standards) and the safe tea processing process, fail to notify products'

conformity with standards and technical criteria, the inspection teams shall request the producers to immediately take remedies within specific time limits; and within 24 hours to report to the inspection teams for handling according to their competence; before putting their products into the market, the producers shall notify the inspection teams thereof in writing.

If the producers continue their violations, within 7 working days after the issuance of conclusions on violations, the inspection teams shall publicize on the mass media the names and addresses of the producers and the names of unconformable products and the levels of non-unconformity.

If the producers keep committing the violations after the announcement on the mass media, the inspection teams shall propose competent state bodies to handle under the guidance at Item c, Clause 2 of this Article and relevant legal provisions.

b/ In the course of inspection, if detecting signs of failure to ensure the quality, the inspection teams may take product samples. If the test results confirm the products' non-conformity with provisions of Appendix 3 to this Regulation, the inspection teams shall publicize them on the mass media; stop the production and processing of unconformable products for remedies; and, depending on the severity of violations, propose competent state bodies to impose sanctions under the guidance in Item c, Clause 2 of this Article and other legal provisions.

c/ If producers commit serious violations or decline to remedy them after the announcement on the mass media or repeat their violations after two consecutive inspections, the Cultivation

Department and the concerned provincial-level Services of Agriculture and Rural Development shall consider the withdrawal of certificates of vegetable, fruit and tea production and preliminary processing under VietGAP, or certificates of tea processing under the safe-tea processing process.

Depending on the severity of violations, the inspection teams shall also propose competent state bodies to impose administrative sanctions according to current regulations on sanctioning of administrative violations in the domain of product and goods quality; in case of serious violations, penal liability will be examined.

3. The handling of violations committed by safe vegetable, fruit and tea sellers complies with Article 40 of the Law on Product and Goods Quality and its guiding documents.

4. The handling of violations committed by safe vegetable, fruit and tea importers complies with Article 36 of the Law on Product and Goods Quality and its guiding documents.

5. Inspection, and handling of violations committed by certifying organizations

a/ VietGAP-certifying organizations shall submit to supervision, inspection and violation handling under the VietGap Certification Regulation promulgated together with Decision No. 84/2008/QĐ-BNN and other legal provisions;

b/ The Cultivation Department shall assume the prime responsibility for, and coordinate with the Agricultural, Forestry and Aquatic Product Quality Management Department in, inspecting, and handling violations committed by organizations and individuals having registered their operations in

Vietnam in order to certify the conformity with other GAP standards equivalent to VietGAP.

Article 10.- Provisions on sampling and sample testing

1. The sampling of soil, water and vegetable, fruit, tea products under this Regulation must be conducted by designated or certified samplers.

2. Sampling methods:

a/ The soil sample volume and sampling methods comply with TCVN 4046:1985 and TCVN 5297:1995 or 10TCN 367:1999;

b/ The water sample volume and sampling methods comply with TCVN 6000:1995, for ground water; TCVN 5996-1995, for river and stream water; or TCVN 5994-1995, for pond, natural and man-made lake water;

c/ Vegetable, fruit and tea samples will be taken by the sampling methods prescribed in technical standards and norms corresponding to each type of product.

3. Soil, water and vegetable, fruit as well as tea samples shall be analyzed at designated or accredited laboratories by the testing methods stated in Appendices 1, 2 and 3 to this Regulation or other testing methods with equivalent accuracy degree.

4. Pending the promulgation of technical regulation: Safe Vegetable, Fruit and Tea - Food Hygiene and Safety Criteria, vegetable, fruit and tea samples are considered safe if they satisfy the food hygiene and safety criteria mentioned in Appendix 3 to this Regulation.

Article 11.- Sampling and testing costs

1. Producers shall bear the costs of soil and water sampling and analysis for the grant of certificates of eligibility for safe vegetable, fruit and tea production and preliminary processing; the costs of product sampling and testing; the costs of certification of safe vegetable, fruit and tea production and preliminary processing in conformity with VietGAP, the costs of certification of tea processing in conformity with the safe tea processing process, unless they are provided with state budget supports.

2. The costs of sampling and sample testing in service of inspection in production and market sale shall be paid by inspection agencies; if the inspection agencies conclude that producers or sellers breach the regulations, such producers or sellers shall pay the costs of sampling and sample testing.

