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**SOCIALIST REPUBLIC OF VIETNAM
INDEPENDENCE – FREEDOM - HAPPINESS**

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LAW ON STANDARDS AND TECHNICAL REGULATIONS

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam as amended by Resolution 51-2001-QH10 of Legislature X of the National Assembly at its 10th session on 25 December 2001;

This Law provides for regulations on standards and technical regulations,

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulation

overseas-Vietnamese carrying out standardization and technical
1.

Basic terms

s shall be construed as follows:

4. “Subjects of standardization” that cover products, services, processes, the environment, quality and environment management system, occupational safety and health, food safety and hygiene, issues of social responsibilities, technical competence of the technical service providers with respect to standardization, general scientific and technological matters and other subjects in socio-economic activities.
5. “Conformity assessment” that means the determination of conformity of standardization subjects with the requirements of standards and technical regulations.
Conformity assessment includes, inter alia, the activities such as testing, inspection, declaration of conformity, certification of conformity with standards and technical regulations, accreditation of the competence of testing and calibration laboratories, conformity certification bodies and inspection bodies;
6. “Certification of conformity” that means the evaluation and confirmation by conformity certification bodies in respect of the conformity of standardization subjects with standards (called as CoC to standards) or to technical regulations (called as CoC to technical regulations);
7. “Declaration of conformity” that means the declaration of organizations and individuals in respect of the conformity of standardization subjects with standards (called as DoC to standards) or to technical regulations (called as DoC to technical regulations);
8. “Accreditation” that means the evaluation and confirmation by authorized accreditation organization on the competence of the testing laboratory, calibration laboratory, certification organization, and inspection body in conformity with the requirements of relevant standards.

Article 4. Law Application

1. Where it is otherwise stipulated on standards and technical regulations in this Law and other laws, then the provisions hereof shall prevail.
2. Where it is otherwise stipulated on standards and technical regulations in this Law and an international treaty to which Vietnam is a member, then the provisions of such international treaty shall prevail.

Article 5. Basic principles of standardization activities

1. Standardization activities should ensure non-discrimination to goods, products and

and rights of related parties; animal, plant and environment protection.

4. The development of standards should ensure the involvement and consensus of the related parties; standards should improve productivity, quality, performance of socio-economic activities; ensure the competitiveness of products, goods and services in domestic and international markets; ensure the reasonable use of natural resources.

Article 6. Policy for standardization development

1. The State shall attach importance to investment on, and building the technical infrastructure and human resource training necessary for State management in development and application of national standards and technical regulations.
2. The State shall support and facilitate science

period of time for public comment is at least 60 days from date of notification, except for urgent cases of health, safety, environment or national security this period could be shortened;

- c) Ministries, ministerial-level and governmental agencies shall complete the draft national standards, set up dossiers, and adopt the draft national standards and circulate the drafts to Ministry of Science and Technology for appraisal;
 - d) Ministry of Science and Technology shall establish a council for appraisal of draft national standards;
 - e) Where the appraisal results are in favour of the draft national standards, Ministry of Science and Technology shall proceed to publication of these standards;
 - f) Where the appraisal results are not in favour of the draft national standards, Ministry of Science and Technology send the appraisal results to the agency in charge of developing and adopting draft national standard for completion. After the completion, Ministry of Science and Technology shall publicize standards.
2. With respect to draft national standard proposed by other organizations and individuals:
- a) Organizations and individuals shall propose draft national standard or recommend the existing standard to Ministry of Science and Technology for consideration

The whole or a part of a standard shall be compulsory application to the relevant parties as specified in legal documents, technical regulations or in contract.

3. Organization's standards shall be applied within organizations issuing such standards.

Article 22 Methods of standards application

1. Standards shall be applied directly or as references in other documents.
2. Standards shall be used as a basis for conformity assessment activities.

Article 23. Financial sources for standard development

1. Financial sources for development of national standard comprise the followings:
 - a) Funds allocated out of the State budget in accordance with the approved annual budget estimates;
 - b) Voluntary funding from local and overseas organizations, individuals;
 - c) Other legitimate sources.
2. The financial sources for development organization's standards are allocated by organizations or individuals, which are regarded as reasonable expenditures before tax calculation.
3. The Government shall stipulate the management and usage of financial sources for development of national standards.

