

structure of the Agriculture and Rural Development Ministry;

Pursuant to the November 26, 2003 Law on Fisheries and the November 20, 2007 Law on Quality of Products and Goods;

Pursuant to the July 26, 2003 Ordinance on Food Hygiene and Safety, and the Government's Decree No. 163/2004/ND-CP of September 7, 2004, detailing the implementation of a number of articles of the Ordinance on Food Hygiene and Safety;

Pursuant to the Government's Decree No. 79/2008/ND-CP of July 18, 2008, providing for the system for management, inspection and testing of food hygiene and safety;

Pursuant to Joint Circular No. 24/2005/TTLT-BYT-BTS of December 8, 2005, of the Health Ministry and the Fisheries Ministry (now the Agriculture and Rural Development Ministry), guiding the task assignment and coordination in state management of food hygiene and safety of aquatic products;

At the proposal of the director of the National Agro-Forestry-Fisheries Product Quality Assurance Department,

**DECISION No. 118/2008/QĐ-BNN OF
DECEMBER 11, 2008, PROMULGATING
THE REGULATION ON INSPECTION
AND CERTIFICATION OF FOOD
QUALITY, HYGIENE AND SAFETY OF
FISHERIES GOODS**

**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

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on inspection and certification of food quality, hygiene and safety of fisheries goods to supersede provisions on inspection and certification of food quality, hygiene and safety of fisheries goods used as foods

in the Regulation on state inspection and certification of quality of fisheries goods, promulgated together with Decision No. 650/2000/QĐ-BTS of August 4, 2000, of the Fisheries Minister (now the Agriculture and Rural Development Minister).

Article 2.- This Decision takes effect 15 days after its publication in “CONG BAO.”

Article 3.- The director of the Office of the Ministry, the director of the National Agro-Forestry-Fisheries Product Quality Assurance Department, heads of units of the Ministry, and directors of provincial-level Agriculture and Rural Development Services shall implement this Decision.

*For the Minister of
Agriculture and Rural Development
Vice Minister
LUONG LE PHUONG*

**REGULATION ON INSPECTION AND
CERTIFICATION OF FOOD QUALITY,
HYGIENE AND SAFETY OF FISHERIES
GOODS**

(Promulgated together with the Agriculture and Rural Development Minister's Decision No. 118/2008/QĐ-BNN of December 11, 2008)

Chapter I

GENERAL PROVISIONS

Article 1.- *Scope of regulation*

This Regulation specifies the order and procedures for and tasks of inspection and certification of food quality, hygiene and safety of fisheries goods, and responsibilities and powers of parties involved in the inspection and certification.

Article 2.- *Subjects of application*

1. This Regulation applies to fisheries goods for domestic consumption or export, and imported fisheries goods (including those imported for processing, recalled or returned from abroad).

2. The Regulation is not compulsorily applicable to:

a/ Aquatic products being foods carried along for personal consumption or presentation as gifts; sample goods for display at exhibitions or trade fairs or sent to customers for non-marketing purposes; diplomatic bags and consular bags under law;

b/ Fisheries goods temporarily imported for re-export; temporarily exported for re-import, transited or transported via the Vietnamese territory, or consigned to bonded warehouses;

c/ Fisheries goods not used as food.

3. For export fisheries goods subject to quarantine under current regulations, food quality, hygiene and safety inspection agencies shall conduct the food quality, hygiene and safety inspection and quarantine concurrently.

Article 3.- *Interpretation of terms*

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

1. Aquatic products means all aquatic animal or plant or amphibian species, including their spawns and parts used as food, or food mixtures containing aquatic products.

2. Fresh aquatic product means an aquatic product in carcass or processed not by any method other than freezing.

3. Live aquatic product means an aquatic animal or plant which is live or maintained in an anabiotic state.

4. Fisheries good means an aquatic product which is marketed or consumed through barter, sale and purchase, or marketing.

5. Inspected goods batch means a volume of aquatic products registered by the owner for one-time inspection.

6. Certified goods batch means a volume of aquatic products registered by the owner for certification that it is an inspected fisheries goods batch with a food hygiene and safety certificate.

7. Recalled goods batch means a fisheries goods batch recovered by the owner at his/her/its own will.

8. Returned goods batch means an export goods batch re-exported back to Vietnam by the importing country or a customer.

9. Mandatory inspection means activities of inspecting and certifying the food quality, hygiene and safety of fisheries goods according to state management requirements.

10. Requested inspection means activities of inspecting and certifying the food quality, hygiene and safety of fisheries goods at the request of product owners.

11. Designated inspection agency means a qualified inspection and certification organization designated by the Agriculture and Rural Development Ministry to join in the food quality, hygiene and safety inspection and certification of fisheries goods.

12. Competent agency means an agency tasked to perform the state management of food quality, hygiene and safety of aquatic products.