Article 12.- Assignment of implementation**1. The Cultivation Department shall:**

a/ Guide the formulation of a planning on safe vegetable, fruit and tea production zones nationwide and in each locality; to direct the implementation of safe vegetable, fruit and tea development programs and projects;

b/ Conduct training, designate samplers and laboratories and manage their operation according to regulations. Designate safe vegetable, fruit and tea certifying-organizations and manage their activities under Decision No. 84/2008/QĐ-BNN.

c/ Train and retrain assessors and internal supervisors in VietGAP and VietGAP certification

for concerned organizations and individuals throughout the country;

d/ Guide provincial-level Services of Agriculture and Rural Development in certifying the eligibility for safe vegetable, fruit and tea production and preliminary processing; designate and oversee the operations of, certifying organizations;

e/ Assume the prime responsibility for, and coordinate with relevant bodies of the Ministry in, examining, inspecting, and handling complaints about safe vegetable, fruit and tea production, trading and certification under VietGAP;

f/ Publicize on the mass media lists of designated samplers, laboratories and certifying organizations; producers fully qualified for safe production and preliminary processing; and VietGAP-certified producers nationwide.

2. The Agricultural, Forestry and Aquatic Product Quality Management Department shall

a/ Coordinate with the Cultivation Department in examining, inspecting and settling complaints about safe vegetable, fruit and tea production, trading and certification under VietGAP;

b/ Participate in training and retraining in VietGAP, standards and technical regulations for safe vegetable, fruit and tea producers and processors nationwide;

c/ Assume the prime responsibility for inspection and detection of the causes of products' failure to meet the food hygiene and safety requirements and propose remedies;

d/ Selectively inspect according to approved annual plans or extraordinarily under the Minister's

assignment the safe vegetable, fruit and tea production, preliminary processing and processing conditions.

3. The Agricultural, Forestry and Aquatic Product Processing and Trading and Salt Production Department shall:

a/ Submit to the Ministry for promulgation technical regulations, the safe tea processing process; regulations on certification of conformity with the safe tea processing process;

b/ Coordinate with the Cultivation Department in examining, inspecting, and settling complaints about safe tea production and processing;

c/ Participate in training and retraining in technical standards and processes of preserving and preliminarily processing safe vegetables and fruits and processing safe tea for safe vegetable, fruit and tea producers nationwide.

4. The Plant Protection Department shall:

a/ Conduct training and retraining in, and direct the application of, integrated pest management (IPM, ICM) processes on vegetables, fruits and tea, and safe vegetable, fruit, tea production processes under VietGAP;

b/ Professionally direct and guide the plant protection systems in localities in performing the tasks of safe vegetable, fruit, tea production and trading;

c/ Coordinate with concerned bodies under the Ministry in examining, inspecting, and settling complaints about safe vegetable, fruit and tea production and trading nationwide.

5. The Science, Technology and Environment Department shall:

a/ Assume the prime responsibility for, and coordinate with concerned bodies in, scrutinizing, amending and formulating standards, technical regulations, safe vegetable, fruit, tea production and processing processes;

b/ Manage research subjects, projects on trial production, preliminary processing and preservation of safe vegetables, fruits and tea.

6. The National Center for Agricultural-Fishery Extension shall:

a/ Participate in VietGAP training, retraining and dissemination;

b/ Conduct propagation in service of promotion of safe vegetable, fruit and tea production and trading;

c/ Build up demonstration models on safe vegetable, fruit and tea production under VietGAP in key regions for recommendation of wide application.

7. Provincial-level Services of Agriculture and Rural Development shall:

a/ Submit to provincial-level People's Committees plannings on safe vegetable, fruit and tea production zones and investment projects on safe vegetable, fruit and tea production development in their respective localities;

b/ Suggest mechanisms and policies to encourage and support safe vegetable, fruit and tea production and trading in their

localities;

c/ Organize the grant of certificates of eligibility for safe production and preliminary processing; designate and manage the operations of, certifying organizations in their localities; notify the receipt of local producers' notification of safe vegetables, fruits and tea produced under VietGAP;

d/ Promulgate safe vegetable, fruit and tea production processes suitable to local practical conditions, based on VietGAP;

e/ Train and retrain in, and grant certificates of training or retraining in, safe vegetable, fruit and tea production and preliminary processing in their localities;

f/ Examine and inspect safe vegetable, fruit and tea production and coordinate with local state management bodies in inspecting safe vegetable, fruit and tea trading in localities;

g/ Publicize on the mass media the lists of producers having notified safe vegetable, fruit and tea production; producers fully qualified for safe production and preliminary processing; VietGAP-certified producers; producers certified for safe-tea processing; designated samplers, laboratories and certifying organizations in localities.

