

UNOFFICIAL TRANSLATION

GOVERNMENT

SOCIALIST REPUBLIC OF VIET NAM

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Freedom- Happiness

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Hanoi, 07 September 2004

Degree of the Government stipulating detailed implementation of some articles of Food Hygiene and Safety Ordinance

GOVERNMENT

Pursuant to the law on Governmental Organization No 32/2001/ QH 10 dated 25 December 2001;

Pursuant to the Ordinance on Food Hygiene and Safety No. 12/2003/ PL- UBTVQH 11 dated 26 July 2003;

Upon request of the Minister of Health

HEREBY DECIDES:

Chapter I

General provisions

Article 1. Scope of application

This Degree stipulates the detailed implementation of some articles of the Ordinance on Food Hygiene and Safety in terms of food production and business trade, the management responsibilities of the Government and relevant ministries, people's committees at different levels on hygiene and food safety in order to prevent and overcome food poisoning, diseases transmitted by food, to control and inspect food safety and hygiene.

Comment [VH1]:

Article 2. Objectives of application

Conditions of hygiene and safety foods

Article 4 Conditions on assurance of hygiene and food safety

Organizations, households and Vietnamese individuals, organizations and foreign individuals must assure all conditions according to the definition of hygiene and food safety on food production and trading as follow:

1. Conditions on food premises, factories
 - a. Appointed place, environment
 - b. Design requirement, arrangement workshop, and factory
 - c. Structure of workshop factory
 - d. System water supply
 - e. System ice water supply
 - f. System steam water supply
 - g. Air pressure
 - h. System of treatment discarded substances
 - i. Room for replaces and wears safety work clothing
 - k. Toilet
2. Conditions on food installation of instruments, equipment include
 - a. Means of washing and hand disinfecting
 - b. Disinfectant water
 - c. Equipment for control against insects' damage and animal caused
 - d. Equipment for quality control
 - ®. Equipment for food production, package, preservation and transport
3. Conditions on food producers manufacturers including
 - a. Health of food manufacturers, food trades
 - b. Knowledge and practice on food hygiene and safety of food manufacturers and food trades

Article 5 Responsibility in definition of conditions on guarantee food hygiene and safety

a. Food which is carried by immigrants entering for personal use, form in gifts for presents or consular bag defined by law

b. Food products provisional import-Re-export

c. Food transit

d. Foods keep at customs storage

3. Import food has been certified of eligibility on food hygiene and safety from competent state authority which signed International treaty and recognize one another with

products are achieved request on hygiene and safety of imported food

Article 10 Responsibility of institutions, agencies for control on hygiene and safety food imported

1. After received file conform registration for control on hygiene and food safety from food owners, with the time not later than 3 day, agencies on safety and food owners permitted make a procedure on costume for entrance and concentrate food imported into place which a good conditions of protection. After that, agencies on food control will be carry out process of control with the limit time defined by law, according categories of food products

2. Give quickly a communication of control results to food owner, immediately after received results control

3. In the case, food products are not attained all defined on hygiene and food safety, imported food will be withdrawn, reproduce, change on purpose of use, destroy or re-export according to the decision of competent state agencies, control agencies will be treated imported foods according the definition of law

Article 11 Method of control on food hygiene and safety for imported food

1. File control: obligatory for all goods, which registered on control hygiene and food safety

2. Organoleptic control: according quality product-standards has been promulgate and defined in Vietnamse standards, related branch special standards.

3. Method of analysis in Laboratories: must implement according on definition of MOH and related Ministries to category of Foods for planning samples of analysis. When discover on suspicious of Food hygiene and safety, control agencies are permitted collect in addition samples, outside plan collect samples which firmly established for implement all equivalent method of analysis

4. Control unforeseeable samples on criteria: physics, chemistry and microorganisms when has a request from competent state institutions

Article 12 Competent on control hygiene and food safety imported food products

10. All categories of vegetable tubers fresh fruits instant for use

Article 15 Procedure on certificate satisfied condition food hygiene and safety for manufacturers, trader's procedure and distributes food products with higher danger