Article 4.- Forms of inspection

1. Mandatory inspection applies to:

a/ Fisheries goods of aquatic product production and trading establishments managed by the Agriculture and Rural Development Ministry before they are marketed for domestic consumption;

b/ Fisheries goods exported to markets with requirements for food quality, hygiene and safety inspection and certification by Vietnamese competent agencies;

c/ Fisheries goods exported to markets subject to inspection and certification prescribed by the Agriculture and Rural Development Ministry to meet the line management requirements in each period;

d/ Fisheries goods imported for use as raw materials for processing establishments;

e/ Recalled or returned fisheries goods.

2. Requested inspection applies to:

a/ Fisheries goods not subject to inspection under Clause 1 of this Article;

b/ Fisheries goods specified in Clause 2, Article 2 of this Regulation, at customer request;

c/ Specific contents of objects specified in Clause 1 of this Article, which are not subject to inspection, at goods owner request.

Article 5.- Inspection agencies

1. Agencies and units assigned by provincial-level Agriculture and Rural Development Services to perform the specialized management of food quality, hygiene and safety of aquatic products shall inspect and certify food quality, hygiene and safety of fisheries goods before they are marketed for domestic consumption.

2. Agencies and units under the National Agro-Forestry-Fisheries Product Quality Assurance Department shall inspect and certify food quality, hygiene and safety of exported fisheries goods or fisheries goods which are imported for processing, recalled or returned (below collectively referred to as imported fisheries goods).

3. Designated inspection agencies specified by law and inspection agencies specified in Clauses 1 and 2 of this Article shall inspect and certify food quality, hygiene and safety in the case of requested inspection and certification.

Article 6.- Bases for inspection and certification

1. Bases for inspection and certification of fisheries goods marketed for domestic consumption are food quality, hygiene and safety regulations and technical regulations issued by the Agriculture and Rural Development Ministry and concerned ministries and branches; and production establishments' product quality notifications.

2. Bases for inspection and certification of

fisheries goods specified at Points c, d and e, Clause 1, Article 4 of this Regulation are food quality, hygiene and safety regulations and technical regulations issued by the Agriculture and Rural Development Ministry and concerned ministries.

3. Bases for inspection and certification of fisheries goods specified at Points b, Clause 1, Article 4 of this Regulation are food quality, hygiene and safety regulations issued by or recognized by importing markets, or treaties or international agreements which Vietnam has signed or acceded to.

4. For the case of requested inspection and certification, inspection and certification shall be based on requests of goods owners and compliant with regulations and technical regulations of Vietnam or importing markets.

Article 7.- Certificates and notices of failure

1. Certificates of food quality, hygiene and safety of fisheries goods and certificates of results of inspection of fresh or live aquatic products (below collectively referred to as certificates) will be issued by inspection agencies for goods batches with satisfactory inspection results. Each goods batch registered for initial inspection will be issued a certificate. Certificates will be valid only for goods batches under such transportation and preservation conditions that do not affect the food quality, hygiene and safety of the inspected fisheries goods.

2. For exported fisheries goods: Certificates will be issued only for goods batches, each having the maximum volume of 3 (three) 40-foot containers, for *tra* (Sutchi) catfish, or 1 (one) 40-

feet container, for other products.

3. Notices of failure to satisfy food quality, hygiene and safety standards of fisheries goods (below referred to as notices of failure) will be issued by inspection agencies to goods batches with unsatisfactory inspection results.

4. Certificates or notices of failure will be:

a/ Issued according to a set form provided in Appendix 2b (applicable to fresh or live aquatic products) or Appendix 2a (applicable to other aquatic products) or Appendix 2c to this Regulation applicable to fisheries goods specified at Point a, c, d and e, Clause 1, Article 4 of this Regulation. Particularly for fisheries goods specified at Point b, Clause 1, Article 4 of this Regulation, certificates will have the contents and format required by importing markets and bear the national emblem;

b/ Issued according to forms set by goods owners without bearing the national emblem, for cases specified at Point a, Clause 2, Article 4 of this Regulation, or may be issued according to a set form provided in Appendix 2a or Appendix 2b to this Regulation at customer request but without bearing the national emblem;

c/ Numbered according to Appendix 3c to this Regulation;

d/ For a certificate or notice of failure, the original shall be handed to the goods owner while one copy shall be kept at the inspection agency. The number of copies of a certificate or notice may increase if the goods owner so requests.

5. If requested by goods owners or importing markets, inspection agencies may additionally issue other certificates not contrary to previously

issued certificates. The serial numbers of additionally issued certificates must contain identification signs identical to the serial numbers of previously issued certificates.

6. When goods owners apply for renewed certificates, inspection agencies shall withdraw previously issued certificates and consider issuing renewed certificates. A renewed certificate must be clearly printed with the words "This certificate replaces certificate No... dated..." In case goods owners fail to return previously issued certificates, they shall clearly explain in writing the failure with proving documents and evidence. The serial numbers of renewed certificates must contain identification signs identical to the serial numbers of old certificates.