Article 13.- Implementation provisions

1. Organizations and individuals having made registration for vegetable, fruit and tea production

and trading must fully satisfy the production, preliminary processing and processing conditions and promulgate safe vegetables, fruits and tea under this Regulation according to the following schedules:

a/ Enterprises, non-business units, cooperatives, supermarkets, wholesaling households: before December 31, 2010;

b/ Peasant households carrying out production after the farm model and retailing households: before December 31, 2012;

c/ Other organizations and individuals: before December 31, 2013.

Organizations and individuals that comply with this Regulation ahead of schedule will enjoy incentives and priority for state budget supports (if any).

2. To assign the Cultivation Department to act as the major body to monitor, guide and organize the implementation of this Decision. Any difficulties and problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development (the Cultivation Department) for timely solution.

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

Appendix 1

Allowable maximum limits of a number of heavy metals in soil

*(Attached to Decision No. 99/2008/QĐ-BNN of October 15, 2008,
of the Minister of Agriculture and Rural Development)*

No.	Element	Allowable maximum limit (mg/kg of dry soil)	Testing method *
1	Arsenic (As)	12	TCVN 6649:2000 (ISO11466:1995) TCVN 6496:1999 (ISO11047:1995)
2	Cadmium (Cd)	2	
3	Lead (Pb)	70	
4	Copper (Cu)	50	
5	Zinc (Zn)	200	

* Other testing methods with equivalent accuracy degree can be used.

Appendix 2

Allowable maximum limits of a number of heavy metals in irrigating water

*(Attached to Decision No. 99/2008/QĐ-BNN of October 15, 2008, of
the Minister of Agriculture and Rural Development)*

No.	Element	Allowable maximum limit (mg/liter)	Testing method*
1	Mercury (Hg)	0.001	TCVN 5941:1995
2	Cadmium (Cd)	0.01	TCVN 665:2000
3	Arsenic (As)	0.1	TCVN 665:2000
4	Lead (Pb)	0.1	TCVN 665:2000

* Other testing methods with equivalent accuracy degree can be used.

Appendix 3**Allowable maximum limits of a number of microorganisms and harmful chemicals in vegetable, fruit and tea products***(Attached to Decision No. 99/2008/QĐ-BNN of October 15, 2008, of the Minister of Agriculture and Rural Development)*

No.	Content	Allowable maximum limit	Testing method
I	NO ₃ content (for vegetables)	mg/kg	TCVN 5247:1990
1	Cabbage lettuce	1,500	
2	Spicy vegetables	600	
3	Cabbage, kohlrabi, cauliflower, silver beet, garlic	500	
4	Shallot, gourd, pumpkin, squash, chilly, aubergine	400	
5	Vegetable maize	300	
6	Potato, carrot	250	
7	Pea and bean, asparagus, sweet chilly	200	
8	Tomato, cucumber	150	
9	Melon	90	
10	Onion	80	
11	Water melon	60	
II	Harmful microorganisms (for vegetables, fruits)	CFU/g **	TCVN 4829:2005 TCVN 4883:1993; TCVN 6848:2007 TCVN 6846:2007
1	Salmonella	0	
2	Coliforms	200	
3	Escherichia coli	10	

III	Heavy metal content (specified for vegetables, fruits and tea)	mg/kg	
1	Arsenic (As)	1.0	TCVN 7601:2007; TCVN 5367:1991
2	Lead (Pb)		TCVN 7602:2007
	- Cabbage, leaf vegetables	0.3	
	- Fruits, other vegetables	0.1	
	- Tea	2.0	
3	Mercury (Hg)	0.05	TCVN 7604:2007
4	Cadmium (Cd)		TCVN 7603:2007
	- Leaf vegetables, basil, mushroom	0.1	
	- Stem vegetables, root vegetables, potato	0.2	
	- Other vegetables and fruits	0.05	
	- Tea	1.0	
IV	Pesticide residue (for vegetables, fruits, tea)		
1	Chemicals defined in the Health Ministry's Decision No. 46/2007/QĐ-BYT of December 19, 2007	Under the Health Ministry's Decision No. 46/2007/QĐ-BYT of December 19, 2007	Under TCVN or corresponding ISO, CODEX
2	Chemicals not defined in the Health Ministry's Decision No. 46/2007/QĐ-BYT of December 19, 2007	Under CODEX or ASEAN	

Note: Based on the practical situation of pesticide use at production establishments to determine chemicals threatening to cause high pollution that requires analysis.

* Other testing methods with equivalent accuracy degree can be used.

** Calculated on 25 g of *Salmonella*.