

For informative purposes

NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM
INDEPENDENCE – FREEDOM - HAPPINESS

No: /2006/PL-UBTVQH11

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 standards and technical regulations.

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for the activities of development, announcement, application of standards and development, adoption, application of technical regulations; assessment of the conformity with standards and technical regulations.

Article 2. Subjects of application

This Law is applicable to Vietnamese organizations, individuals; foreign organizations, individuals; and overseas-residing Vietnamese carrying out activities relating to standards and technical regulations in Vietnam.

Article 3. Interpretation of basic terms

In this Law, the following terms shall be construed as follows:

1. *Standard* means stipulations on technical characteristics and requirements that goods, services, processes, environment and other needs to satisfy to improve productivity, quality and socio-economic efficiency. Standards shall be announced by an organisation in writing for voluntary application;
2. *Technical regulation* means stipulations on limits of technical characteristics and management requirements that goods, services, processes, environment and others in socio-economic activities need to satisfy in order to ensure hygiene, safety and health of human, to protect animals and plants and the environment; and to protect national interests and security, benefits of consumers and other essential needs. Technical

1. Subjects of standards and technical regulations include:
 - a) Products and goods;
 - b) Services;
 - c) Processes;
 - d) Environment
 - e) Other subjects of socio-economic activities
2. Government provide for the subjects of standards and technical regulations in details.

Article 6. Basic principles of activities of standards and technical regulations

1. Standards and technical regulations activities must ensure improvement as to socio-economic efficacy and quality, the competition of products, goods and services in the international and national markets
2. Standards and technical regulations must satisfy requirements on safety; national security secrets; human hygiene and health; legitimate rights and benefits of relevant parties; and on protection of animals, flora and the environment and reasonable use of natural resources .
3. Activities of standards and technical regulations must ensure publicity, transparency, non-discrimination, avoidance of trade restrictiveness to production, business and

1. The State shall attach importance to development of technical and physical establishments, human resource training for State management in standards and

1. System of standards and symbols of Vietnam consists of:

- a) National standard, symbolized as TCVN;
- b) Organizational (company) standard symbolized as TCCS.

Article 11. Authority to develop, approves, appraise and announce standards

- 1. Ministers, heads of Ministerial-level agencies, heads of Governmental agencies shall organize the development of draft national standards and propose for appraisal and announcement of national standards
- 2. The Minister of Science and Technology shall organize assessment of the draft national standards and announcement of national standards.
- 3. Organizations developing and announcing their own organizational standards, include:
 - a) Businesses;
 - b) State agencies;
 - c) Self-financing agencies;
 - d) Social and socio-occupational organizations;

Article 12. Types of standards

- 1. Basic standard provides for characteristics and requirements of general application for a broad coverage or contains general provisions for one particular sector.
- 2. Terminology standard means standard relating to definitions, names for the relevant subjects of standards;

Standards shall be developed on one or more basis as follows:

1. International, regional and foreign standards;
2. Scientific and technological research results and technical advances;
3. Practical experiences;
4. Results of assessment, testing, inspection and checking.

Article 14. Planning and programming for national standards development

1. A master plan, programme for national standards development including 5-year plan and annual programme shall be prepared on the following bases:
 - a) Demand of socio-economic development
 - b) Request by organizations and individuals.
2. The Ministry of Science and Technology shall take lead and coordinate with relevant ministries, ministerial level agencies and Government agencies in developing, making public master plan and programme for national standard development to gather public comments before approval;

The Ministry of Science and Technology shall take approve the master plan and programme for national standard development and announce the same to the public within 30 days after approval;

3. Where necessary, the master plan and programme for national standards development shall be amended and supplemented according to the decision of the Ministry of Science and Technology. The amendment and supplement of the master plan and programme for national standards development shall be accorded to clause 2 of this Article.

Article 15. Rights of organizations, individuals participating in development of national standards

1. Propose and make comments on the master plans, programme on the development of national standards;
2. Take the lead in or participating in preparing draft national standards for the Ministry of Science and Technology to appraise and announce national standard.
3. Comment on draft national standards.