Article 8.- Testing laboratories involved in inspection and certification

Testing laboratories involved in food quality, hygiene and safety inspection and certification include:

a/ Testing laboratories of inspection agencies and units specified in Clauses 1 and 2, Article 5 of this Regulation;

b/ Other testing laboratories satisfying the conditions specified by the Agriculture and Rural Development Ministry and assessed and designated by the National Agro-Forestry-Fisheries Product Quality Assurance Department or a competent inspection agency.

Article 9.- Information displayed on product packages and labels

1. Fisheries goods for domestic consumption or imported for processing must comply with

Vietnam's current regulations on labeling.

2. Packages and labels of export fisheries goods may contain information requested by customers but must neither cause misleading as to the nature of these goods nor violate laws of Vietnam and importing countries. Particularly for export fisheries goods specified at Points b and c, Clause 1, Article 4 of this Regulation, their packages and labels must also contain the following information:

- a/ Product of Vietnam;
- b/ Manufacturer code;
- c/ Product lot code;
- d/ Main ingredients of product;
- e/ Information required by export market (if any).

Article 10.- Conditions on fisheries goods to be exported, imported or marketed for domestic consumption

1. Fisheries goods specified at Point a, Clause 1, Article 4 of this Regulation may be circulated when satisfying any of the following conditions:

- a/ Being manufactured by establishments accredited as having satisfied all food hygiene and safety assurance conditions or certified as conducting sustainable aquaculture (for aquaculture establishments);
- b/ Having packages or labels bearing signs of recognition of standard and regulation conformity;
- c/ Having a food quality, hygiene and safety certificate issued according to a set form provided in Appendix 2a or 2b to this Regulation according to the procedures specified in Article 12 of this

Regulation;

d/ Having an origin and food hygiene and safety control certificate issued according to the implementation results of national supervision programs by program-implementing agencies according to procedures specified in regulatory documents on the implementation of these programs.

2. Fisheries goods specified at Point b, Clause 1, Article 4 of this Regulation may go through customs procedures for export if their manufacturers are named on the list of manufacturers of exports to relevant markets announced by a competent Vietnamese agency in each period.

3. Customs procedures shall be completed for fisheries goods specified at Points c, d and e, Clause 1, Article 4 of this Regulation when they are accompanied with either of the following documents:

- a/ Food quality, hygiene and safety certificate issued according to a set form provided in Appendix 2a or 2b to this Regulation (*not printed herein*);
- b/ Notice of exemption from food quality, hygiene and safety inspection of aquatic products specified in Appendix 2d to this Regulation.

4. For fisheries goods specified at Point a, Clause 2, Article 4 of this Regulation, certificates or notices of inspection exemption are not required.

Chapter II

ORDER AND PROCEDURES FOR AND TASKS OF INSPECTION AND CERTIFICATION

Article 11.- Registration for inspection

1. A goods owner shall make a dossier of registration for inspection, which comprises a registration paper for food quality, hygiene and safety inspection, made according to a set form provided in Appendix 1a to this Regulation, the goods batch manifest and a statement of particular requirements on food quality, hygiene and safety of fisheries goods (if any).

2. For imported fisheries goods, apart from those specified in Clause 1 of this Article, a dossier of registration for inspection must also contain the following:

a/ For fisheries goods imported for processing: a copy of the purchase and sale contract; a copy of the certificate of food quality, hygiene and safety of fisheries goods; and a copy of the certificate of origin;

b/ For recalled or returned fisheries goods: a copy of the certificate of food quality, hygiene and safety of the fisheries goods batch before exportation (if any); and a copy of the notice of recall or return, clearly stating the reason therefor.

3. Goods owners shall send their dossiers of registration for inspection to inspection agencies directly or by post or via facsimile (with telephone confirmation) or email, or make online registration via the Internet then submit registration dossiers to inspection agencies upon inspection.

4. Upon receiving dossiers of registration for inspection, inspection agencies shall consider and guide goods owners to supplement omitted or improper details and give certification in the papers of registration for inspection, then notify goods owners of inspection procedures and reach

agreement with the latter on places where inspection is to be conducted.

Article 12.- Tasks of inspection of fisheries goods for domestic consumption

1. For fresh or live fisheries goods:

a/ Examining the manufacture dossier and quality control dossier of the goods batch;

b/ Inspecting preservation conditions, packaging specifications, the outer appearance and features of products;

c/ When necessary, taking control samples for biological and chemical verification.

2. For other fisheries goods:

a/ Examining and inspecting the contents specified at Points a and b, Clause 1 of this Article;

b/ Inspecting the labeling of products;

c/ If the contents specified at Points a and b of this Clause are compliant with regulations, taking samples for microbiological and chemical analysis according to specific requirements on each type of product, at laboratories specified in Article 8 of this Regulation.

