

THE MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT

**Circular No. 25/2010/TT-BNNPTNT of
April 8, 2010, guiding the food hygiene
and safety inspection of imports of
animal origin**

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; and the Government's Decree No. 75/2009/ND-CP of September 10, 2009, amending Article 3 of 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;

Pursuant to Food Hygiene and Safety Ordinance No. 12/2003/PL-UBTVQH, which was passed on July 26, 2003, by the National

Assembly Standing Committee;

Pursuant to Animal Health Ordinance No. 18/2004/PL-UBTVQH, which was passed on April 29, 2004, by the National Assembly Standing Committee;

Pursuant to the Government's Decree No. 163/2004/ND-CP of September 7, 2004, detailing 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, stipulating the organizational system of food hygiene and safety management, inspection and testing;

Pursuant to the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing a number of articles of the Animal Health Ordinance; and the Government's Decree No. 119/2008/ND-CP of November 28, 2008, amending and supplementing a number of articles of the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing a number of articles of the Animal Health Ordinance;

The Ministry of Agriculture and Rural Development guides the food hygiene and safety inspection of imports of animal origin under its management as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Circular guides the food hygiene and safety inspection of imports of animal origin under the Ministry of Agriculture and Rural Development's management, which include food products of terrestrial and aquatic animal origin, and responsibilities and powers of involved parties.

2. This Circular does not regulate the quarantine of animals and animal products.

Article 2. Subjects of application

This Circular applies to domestic and overseas manufacturers and traders of food products of animal origin imported into Vietnam.

Article 3. Imports of animal origin free from food hygiene and safety inspection

1. Hand-carried goods for personal consumption, food being gifts and diplomatic and consular packages as defined by law;

2. Transit goods;

3. Goods stored at bonded warehouses.

Article 4. Interpretation of terms

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

1. *Food hygiene and safety* means necessary conditions and measures to ensure that food be harmless to the health and life of users.

2. *Inspection of the food hygiene and safety control system* means examination of the system of legal documents on and organizational apparatus and capacity of food hygiene and safety control bodies of exporting countries.

3. *Import lot* means the quantity of products registered for inspection at one time.

4. *Lot for inspection* means the quantity of goods of the same type and the same manufacturer or trader registered for inspection at one time.

Article 5. Requirements on an import lot

1. To be manufactured by a manufacturer which is recognized by a competent Vietnamese agency as fully meeting food hygiene and safety requirements under Vietnam law;

2. To be accompanied by a certificate of compliance with food hygiene and safety

regulations issued by a competent body of the exporting country (except aquatic animals which are caught and processed at sea by foreign fishing vessels and sold directly to Vietnam);

3. To be produced or sold in Vietnam only after it is inspected at a border gate or storage yard by a competent Vietnamese inspection agency and obtains a certificate or notice of proper food hygiene and safety.

Article 6. Inspection principles

1. Inspection in exporting countries: To inspect food hygiene and safety control systems of exporting countries and food hygiene and safety conditions of registered Vietnam-bound exporters;

2. All lots of food imports of animal origin are subject to examination of registration dossiers and visual and sensory inspection. Sampling for analysis of food hygiene and safety criteria complies with Article 14 of this Circular.

Article 7. Inspection grounds

1. Inspection grounds are Vietnam's regulations and relevant national technical regulations corresponding to each type of manufacturers, products or product groups registered for export to Vietnam.

2. When Vietnam has signed bilateral treaties or agreements with exporting countries, those treaties or agreements shall be complied with.

Article 8. Inspection and control agencies

1. Agencies conducting inspection in exporting countries: The National Agro-Forestry-Fisheries Quality Assurance Department shall assume the prime responsibility for, and coordinate with the Animal Health Department and concerned agencies in, conducting such inspection.

2. Agencies conducting inspection at border gates: units under or authorized by the Animal Health Department.

3. Agencies conducting inspection at storage yards and issuing certificates or notices of food hygiene and safety quality:

a/ For terrestrial animal products: units under or authorized by the Animal Health Department.

b/ For aquatic animal products: units under or authorized by the National Agro-Forestry-Fisheries Quality Assurance Department.