1. Organization, household family, person produce and trade food products has higher danger must send file to competent

Article 18 Proclaim file

1. For food products indigenous production, proclamation file include:

a/ 01 a proclamation paper standards according defined by MOH, accompanied or basic food standards issued by processor, trader (with put a seal of trader must include all content: organoleptic criteria, physic-chemistry, microorganism, heavy metals, food additives, expiry date, instruction of use, mode of package, preserve, process of production according form defined by MOH)

b/ Certificate paper results of analysis control all criteria for main quality and criteria on proclaimed food hygiene and safety of food products are must assigned by recognize laboratories or competent state agencies. Apart from natural mineral water must add certificate results on analysis of water source.

c/ Sample of food products must put labels on one's sample, or draft content on label of products coincide with label law (to put a seal of trader)

d/ Material, document confirmed trader has a right of legal use object industrial property to be in time of protection (if to be or must be when agencies receive file and find violate sign)

2. For food imported, proclamation file includes:

a/ According definition at point a clause 1 of this article

b/ Certificate results of analysis: composition, main quality and criteria food hygiene and safety of processor which has certificate on GMP or certificate from competent control institutions of export countries

On the case is not certificate on control analysis, cited above, it must to be a certificate of results analysis of assigned control agencies or recognized laboratories in Viet Nam

c/ Label products and draft content additional label (to put a seal of imported food trader)

d/ Certificate of free sale or Health certificate from competent state of exported countries for food additives, substances food processing aids.

3. For products belong functional food, food strengthen micronutrients, food supplement has content new bioactivity substances, in proclamation file, outside standards of food products must certificate free sale or certificate of health, results of analysis, scientific research, clinical test, or all materials, documents proclamation on effect, action, and safety from recognized laboratories or competent food control agencies assigned by Vietnamese MOH or certificate on GMP of processors, certificate on HACCP (Hazard Analysis Criteria Control Point)

In the case these laboratories, control institutions, agencies are not capacity on carried out the control analysis, it will use results control analysis from competent institutions or laboratories recognized of exported countries or third country.

Article 19 Procedure receive proclamation file

MOH and all competent institutions are devolved by MOH (Health service) receive file and control (examine) according the definition by law. Within 15 days from date receive file, these agencies must responsible examine and if proclamation standards of traders are implemented just a definition at present, that agencies cited above certificate in Certificate paper has proclaimed standards of MOH or competent health agencies.

Communication and instruction to trader the need fully proclamation file standards if content file are not just decoding definition by law on food hygiene and safety

Article 20 Responsibility on certificate proclamation standards of products

1. MOH certificate proclamation standards products of traders (production, import, representative foreign trader) for following products: Natural mineral water in bottle, cigarettes, and functional food. Food strengthens micronutrients; food supplement and products imported as food additives, food processing aids, ingredients or products treated high temperature.

2. Health service provinces and cities belong to central certificate proclaimed standard products to traders which manufacturers located in territories for all products outside defined at clause 1 this article.

Chapter III

Responsible state management on food hygiene safety and responsible in prevention. overcome food poisoning and diseases transmitted by foods

Section 1

State responsible management on food hygiene safety

Article 21 Ministry of Health

1. Establish and promulgate according their competent or submit government promulgate all act normative laws, strategy, policies on food hygiene safety, collaborate with related Ministries, branch agencies for coincide with standards on food hygiene, safety for indigenous foods.

2. Main responsible, collaborate with Ministries, related branch agencies for implement state management on food hygiene safety for food distribution in market and imported foods, organize the implementation on control contaminated micro organism, and remain, exist pesticides in foods (including food additives)

3. Main responsible, collaborate with Ministries, related branch agencies for implement technology, science research, train professional knowledge, foreign cooperation, in the fields of food hygiene safety, organize implement communication service, propaganda, publicize knowledge and law on food hygiene safety.

Article 22 Ministry agriculture and rural development

1. For implement state management on food hygiene safety to food products throughout of processing production from agriculture breeding exploitation, harvest, process, slaughter. preserve, transport according to function and task assigned as far as agricultural products has been distributed on indigenous market or export, management veterinary hygiene for food products origin animals imported to Viet Nam.