Article 13.- Tasks of inspection of fisheries goods for export

1. For fresh or live fisheries goods:

a/ Examining the manufacture dossier and quality control dossier of the goods batch;

b/ Inspecting preservation conditions, packaging and labeling specifications, the outer appearance and features of products;

c/ When necessary, taking control samples for biological and chemical verification.

2. For other fisheries goods:

a/ Examining and inspecting the contents specified at Points a and b, Clause 1 of this Article;

b/ If the contents specified at Point a of this Clause are compliant with regulations, taking samples for microbiological and chemical analysis according to specific requirements on each type of product, at laboratories specified in Article 8 of this Regulation.

Article 14.- Tasks of inspection of imported fisheries goods

1. For fisheries goods imported for processing:

a/ Certifying the written registration for carrying out customs procedures;

b/ Examining the dossier, and inspecting preservation conditions, packaging and labeling specifications, the outer appearance and features of products at the place where products are gathered as indicated in the written registration;

c/ If the contents specified at Point a of this Clause are compliant with regulations, taking samples for microbiological and chemical analysis according to specific regulations applicable to each type of product, at laboratories specified in Article 8 of this Regulation.

2. For recalled or returned fisheries goods:

a/ Certifying the written registration for carrying out customs procedures;

b/ Inspecting preservation conditions, packaging and labeling specifications, the outer appearance and features of products at the place where products are gathered;

c/ Taking samples for microbiological and

chemical analysis (on the basis of risk assessment) according to specific regulations applicable to each type of product, at laboratories specified in Article 8 of this Regulation.

3. Post-importation control:

a/ Goods owners shall report to the inspection agency on measures already taken with respect to their imported goods batches, and sale markets;

b/ The inspection agency shall verify goods owners' reports through inspecting the safety and hygiene assurance conditions of manufacturing establishments or upon inspecting and certifying that the goods batch has been manufactured from an imported materials lot, or on an irregular basis (if necessary).

Article 15.- Issuance of certificates

1. After concluding the on-site inspection, the inspection agency shall issue a certificate for the goods batch with satisfactory inspection results within the following time limit:

a/ 1 (one) working day for fresh or live fisheries goods for export or domestic consumption;

b/ 10 (ten) working days for canned products;

c/ 7 (seven) working days for other types of product;

d/ In case of necessity to send product samples for analysis at a laboratory, the inspection agency shall issue a certificate of food quality, hygiene and safety for fisheries goods to the goods owner within 1 (one) day after receiving analysis results.

2. Contents of certification must be consistent with contents of inspection. Certification will not be given to uninspected contents or products with

unsatisfactory inspection results.

3. Particularly for export fisheries goods: On the basis of mutual recognition of inspection capability, the inspection agency may issue transitional certificates based on certificates issued by another inspection agency. A transitional certificate must be issued on the same date of issue of the previously issued certificate and not be contrary to the latter.

Article 16.- Handling of goods with unsatisfactory inspection results

1. Upon obtaining unsatisfactory inspection results of a goods batch, the inspection agency shall:

a/ Send analysis results to the goods owner within 1 (one) day after obtaining these results by direct delivery, facsimile or e-mail, then send the original record of these results by post;

b/ If the goods owner makes no complaint about these analysis results within 3 (three) working days after receiving them, the inspection agency shall send a notice of failure, made according to a set form (*not printed herein*), to the goods owner and request in writing functional agencies for coordinated handling.

2. The inspection agency shall send unsatisfactory verification results to the goods owner via facsimile or e-mail within 1 (one) day after obtaining them, then send the original record of verification results by post.

3. After receiving a notice of failure or unsatisfactory verification results from the inspection agency, the goods owner shall organize investigation of the causes of contamination; take

measures to redress these causes and handle the goods batch; appraise the effectiveness of these measures and report thereon to a relevant competent agency.

4. The competent agency shall verify enterprises' reports. When necessary, it may conduct on-site verification at manufacturing establishments.

Chapter III

EXEMPTION FROM INSPECTION, REDUCED INSPECTION AND INTENSIFIED INSPECTION

Article 17.- Cases of application

1. Fisheries goods specified at Points a and e, Clause 1, Article 4 of this Regulation may be considered for exemption from inspection if they satisfy the conditions specified in Article 18 of this Regulation.

2. Fisheries goods specified at Points b and d, Clause 1, Article 4 of this Regulation may be considered for reduced inspection if they satisfy the conditions specified in Article 20 of this Regulation.

3. Fisheries goods specified at Points a, b and d, Clause 1, Article 4 of this Regulation may be considered for intensified inspection if they violate the provisions of Article 23 of this Regulation.

4. Fisheries goods specified at Point c, Clause 1, Article 4 of this Regulation will be inspected within the scope and under the regime prescribed in specific regulations of the Agriculture and Rural Development Ministry applicable to specific

cases.

Article 18.- Conditions on exemption from inspection

1. Fisheries goods are manufactured at establishments on the list of manufacturing establishments exempt from inspection announced by the National Agro-Forestry-Fisheries Product Quality Assurance Department in each period, or

2. Fisheries goods have been subjected to food quality, hygiene and safety inspection and certification before their exportation.