4. Agencies inspecting and controlling products on market sale:

a/ Animal Health Sub-Departments of provinces and centrally run cities shall inspect and control lots of imported terrestrial animal products within the control program provided in the Agriculture and Rural Development Ministry's Circular No. 05/2010/TT-BNN of January 22, 2010, guiding the hygiene and safety inspection and control of agricultural food before market sale.

b/ Agro-Forestry-Fisheries Quality Assurance Sub-Departments of provinces and centrally run cities or units assigned by provincial-level Agriculture and Rural Development Departments to manage agro-forestry and aquatic product quality shall inspect and control imported aquatic animal products within the control program provided in the Agriculture and Rural Development Ministry's Circular No. 56/2009/TT-BNN of September 7, 2009, guiding the hygiene and safety inspection and control of aquatic food before market sale.

Chapter II

**FOOD HYGIENE AND SAFETY
INSPECTION IN EXPORTING COUNTRIES**

Article 9. Registration dossiers

The competent body of an exporting country shall submit registration dossiers to the National Agro-Forestry-Fisheries Quality Assurance Department. A dossier comprises:

- A list of registered Vietnam-bound exporters, made according to a form provided in Appendix 1 to this Circular (*not printed herein*);

- Information on the food hygiene and safety control system and capacity of the competent body of the exporting country, made according to a form provided in Appendix 2 to this Circular (*not printed herein*);

- Brief information of food hygiene and safety conditions of exporters, made according to a form provided in Appendix 3 to this Circular (*not printed herein*).

Article 10. Verification of registration dossiers

Within 30 working days after receiving a complete registration dossier and list of exporters of the competent body of an exporting country, the National Agro-Forestry-Fisheries Quality Assurance Department shall assume the prime responsibility for, and coordinate with the Animal Health Department in, verifying the dossier, notify that body of verification results and the inspection plan when inspection in the exporting country is required.

Article 11. Inspection contents

1. The legal system on food hygiene and safety management and control;
2. Capacity of the food hygiene and safety control body of the exporting country;
3. Food hygiene and safety conditions of registered Vietnam-bound exporters.

Article 12. Inspection modes

1. First-time inspection: To inspect the food hygiene and safety control system and food hygiene and safety conditions of exporters of an exporting country to recognize their export to Vietnam.

2. Supervisory inspection: To inspect the

maintenance of the food hygiene and safety control system of an exporting country and food hygiene and safety conditions of recognized exporters.

Article 13. Processing of inspection results and announcement of lists of eligible Vietnam-bound exporters

1. When physical inspection in an exporting country is not required, the National Agro-Forestry-Fisheries Quality Assurance Department shall announce inspection results together with a list of eligible Vietnam-bound exporters.

2. When physical inspection in an exporting country is required, within 30 working days after concluding an inspection in the exporting country, the National Agro-Forestry-Fisheries Quality Assurance Department shall process and announce inspection results together with a list of eligible Vietnam-bound exporters.

When inspection results show that food hygiene and safety requirements are not fully met, the National Agro-Forestry-Fisheries Quality Assurance Department shall notify such and clearly state the reasons for ineligible Vietnam-bound exporters.

3. When wishing to add Vietnam-bound exporters, the competent body of an exporting country shall submit a dossier under Article 9 of this Circular to a competent Vietnamese agency for consideration (dossier verification or physical inspection in the exporting country) and addition to the list of eligible Vietnam-bound exporters.

Chapter III

FOOD HYGIENE AND SAFETY INSPECTION OF IMPORT LOTS IN VIETNAM

Article 14. Inspection contents, order and procedures

1. For lots of aquatic animal products: To comply with the Agriculture and Rural Development Ministry's Decision No. 118/2008/QĐ-BNN of December 11, 2008, promulgating the Regulation on inspection and certification of quality and food hygiene and safety of aquatic products, and Circular No. 78/2009/TT-BNN of December 10, 2009, on inspection and sampling for testing of aquatic product lots, and relevant laws.

2. For lots of terrestrial animal products: To comply with the Agriculture and Rural Development Ministry's Decision No. 86/2005/QĐ-BNN of December 26, 2005, promulgating dossier forms of animal and animal product quarantine and veterinary hygiene inspection; Decision No. 15/2006/QĐ-BNN of March 8, 2006, providing the process and procedures for quarantine of animal and animal products and veterinary hygiene inspection; and Circular No. 11/2009/TT-BNN of March 4, 2009, amending and supplementing a number of provisions on the process and procedures for quarantine of animals and animal products and veterinary hygiene inspection promulgated together with Decision No. 15/2006/QĐ-BNN of March 8, 2006, and relevant laws.