2. Main responsible, collaborate with Ministry of Health establish and promulgate all act instruction for implementation the management on food hygiene safety according definition at clause 1 this article

Article 23 Ministry of sea product

1. Implement state management on food hygiene safety for sea products indigenous consumption throughout process of production from sea product breeding, exploitation, process, preserve, transport to the end products are distributed in market.

2. Manage on food hygiene safety for seafood product export and temporary import-reexport.

3. Main responsible collaborate with Ministry of Health establish and promulgate all act instruction on implementation the management of food hygiene safety according definition of clause 1 this article.

Article 24 Ministry of Industry

1. Implement state management on food hygiene safety for food products throughout processing production of manufacturers in the scope of their management according to function assigned as far as food products has been distributed in indigenous market and export.

2. Be the main responsible, collaborate with MOH and ministries, related branch agencies, establish and promulgate all act of instruction for implement the official management on food hygiene safety according stipulated at clause 1 this article.

Article 25 Ministry of Trade

1. Collaborate with MOH and ministries, related branch agencies for implement state management to food products distributed on market according their function task assigned

2. Collaborate with ministries, related branch agencies for implement inspect food hygiene safety to food products distributed on market and food import.

3. Be the main responsible, collaborate with ministries, related branch agencies establish and promulgate all act of normative law on conditions of trade food service, trade fresh, raw food service, and organize on control of implementation all act of normative law cited above.

Article 26 Ministry of science and technology

1. Be the main responsible, collaborate with ministries, related branch agencies establish Vietnamese standards on

food products, recognize food processing certificate processor produce and trade food products meet quality food standards

2. Be the main responsible, collaborate with Ministry of Health and other ministries, related branch agencies establish process on state control food hygiene, safety.

Article 27 Ministry of Culture and Information

Collaborate with MOH and other ministries, related branch agencies propagate, publicize knowledge on law, food hygiene and safety, defined on advertise activities for food products.

Article 28 Ministry of Finance

1. Main responsible, collaborate with MOH, instruct on collect taxes, fees on food hygiene and safety.

2. Collaborate with MOH and Ministries manage professional branches implement control imported food according stipulation of law on customs and definition of this decision.

Article 29 People's committee at all level

1. Must responsible collaborate with all competent agencies defined at article 21,22,23,24,25,26,27 and 28 for implement the state management on food hygiene safety at locality in all processing of production from: plan-breeding, harvest, catch of fish, exploitation, slaughter, processing, preserve, transport as far as food products throughly to consumers, manage food hygiene and safety for food streets, market place, tourist zone and festival

2. Guide on propagates, educate, and instruct for implement executes all act normative law on food hygiene and safety. Organize control inspect the implementation all legal stipulation on food hygiene and safety in localities.

3. Guide all services, bureau branch agencies at region area, for establish the production of localities on processing agricultural products, food safety, establish model commune take part in management and supervise on guarantee food hygiene and safety at region.

Section 2

Responsibility in prevention, overcome food poisonous and diseases transmitted by foods

Article 30 People's committee at all level

1. People's committee at all level has responsible manage and guide all activities food hygiene and safety for food products distributed in territory area

2. When food poisoning occurred, diseases transmitted by food, must guide the survey, overcome and solve consequence in time. In the case exceed their capacity, the people's committee are responsible report to high ranking people's committee and all competent state management agencies on food hygiene and safety for cooperate solve and overcome through consequence food poisoning and diseases transmitted by foods occurred in area localities

Article 31 Ministry of Agriculture and rural development, Ministry of seafood

1. Ministry of agriculture and rural development, Ministry of seafood has responsible manage and guide the good manufacturing practice (GMP) for assurance food hygiene and safety to agricultural products, sea food products before distribution on market.

2. When occur food poisonous has a responsibility collaborate with people's committee at locality, MOH and related Ministries, branch agencies for overcome and solve consequence

professional standards and definitions simultaneous organize a survey on determination basis cause, cause by meals, by food products, and others, as well as organization first aid and treatment food poisonous

2. When occur food poisonous has responsible collaborate with ministries related branch agencies and people's committee at all level for overcome and resolve consequence

Article 34 Organization, household family. Person produce, trade food products

Organization, household family, Person produce, trade food products are responsible implement all definitions, request on food hygiene and safety, must keep on detain food samples according defined by regulation. When occur food poisoning and diseases transmitted by food products produced at their manufacturer, trader must be report immediately to health institutions and people's committee of localities for extend all measures for remedy in time. According to the violate level shall be punished or investigate to criminal affairs if caused damages, must be pay compensation according defined by law.