Article 19.- Order of and procedures for exemption from inspection

1. Goods owners shall make written requests for exemption from inspection according to a set form (*not printed herein*).

2. Within 1 (one) working day after receiving a request for exemption from inspection, the inspection agency shall consider and verify relevant contents, and:

a/ Issue a notice of exemption from inspection, made according to a set form (*not printed herein*), in case the conditions specified in Article 18 of this Regulation are fully satisfied;

b/ Clearly state the reason(s) for refusal to issue a notice of exemption from inspection in the written request and send it back to the good owner in case the conditions specified in Article 18 of this Regulation are not fully satisfied.

Article 20.- Conditions on reduced inspection

1. For export fisheries goods:

a/ Within 12 (twelve) months before the date

of request for reduced inspection, the safety and hygiene assurance conditions of enterprises' manufacturing establishments are graded "A", and;

b/ Enterprises shall themselves inspect safety and hygiene assurance conditions of their manufacturing establishments and send reports thereon to the inspection agency under regulations on the National Agro-Forestry-Fisheries Product Quality Assurance Department, and;

c/ Within 12 months before the date of request for reduced inspection:

- No goods batch is warned by a competent agency of the importing country specified at Point b, Clause 1, Article 4 of this Regulation as violating regulations on food quality, hygiene and safety, and;

- No violation of regulations on impurities or abuse of chemical growth stimulants and ice-glazing ratio for the purpose of trade fraud is detected, through inspection or examination, by a functional agency, and;

- No goods batch or product sold on the domestic market is detected as having failed to assure food hygiene and safety criteria regarding banned chemical and antibiotic residues (particularly, instant foods must also satisfy the microorganism germ criteria), and;

d/ There are testing laboratories capable of analyzing microorganism and industrial sanitation criteria and supervising the manufacturing process as indicated in the quality control programs of enterprises under regulations of the National Agro-Forestry-Fisheries Product Quality Assurance Department. For other criteria specified in the

quality control programs of enterprises which testing laboratories are incapable of analyzing, enterprises shall send goods samples to testing laboratories designated under current regulations by the Agriculture and Rural Development Ministry for analysis;

e/ For enterprises which have been subjected to reduced inspection: They have committed not more than two violations in conducting self-inspection of their manufacturing dossiers, quality control dossiers, preservation conditions, outer appearance and features of goods and labeling information; or obtain results of analysis of microorganism or chemical criteria conducted by themselves different from results of ordinary inspection of goods batches conducted by the inspection agency.

2. For fisheries goods imported for processing:

a/ Imported goods batches have been certified as satisfying food quality, hygiene and safety requirements on fisheries goods by competent agencies of countries which have signed with Vietnam agreements on mutual recognition of inspection and certification of food quality, hygiene and safety of fisheries goods, or for the last 6 (six) months, 5 (five) consecutive goods batches of the same type and origin have been inspected and certified as satisfying food quality, hygiene and safety requirements on fisheries goods, and;

b/ These goods originate from countries without serious problems related to food quality, hygiene and safety of fisheries goods as announced by the Agriculture and Rural Development Ministry in each period.

3. During the application of reduced inspection, enterprises which fail to satisfy the conditions specified in Clauses 1 and 2 of this Article will no longer enjoy reduced inspection until they satisfy the following conditions:

a/ They make reports explaining the reason(s) for the failure and apply effective remedies certified by the inspection agency;

b/ Particularly for export goods, they must also have at least 10 (ten) goods batches eligible for customs clearance on markets specified at Point b, Clause 1, Article 4 of this Regulation.

Article 21.- Reduced inspection of export fisheries goods

1. Procedures for considering the application of reduced inspection

a/ Enterprises shall send written requests for reduced inspection, made according to a set form (*not printed herein*), to the inspection agency under Article 5 of this Regulation;

b/ Within 20 (twenty) working days after receiving written requests of enterprises, the inspection agency shall organize the consideration and examination of relevant dossiers and conduct verification at enterprises;

c/ Within 7 (seven) working days after concluding the verification at enterprises, the inspection agency shall:

- Send notices of reduced inspection of food quality, hygiene and safety of fisheries goods, made according to a set form (*not printed herein*), if results of examination of dossiers and verification are satisfactory.

- Send notices of ineligibility for reduced

inspection of food quality, hygiene and safety of fisheries goods, made according to a set form (*not printed herein*), if results of examination of dossiers and verification are unsatisfactory.