Chapter III

**DEVELOPMENT, APPROVAL AND APPLICATION
OF TECHNICAL REGULATIONS**

Article 24. System of technical regulations and their symbol

System of technical regulations and their symbol consist of:

1. National technical regulations, symbolized as QCVN;
2. Local technical regulations, symbolized as QCDP.

Article 25. Authority of developing, appraising and approving technical regulations

1. With respect to national technical regulations:
 - a) The Ministers, Heads of ministerial-level agencies shall direct the development and issuance of national technical regulations within the scope of their management sectors and areas authorized by the Government;
 - b) Ministry of Science and technology organizes the appraisal works for national technical regulations;
 - c) The Government specifies the development and approval of inter-ministerial technical regulations.
2. With respect to local technical regulations:
 - a) The People's Committee of a province or city under central authority shall develop and approve local technical regulations within the scope of their management areas authorized by the Government for specialized products, goods of the localities and

specific environmental requirements in order to meet geographical, climate, hydrographical factors, socio-economical development level of the province or city.

- b) Local technical regulations specified in clause 2 of this Article shall be approved after having the appraisal of the competent State management agency provided in paragraph a), clause 1 of this Article.

Article 26 Types of technical regulations

1.

The approving technical regulations agency shall adopt and publicize a master plan and work programme of the development of technical regulations no later 30 days since the date of approval.

3. If necessary, a master plan or work programme for the development of technical regulations shall be amended and supplemented by decision of the approving technical regulations agency.

Article 28. Bases for development of technical regulation

received from organizations and individuals; complete the draft technical regulation, set up the dossier of technical regulation in question after reaching agreement of the related ministries and agencies on its content and send this dossier with completed draft technical regulation to Ministry of Science and Technology for appraisal;

d) Ministries and ministerial-level agencies shall approve the national technical regulations.

2. With respect to local technical regulations:

a) The order and procedure of development of local technical regulations shall follow the provisions specified in paragraph a) and b), clause 1 of this Article;

b) The People's Committee of province or city under central authority shall take into account the comments of organizations and individuals, set up the dossier of technical regulation in question and send this dossier with completed draft technical regulation to the relevant approving national technical regulations agency(s) specified in paragraph a), clause 1 of Article 25 for appraisal;

c) The People Committees of provinces and cities under central authority shall approve the local technical regulations.

Article 31. Effect of technical regulations

1. Technical regulation shall take effect after at least 6 months from the date of issue, except for cases stipulated in clause 2 of this Article

2. In cases due to the reasons of national security, safety, health or environment, this period may be shortened as decided by the approving technical regulation agency.

Article 32. Revision, amendment, supplement, replacement and annulment of technical regulations

1 The approving technical regulations agencies shall review technical regulations

The approving technical regulation agencies shall have the following duties:

1. Publicize the approval of technical regulations and the amendment, supplement,

3. To ensure non-discriminatory treatment among production and business organizations, individuals or with regard to origins of goods, services, products or processes.
1. To ensure the harmonization of conformity assessment procedures with international recommendations and practices.

Article 38. Classification of conformity assessments

1. Conformity assessment comprises conformity assessment to standard and to technical regulation.
2. Conformity assessment to standard shall-4.5()-6.1(29 Tc.081ity)5b

d) Complain about result of CoC to standard and violations of conformity certification

regulation.

- b) Use the mark of technical regulation conformity on the products, goods; their packages; or documents relating to the products/goods in respect of which CoC and DoC to technical regulations have been done;
 - c) Complain about results of conformity certification to technical regulation, and violations of contract by conformity certification body.
 - d) Other rights stipulated by law provisions.
2. Obligations:
- a) Assure the conformity of products, goods, services and processes with the respective technical regulations;
 - b) Right display information given in the technical regulation certificate or declaration on the products and goods, their package or documents of subjects that have passed CoC to technical regulation and DoC to technical regulation. ;
 - c) Submit documents which prove the technical regulation conformity assurance of the products, goods, services, processes at the request of the State authorized agency or conformity certification bodies;
 - d) Suspend temporarily the provision of the products, service, process which are non-conformed with the respective technical regulations by decision of the State authorized agency;
 - e) Pay for conformity certification to technical regulation.
 - f) Other obligations stipulated by law provisions.

Article 46. Declaration of conformity to technical regulation

1. Organizations and individuals producing products and goods or providing with services or processes subject to technical regulations shall be responsible for DoC to technical regulation.
2. A DoC to technical regulation made by organizations, individuals to their products, goods, services and processes shall be based on results of CoC to technical regulation given by a certification body(s) designate in accordance with provisions of clause 2, Article 44 of this Law.
3. Organizations, individuals shall register their declaration forms of DoC to technical regulations at State authorized agencies.

Session 4

CONFORMITY CERTIFICATION BODIES

Article 47. Conformity certification bodies

1. Self-financing organizations providing with technical services under Ministries, ministerial-level agencies and Government agencies.
2. Enterprises established pursuant to Law on Enterprises.
3. Foreign certification bodies' branches established in Vietnam pursuant to Law on

Commerce.