Article 15. Inspection and control of goods on market sale

1. To check the origin of import lots;
2. To inspect conditions of preservation, division, packing and circulation in the market;
3. To take and send samples to laboratories designated to analyze food hygiene and safety criteria when detecting elements of violation or doubtful about food hygiene and safety or upon request of line management departments.

Chapter IV

MEASURES TO HANDLE VIOLATIONS OF FOOD HYGIENE AND SAFETY REGULATIONS

Article 16. For import lots

1. Depending on the severity of violation of food hygiene and safety regulations, to handle them under law and apply appropriate measures such as forced re-export or destruction.

2. To notify competent bodies of exporting countries of violations and request them to find out causes and take remedies.

Article 17. For exporters

1. To suspend inspected exporters that fail to fully meet Vietnam's food hygiene and safety requirements from export to Vietnam.

2. To permit exporters to resume their export to Vietnam if subsequent inspection results show that they fully meet Vietnam's food hygiene and safety requirements.

Article 18. For exporting countries

1. To suspend the import of products of an exporting country when inspection results show that this country's food hygiene and safety control system fails to comply with Vietnam's regulations.

2. To permit a country to resume its export to Vietnam when subsequent inspection results show that this country's food hygiene and safety control system fully meets Vietnam's requirements.

Chapter V

CHARGES, FEES AND FUNDS FOR IMPLEMENTATION

Article 19. Charges and fees

1. Border-gate inspection agencies shall collect charges and fees for the inspection and certification of registered import lots under the Ministry of Finance's current regulations.

2. Inspection agencies issuing certificates or notices of food hygiene and safety quality shall collect inspection charges and fees for the issuance of notices of food hygiene and safety quality of import lots under the Ministry of Finance's current regulations.

Article 20. Funds for implementation

1. Funds for inspection in exporting countries shall be allocated from the state budget. The National Agro-Forestry-Fisheries Quality Assurance Department shall assume the prime responsibility for, and coordinate with the Animal Health Department in, elaborating plans and estimating costs for annual inspection in exporting countries and submitting them to competent authorities for approval.

2. Funds for inspection and control of products on market sale shall be allocated from the state budget. Inspection and control agencies shall elaborate plans and estimate costs for annual implementation and submit them to competent authorities for approval.

Chapter VI

ORGANIZATION OF IMPLEMENTATION

Article 21. The National Agro-Forestry-Fisheries Quality Assurance Department

1. To be the focal point for receiving from competent bodies of exporting countries dossiers of food hygiene and safety assurance of registered exporters of products of animal origin; to exchange information and reach agreement on inspection plans with competent bodies of exporting countries and propose the Ministry to

issue decisions to set up Vietnam teams to conduct inspection in exporting countries;

2. To announce lists of exporters of products of animal origin (of the exporting country) that assure food hygiene and safety; and those suspended from export to Vietnam; to inform and warn competent bodies of exporting countries of import lots failing to assure food hygiene and safety and request them to find out causes and take remedies.

3. To assume the prime responsibility for, and coordinate with the Animal Health Department in, elaborating questionnaires for competent bodies of exporting countries to provide answers and information before inspection visits to exporting countries;

4. To assume the prime responsibility for, formulate plans and programs on, and conduct, inspection of food hygiene and safety control systems and manufacturers and traders of products of animal origin in exporting countries.

5. To direct and supervise its attached units in conducting food hygiene and safety inspection and issuing certificates of assurance, or notices of non-assurance, of food hygiene and safety for import lots.

6. To assume the prime responsibility for, and coordinate with the Animal Health Department in, tracking down causes of non-assurance of hygiene and safety assurance of imported goods of animal origin.

7. To direct its attached units in coordinating with functional agencies according to their assignment in handling and supervising those failing to meet food hygiene and safety requirements.