2. Reduced inspection

a/ Testing laboratories of enterprises shall conduct inspection and keep by themselves all inspection results under approved quality control programs;

b/ Enterprises shall register for inspection and certification of food quality, hygiene and safety of fisheries goods batches under Article 11 of this Regulation at least 5 (five) working days before the expected date of issuance of certificates. Enclosed with a registration dossier must be analysis results related to the goods batch specified at Point a, Clause 2 of this Article and a detailed statement of information on the issuance of the certificate;

c/ After examining registration dossiers of enterprises, the inspection agency shall give a certification in the registration papers and send them back to goods owners, clearly stating whether goods batches will be subject to reduced inspection or ordinary inspection. The inspection agency shall conduct ordinary inspection of only 1 (one) random goods batch out of 5 (five) consecutive goods batches registered by an enterprise for inspection under Point b, Clause 2 of this Article. Inspection and certification of goods batches subject to ordinary inspection shall be conducted under Chapter II of this Regulation;

d/ For goods batches eligible for reduced inspection: Within 1 (one) working day after receiving complete registration dossiers of goods

owners, based on results of self-inspection by enterprises, the inspection agency shall verify information in these dossiers and issue certificates made according to forms set by importing countries.

Article 22.- Reduced inspection of imported fisheries goods

1. Enterprises shall register for inspection and certification of food quality, hygiene and safety of their fisheries goods batches under Article 11 of this Regulation at least 5 (five) working days before the expected date of issuance of certificates. Enclosed with a registration dossier is a detailed statement of information on the issuance of the certificates.

2. Inspection tasks:

a/ Examining registration dossiers, giving certification in registration papers, clearly stating the inspection regime, if dossiers are valid, and sending them back to goods owners;

b/ Inspecting preservation conditions, packaging and labeling specifications and the outer appearance of products at gathering places, for all goods batches registered for inspection;

c/ Conducting inspection only by observation and taking samples for microorganism and chemical analysis from 1 (one) random goods batch out of 5 (five) consecutive goods batches registered by an enterprise for inspection under Clause 1 of this Article.

d/ For goods batches eligible for reduced inspection: Within 1 (one) working day after conducting the on-site inspection, the inspection agency shall issue certificates according to a set

form (*not printed herein*).

Article 23.- Cases of intensified inspection

1. Export fisheries goods are subject to intensified inspection when their owners:

a/ Are subject to intensified inspection under the Regulation on inspection and recognition of fisheries goods-manufacturing or -trading establishments which satisfy food hygiene and safety assurance conditions specified by the Agriculture and Rural Development Ministry.

b/ Are warned by competent agencies of importing countries as specified at Point b, Clause 1, Article 4 of this Regulation as having violated regulations on food quality, hygiene and safety of fisheries goods in 2 (two) or more goods batches in a year.

2. Fisheries goods for domestic consumption are subject to intensified inspection when their owners:

a/ Are subject to intensified inspection under the Regulation on inspection and recognition of fisheries goods-manufacturing or -trading establishments which satisfy food hygiene and safety assurance conditions specified by the Agriculture and Rural Development Ministry.

b/ Are warned by domestic competent agencies as having failed to assure food hygiene and safety regarding banned chemical and antibiotic residues and microorganism germ criteria (for instant foods).

3. Goods imported for processing are subject to intensified inspection when:

a/ They originate from exporting countries subject to serious warnings about banned chemical

or antibiotic residues, or;

b/ Lots of materials of the same species or the same origin are detected as failing to assure food quality, hygiene and safety of fisheries goods.

Article 24.- Tasks and order of intensified inspection

1. The inspection agency shall send to enterprises written notices of intensified inspection, clearly stating the reason(s) for intensified inspection.

2. Inspection tasks: Apart from ordinary inspection tasks as specified, intensified inspection of fisheries goods involves the following tasks:

a/ For export fisheries goods: taking samples for analysis of criteria warned by competent agencies of importing countries or relevant criteria, in a number doubling that of samples taken for ordinary inspection.

b/ For fisheries goods imported for processing: conducting additional analysis of criteria about which there are warnings or taking a number of samples doubling that of samples taken for ordinary inspection before conducting analysis of criteria detected as failing to assure food quality, hygiene and safety.

c/ For fisheries goods for domestic consumption: taking samples for analysis of criteria warned by domestic competent agencies, in a number doubling that of samples taken for ordinary inspection.

3. Fisheries goods will no longer be subject to intensified inspection when the following requirements are met:

a/ Enterprises report on the application of

remedies and appraisal of the effectiveness of applied remedies as certified and notified in writing by the inspection agency, and;

b/ For export goods: These goods do not violate Point a, Clause 1, Article 22 of this Regulation and at least 5 (five) consecutive lots of the same goods exported to markets specified at Point b, Clause 1, Article 4 of this Regulation have satisfactory inspection results;

c/ For goods for domestic consumption: These goods do not violate Point a, Clause 2, Article 22 of this Regulation and at least 5 (five) consecutive lots of these goods have satisfactory inspection results;

d/ For imported goods batches: At least 5 (five) imported lots of the same goods of the same origin have satisfactory inspection results.