Article 48. Operational conditions of conformity certification bodies

1. Conformity certification bodies shall:
 - a) Have organizational structure and competence to meet general requirements for a conformity certification body as provided for in national standard and international standard;
 - b) Establish and maintain management system in conformance with requirements of national standard and international standard;
 - c) Register the field of conformity certification at State authorized agency.
2. Conformity certification bodies shall not play consultancy works to organizations, individuals requesting for certification.

Article 49. Rights and responsibilities of conformity certification bodies

1. Rights:
 - a) Grant certificates of CoC to standards or technical regulations to the certified products, goods, services, processes or environment in conformity with standards of technical regulations;
 - b) Delegate right of using standard or technical regulation certification mark to organizations and individuals of certified products, goods;
 - c) Withdraw certificates of CoC to standard or technical regulation; the right of using granted marks of CoC to standard or technical regulation;
 - d) Other rights stipulated by law provisions.
2. Responsibilities:
 - a) Certify the conformity in respect to register field of certification on a basis of contract signed with organizations and individuals requesting certification.
 - b) Ensure impartiality and equality in conformity certification activities;
 - c) Ensure the confidentiality of information collected during certification process.
 - d) Supervise certified subject to maintain its conformity with respective standard or technical regulation;
 - e) Take responsibility for their activities before law;
 - f) Publicize on the media the withdrawal of certificates and right of using marks of CoC to standard or technical regulation certification;

Session 5

ACCREDITATION AND MUTUAL RECOGNITION

Article. 50. Accreditation

1. Subjects of accreditation
 - a) Testing laboratory;
 - b) Calibration laboratory;

- c) Certification organization;
- d) Inspection body
- 2. Basis for accreditation operation are national standards or international standards.
- 3. Accreditation activities shall be carried out by accreditation bodies stipulated in Article 51 of this Law.

Article .51. Accreditation bodies

- 1. Accreditation body shall be an organization authorized to evaluate and accredit the competence of bodies stipulated in clause 1, Article 50 of this Law.
- 2. Accreditation body shall operate independently;
- 3. The Government stipulates the statute of organization and operation of an accreditation body.

Article 52. Operational conditions of accreditation body

- 1. Accreditation body shall:
 - a) Establish and operate pursuant to general requirements stipulated, to accreditation bodies, in respective national standards and international standards;
 - b) Have an organizational structure and competence to meet general requirements for a conformity certification body as provided for in national standard and international standard; and recognized by international or regional accreditation organizations;
 - c) Establish and maintain management system in conformance with requirements of national standard and international standard;
- 2. Accreditation organization shall not give consultancy services to accredited bodies specified in clause 1, Article 50 of this Law.

Article 53. Rights and responsibilities of accreditation body

- 1. Rights:
 - a) To issue accreditation certificates to the bodies specified in clause 1, Article 50 o-4.6(4.8(i60).

- b) To complain about accreditation results by, and violation of, the accreditation bodies in terms of accreditation contract.
 - c) Certification bodies specified in Para c, clause 1, Article 50 of this Law
 - d) Other rights stipulated by law
2. Obligations:
- a) Ensure an organizational structure and technical competence that have been accredited in conformity with the respective standards;
 - b) Maintain the management system in conformity with the requirements specified in national and international standards
 - c) Ensure the objectivity and impartiality during the conformity assessment activities.
 - d) Certification bodies specified in Para c clause 1, Article 50 of this law shall also fulfill the obligations specified in clause 2, Article 49 of this Law;
 - e) Other obligations as provided for by laws.

Article 55. Mutual recognition arrangements

1. Mutual recognition arrangements comprise” Mutual recognition arrangements:
- a. Vietnam’s recognition of the results of conformity assessments of a country or countries, customs territory (s) and vice versa under the agreement of which Vietnam is a member;
 - b. Vietnamese conformity assessment bodies’ recognition of the results of conformity assessment given by one or many conformity assessment bodies in countries, customs territories and vice versa.

3.

2. The inspection of standardization is carried out in

technical regulations.

2. The technical specifications, procedures, rules, regulations and technical documents that were applicable as state management mandatory measures, will be considered for being converted into technical regulations.
3. The Government shall provide for the conversion of branch standards into national standards or national technical regulations as specified in clause 1 of this Article and the conversion of mandatory technical specifications, procedures, rules, regulations and technical documents into technical regulations as specified in clause 2 of this Article.

Article 68. Enforcement

1. This Law takes effect as from.....
2. All the provisions of specialized laws on standardization, which are contrary to the provisions of this Law, shall be repealed.
3. The Government shall make detailed provisions for and provide guidelines for the implementation of this Law.

This Law has been ratified by the Legislatur