8. To guide Agro-Forestry-Fisheries Quality Assurance Sub-Departments of provinces and centrally run cities or units assigned by

provincial-level Agriculture and Rural Development Departments to conduct food hygiene and safety inspection and control of imported aquatic animal products circulated in the local market.

9. To annually or irregularly (upon request) report on food hygiene and safety inspection of imports of animal origin.

10. To annually elaborate plans and estimate costs to conduct food hygiene and safety inspection of imports free of charge and submit them to the Ministry of Agriculture and Rural Development for approval and fund allocation.

Article 22. The Animal Health Department

1. To coordinate with the National Agro-Forestry-Fisheries Quality Assurance Department in inspecting food hygiene and safety control systems in exporting countries.

2. To assume the prime responsibility for conducting physical inspection of manufacturers and traders of terrestrial animal products in exporting countries.

3. To direct and supervise its attached units in conducting food hygiene and safety inspection and issuing certificates of assurance or notices of non-assurance of food hygiene and safety for import lots.

4. To coordinate with the National Agro-Forestry-Fisheries Quality Assurance Department in tracking down causes of import lots' non-assurance of food hygiene and safety.

5. To coordinate with the National Agro-Forestry-Fisheries Quality Assurance Department in announcing lists of exporters of products of animal origin assuring food hygiene and safety and those suspended from export to Vietnam; to inform and warn competent bodies of exporting countries of import lots failing to

assure food hygiene and safety and request them to find out causes and take remedies.

6. To direct its attached units in coordinating with functional agencies according to their assignment in handling and supervising the implementation.

7. To guide Animal Health Sub-Departments of provinces and centrally run cities in conducting hygiene and safety inspection and control of terrestrial animal products circulated in their localities.

8. To annually or irregularly (upon request) send reports on inspection results, issuance of certificates and notices of food hygiene and safety quality of imports to the National Agro-Forestry-Fisheries Quality Assurance Department for summarization and reporting to the Ministry.

9. To annually formulate plans and estimate costs for food hygiene and safety inspection of imports free of charge as assigned and submit them to the Ministry of Agriculture and Rural Development for approval and fund allocation.

Article 23. Provincial-level Agriculture and Rural Development Departments

1. To direct Animal Health Sub-Departments and Agro-Forestry-Fisheries Quality Assurance Sub-Departments of provinces and centrally run cities or units assigned by provincial-level Agriculture and Rural Development Departments to conduct food hygiene and safety inspection and control of imports of animal origin circulated in their localities under the guidance of line management departments.

2. To direct their attached units in coordinating with functional agencies according to their assignment in handling violations (destruction, re-export) and supervising implementation.

3. To annually or irregularly (upon request)

submit reports on hygiene and safety inspection and control of terrestrial animal products to the Animal Health Department and of aquatic animal-based food, to the National Agro-Forestry-Fisheries Quality Assurance Department for summarization and reporting to the Ministry.

4. To annually elaborate plans and estimate costs for food hygiene and safety inspection and control of imports of animal origin as assigned and submit them to competent authorities for approval and fund allocation.

Article 24. Responsibilities of goods owners

1. To create conditions for inspectors of inspection and control agencies to inspect, sample for analysis and control goods under regulations.

2. To circulate goods lots only when having obtained a certificate or notice of assurance of food hygiene and safety issued by a competent agency under regulations.

3. To observe handling (destruction, re-export) decisions and be supervised by competent agencies.

4. To provide related dossiers and specimens for inspection and tracking down of goods origin;

5. To pay inspection charges and fees under the Ministry of Finance's current regulations and pay actual expenses for disposal of goods lots failing to assure food hygiene and safety.

Article 25. Responsibilities of inspection teams in exporting countries;

1. To inspect food hygiene and safety control systems and food hygiene and safety conditions of exporters of exporting countries after the Ministry of Agriculture and Rural Development issues a decision to form an inspection team.

2. To coordinate with competent bodies of exporting countries in conducting inspection.

3. To report on inspection results of food hygiene and safety control systems and manufacturers and traders of animal food products of animal origin of exporting countries to the Ministry of Agriculture and Rural Development within 15 days after concluding inspections in an exporting country.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 26. Effect

This Circular takes effect on July 1, 2010.

Article 27. Amendment and supplementation

Any problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development for consideration, amendment and supplementation.-

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