Chapter IV

RESPONSIBILITIES AND POWERS

Article 25.- Responsibilities and powers of goods owners:

1. Responsibilities:

a/ To register for inspection and certification of food quality, hygiene and safety of fisheries goods with an inspection agency under Article 5 of this Regulation;

b/ To create conditions for staffs of the inspection agency to perform inspection tasks and take samples, and supply sufficient relevant dossiers and documents;

c/ To refrain from changing product characteristics or labeling information already

registered and subjected to food quality, hygiene and safety inspection and certification;

d/ To take responsibility for results of analysis of food quality, hygiene and safety criteria of fisheries goods carried out by themselves with regard to export goods batches eligible for reduced inspection;

e/ To take appropriate measures to handle goods batches which fail to satisfy food quality, hygiene and safety requirements, returned or recalled goods batches at the request of the inspection agency and competent agencies;

f/ To pay inspection charges and certification fees under Chapter V, even in case they refuse to receive certificates or their goods batches fail to satisfy food quality, hygiene and safety requirements.

2. Powers:

a/ To select an inspection agency and a testing laboratory to conduct the analysis for cases specified in Clause 2, Article 4 of this Regulation;

b/ To be eligible for reduced inspection if they satisfy all the requirements specified in this Regulation;

c/ To request the inspection agency to supply information, regulations and forms relevant to the inspection and certification of food quality, hygiene and safety of fisheries goods under this Regulation;

d/ To disagree with inspection results; to request re-inspection with chemical analysis of stored samples; to seek expert assessment; to lodge complaints and denunciations about any improper acts of inspectors, the inspection agency and

testing laboratories under law.

Article 26.- Responsibilities and powers of inspectors

1. Responsibilities:

a/ To conduct the inspection and certification of food quality, hygiene and safety under regulations within their assigned scope;

b/ To strictly comply with the inspection order and procedures; to ensure the accuracy, truthfulness and objectivity of the inspection of goods batches;

c/ To keep confidential information on production and business activities of inspected establishments;

d/ To be answerable to the head of the inspection agency and held responsible before law for their inspection results.

2. Powers:

a/ To request concerned establishments to supply relevant dossiers and samples to serve the inspection; to photograph, copy or take notes of information necessary for inspection;

b/ To enter places where aquatic products are manufactured, stored, preserved or transported for product inspection;

c/ To make written records of and seal up samples for a given period of time necessary for sending or reporting them to competent state agencies when having evidence to believe that concerned establishments violate food quality, hygiene and safety regulations;

d/ To refuse to conduct inspection in cases goods owners fail to comply with the provisions

of Points a and b, Clause 1, Article 25 of this Regulation;

e/ To propose measures of handling food quality, hygiene and safety violations.

Article 27.- Responsibilities and powers of the inspection agency

1. Responsibilities:

a/ To conduct the inspection and certification of food quality, hygiene and safety of fisheries goods under regulations and within the scope of its assigned tasks and powers; to ensure the accuracy, truthfulness and objectivity of inspection and certification;

b/ To supply forms and guide goods owners in making dossiers of registration for inspection (if any) under regulations;

c/ To receive dossiers of registration for inspection, organize the inspection, sampling, testing and issue of certificates or notices of failure according to the prescribed order and procedures and provisions of this Regulation;

d/ To keep inspection and certification dossiers for at least 2 (two) years and supply them to competent agencies upon request;

e/ To receive and settle in a prompt and proper manner goods owners' complaints about its inspection and certification of food quality, hygiene and safety of fisheries goods;

f/ To take responsibility for its inspection results; contents of certificates and notices of failure;

g/ To pay damages to goods owners for consequences caused by its faults or errors made

during the inspection and certification under current law;

h/ To comply with the National Agro-Forestry-Fisheries Product Quality Assurance Department's uniform professional direction and guidance and submit to its periodical examination and supervision of the inspection and certification of food quality, hygiene and safety of fisheries goods;

i/ To send quarterly and annual reports on the inspection and certification of food quality, hygiene and safety of fisheries goods to the National Agro-Forestry-Fisheries Product Quality Assurance Department ;

j/ To coordinate with other inspection agencies in supplying information upon request;

k/ To collect inspection and certification fees and charges specified in Chapter V.

2. Powers:

a/ To request goods owners to supply documents related to the origin and food quality, hygiene and safety of goods batches registered for inspection;

b/ To take samples of and inspect goods batches under this Regulation;

c/ To refuse to conduct the inspection and certification of food quality, hygiene and safety in case goods owners fail to strictly comply with the provisions of Clause 1, Article 25 of this Regulation;

d/ To request goods owners to dispose of goods batches which fail to satisfy food quality, hygiene and safety requirements under regulations; to monitor the disposal and disposal results; to report

such to the National Agro-Forestry-Fisheries Product Quality Assurance Department;

e/ To propose concerned agencies to handle goods owners that fail to comply with regulations on food quality, hygiene and safety inspection and certification.