Article 35 All ministries and other related agencies, organs branch agencies, public information agencies, politic-social organization, social organization, professional social organization has responsible collaborate organization on propagate, educate for strengthen knowledge and good practice on food hygiene and safety, take the initiative on prevention food poisonous and diseases transmitted by foods, collaborate with MOH overcome consequence when occurred food poisonous

Article 36 Settlement when occurred food poisonous

1. When occurred food poison

2. ous, an urgency reports, which must be, implemented at once to basic health service and region people's committee at nearest place. If occurred mass food poisonous with many persons fall ill or has mortality or spring up at over 2 provinces, cities belong to central, that irrespective of person or organization spring up, the first must at once report to Health service for taken the measurement of treatment, overcome in time consequence and simultaneous report to MOH

3. MOH stipulated on order report for food poisonous and diseases transmitted by food

Chapter IV

Control, inspection food hygiene and safety

Section 1

Control food hygiene and safety

Article 37 Competent on control

In scope of function, task, their power-authority, all state management agencies on food hygiene and safety, according to definition at article 21,22,23,24,25,26,27,28 and 29 of this decision, has responsible periodical or suddenly control for implement all definition of law on food hygiene and safety

Article 38 Content on control

Control all conditions on food hygiene and safety according to section I chapter II of this decision, all criteria on food hygiene and safety all stipulation of regulation on food label and advertise food products

Article 39 Responsible of unit (manufacturer, trader) have obtained control

1. Designate competent person to work with control group
2. Supply adequate all information, materials, document, report in time according request of person are assigned control duty and must be responsible before law, regulations on all information, material, reports has supplied
3. Strictly implement all request, proposal, decision, conclusion on control

Article 40 Minutes of control

1. Conclude control, agencies on control must make out the minutes on control. Minutes must be set up into 2 copies: 01 copy detained at control agencies, 01 copy detained at unit has obtained control

2. Minutes control must be adequate signatures with person represented control group and representative person of unit have obtained control

a. In the case, unit has obtained on control is not unify with conclusion of control group, that have right keep the status quo minutes, and simultaneous to note clearly causes which not unified with conclusion in minutes

b. If unit is obtained in control is not signed control minutes that group control must clearly note: representative person of units is obtained in control is not signed in minutes. This minutes is legality when have adequate signature of all members of control group

c. Within the case of monitoring that discover processor has violated action, control agencies must be make up a minutes violated acknowledgement and convey to competent agencies for punish according defined by law

Section 2

Inspection food hygiene and safety

Article 41 Organization, activities of professional inspector on food hygiene and safety

Health inspector implement functions of professional inspection on food hygiene and safety in people all countries. Organization, activities of professional inspector on hygiene and safety shall be implemented according stipulation at article 46,47,48,49 of ordinance on food hygiene and safety, all definitions of state inspection on Health and other definitions of related law

Article 42 Responsible implementation inspect food hygiene and safety

1. MOH is main responsible, collaborate with Ministry of Trade, Ministry of Finance and related ministries, branch agencies on inspection food hygiene and safety for food products distributed in market, imported food. Ministry of Seafish, of Agriculture and Rural development, Ministry of Industry, are main responsible, collaborate with MOH and

violated signs on definition of food hygiene and safety, inspector MOH is main responsible and collaborate with inspector of ministries, related branch agencies, will be

- People's Council, people's committee, all provinces, cities belong to central
- Secretariat Central Party and all boards of Party
- Secretariat National assembly
- Secretariat State chairman
- Supreme People Tribunal
- Supreme People's Court of investigation
- Central organ and all mass organization
- National Administrative academy
- Official gazette
- VPCP: BTCN, TBCN all PCN, BCN
- Spokesman for Primer Minister, all Departments, Ministry departments, organ, unit has been directly dependent on central government
- Detained at VX (5 copies) VT