Article 28.- Responsibilities and powers of testing laboratories

1. Responsibilities:

a/ To strictly comply with the testing procedures, ensure capability of testing equipment and keep confidential goods owners' information under law;

b/ To ensure that testing results are accurate and objective; to promptly notify and take responsibility for testing results;

c/ To participate in testing skill improvement programs at the request of the National Agro-Forestry-Fisheries Product Quality Assurance Department;

d/ To store and preserve under regulations testing samples for at least 7 (seven) days after obtaining testing results for samples subject to inspection of chemical criteria;

e/ To keep dossiers and documents related to testing activities for 2 (two) years;

f/ To pay damages under current law to goods owners for consequences caused by faults or errors made during tests they have conducted.

2. Powers:

a/ To refuse to receive samples not up to requirements; to refuse to test samples or criteria beyond the scope of accreditation;

b/ To be provided with information and training conditions in order to raise their testing capability;

c/ To collect testing fees and charges specified by law.

Article 29.- Responsibilities of the National Agro-Forestry-Fisheries Product Quality Assurance Department

1. To provide uniform professional guidance for and periodically inspect and supervise the inspection agencies' inspection and certification of food quality, hygiene and safety of fisheries goods.

2. To perform the unified management of professional operations of, and train, retrain and issue certificates to, staff conducting the inspection and certification of food quality, hygiene and safety of fisheries goods nationwide.

3. To receive dossiers for registration, evaluation and accreditation of testing laboratories that have sufficient conditions for analyzing chemical and micro-biological criteria of aquatic products for fisheries goods inspection and certification.

4. To update information on requirements of importing markets before notifying them to establishments and inspection agencies.

5. To send biannual reports to the Agriculture and Rural Development Ministry and concerned agencies on the inspection and certification of food quality, hygiene and safety of fisheries goods throughout the country.

6. To sum up and notify on a regular or irregular basis the following lists:

a/ A list of criteria subject to inspection and

permissible limits applicable to each fisheries goods/fisheries goods group on relevant markets;

b/ A list of testing methods and required trace limits of microbiological and chemical criteria related to food quality, hygiene and safety of fisheries goods.

c/ A list of markets referred to at Points b and c, Clause 1, Article 4 of this Regulation.

d/ A list of testing laboratories accredited by the National Agro-Forestry-Fisheries Product Quality Assurance Department as qualified for analyzing food quality, hygiene and safety criteria of fisheries goods.

7. To provide guidance on the forms and methods of management of certificates for uniform application nationwide.

8. To guide inspection agencies in conducting reduced inspection under this Regulation.

Article 30.- Responsibilities of provincial-level Agriculture and Rural Development Services

1. To direct, guide and inspect the implementation of this Regulation by inspection agencies under their management.

2. To guide, disseminate and inspect the observance of regulations of the Agriculture and Rural Development Ministry and the professional guidance of the National Agro-Forestry-Fisheries Product Quality Assurance Department .

3. To build the physical foundations and organizational apparatus of inspection agencies under their management in order to enable them to conduct the inspection and certification of food quality, hygiene and safety of fisheries goods under this Regulation within the ambit of their

assigned powers.

4. To coordinate with concerned agencies in their localities in organizing the guidance and public information on, and education about food quality, hygiene and safety knowledge under their management.

Chapter V

INSPECTION AND CERTIFICATION FEES AND CHARGES

Article 31.- Fees and charges

1. Inspection agencies may collect fees and charges for the inspection and certification of food quality, hygiene and safety of fisheries goods under the Finance Ministry's current regulations.

2. Fees and charges for the inspection and certification of food quality, hygiene and safety of fisheries goods shall be managed and used under the Finance Ministry's current regulations.

Chapter VI

COMPLAINTS, SETTLEMENT OF COMPLAINTS AND HANDLING OF VIOLATIONS

Article 32.- Complaints and settlement of complaints

1. Within 3 (three) days after the inspection is concluded or receiving analysis results, goods owners may lodge complaints about inspection results or request inspection agencies or concerned testing laboratories to review inspection and testing results.

2. Inspection agencies shall receive and settle

complaints and denunciations of goods owners in accordance with the Law on Complaints and Denunciations.

3. Goods owners shall bear all charges for re-inspection of stored samples in case re-inspection results are not different from initial inspection results.

4. In case inspection results of inspection agencies or testing laboratories are inaccurate, causing damage to goods owners, goods owners may claim damages under law.

Article 33.- Handling of violations

1. Acts violating this Regulation shall be handled under the Government's current regulations on handling of administrative violations in the fisheries domain and other relevant provisions of law.

2. Acts of obstructing or opposing operations of inspection agencies, and acts violating this Regulation and causing serious consequences may be examined for penal liability under law.

Article 34.- The National Agro-Forestry-Fisheries Product Quality Assurance Department and provincial-level Agriculture and Rural Development Services shall sum up opinions of all organizations and individuals on problems arising in the course of implementation of this Regulation and submit them to the Agriculture and Rural Development Ministry for consideration and appropriate revision.

*For the Minister of
Agriculture and Rural Development
Vice Minister
LUONG LE PHUONG*