Article 16. Technical committee for national standards

- e) Within 30 days as from the approval of draft national standards, Ministry of Science and Technology shall announce national standards;

Article 18. Content of the appraisal of draft national standards

1. Conformity of standards with scientific and technological advances, conditions and needs of socio-economic development.
2. Conformity of standards with technical regulations, statutory regulations, relevant international agreements and harmonization requirements to international standards.
3. Unity of national standards systems, the compliance with consensus principle; and balance of related parties' benefits.
4. The compliance with specialist skill requirements, order and procedures of national

2. Organizational (company) standards shall be applied within the organization issuing such standards.

Article 24. Methods of standard application

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

Article 25. 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 the development of organization's standards shall be paid by such organisations or individuals and shall be regarded as reasonable expenditures.
3. The Government shall stipulate the management and usage of financial sources for development of national standard.

Chapter III DEVELOPMENT, ISSUANCE AND APPLICATION OF TECHNICAL REGULATIONS

Article 26. System and symbols of technical regulations

System and symbols of technical regulations of Vietnam consists of:

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

Article 27. Authority of developing, appraising and issuing technical regulations

1. Authority of development, appraisal and issuance of national technical regulation
 - 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) The Minister of Science and Technology shall arrange the appraisal of national technical regulations;
 - c) The Government shall stipulate on the development and issuance of inter-branch national technical regulations and national technical regulations for subjects of technical regulations under the responsibility of governmental agencies.
2. Authority of development, appraisal and issuance of local technical regulations
- a) The People's Committee of a province or city under central authority shall develop and issue local technical regulations for application within their scope of management with respect to typical products and goods of the localities and specific environmental requirements in accordance with the typical features of the locality in terms of geography, weather, hydrography and socio-economic development.
 - b) Local technical regulations shall be issued after appraisal results received from the competent State management authority stipulated in point a, clause 1 of this Article.

Article 28. Types of technical regulations

1. *General technical regulation* that includes technical and managerial stipulations for application in a sector of management or a group of products, goods, services or processes.
2. *Technical regulation for safety* includes:
 - a) stipulations on levels, norms and requirements relating to biological safety, fire and explosion safety, mechanical safety, industrial safety, construction safety, heat safety, chemistry safety, power safety, safety for medical equipment, electro-magnetic compatibility, and safety of radiation and nuclear safety;
 - b) stipulations on levels, norms, and requirements relating to food safety and hygiene, safety of pharmaceutical products and cosmetics to human health;
 - c) stipulations on levels, norms, and requirements relating to safety and hygiene of animal food, fertilizer, insecticide, veterinary medicines, biological products and chemicals for animals and plants.
3. Technical regulations on environment specify the levels, norms and requirements on the quality of the surrounding environment and wastes.
4. Technical regulations on processes specify the requirements on hygiene, safety during the process of production, exploitation, processing, maintenance, operations, transportation, use and service of products and goods.

technology, health care, tourism, entertainment, culture, sport, transportation, environment and services in other fields.

Article 29. Master planning and programming on development of technical regulations

1. Master plan and programme and planning on development of technical regulations including five-years master plan, programme and annual programme, shall be made on the following basis:
 - a) Socio-economic development requirements;
 - b) State management requirements;
 - c) Request of organizations and individuals.
2. A master plan or programme on development of technical regulations shall be developed by the agency issuing technical regulations as the lead arranger in cooperation with the Ministry of Science and Technology and relevant agencies, then announced to the public for comments before being approved.

The agencies issuing technical regulations shall approve and make public the master plan or programme on development of technical regulations, within 30 days from the approval date.

3. Where necessary, master plan or programme on development of technical regulations may be amended and supplemented according decision of the relevant agency issuing technical regulations . The amendment of master plan, programme on development of technical regulations shall be carried out under provisions in clause 2 of this Article.

Article 30. Bases for development of technical regulations

Technical regulations are developed on one or more bases as follows:

1. National standards;
2. International standards, regional standards and foreign standards; 0 Tc.1(e a)5(n)4.6(d)-5.2(T)(t)-5Tf.1.

2. Preparing a draft of technical regulation in order to propose the agencies issuing technical regulations for consideration and promulgation;
3. Participating in preparation of draft technical regulations as assigned by the agencies issuing technical regulations.
4. Providing comments on draft technical regulations.

Article 32. Order and procedures for development, appraisal and issuance of technical regulation

1. Order and procedures for development, appraisal and issuance of national technical regulations
 - a)

- a) Based on the approved programme on development of technical regulations, People's Committees of provinces and cities under central authority shall organize the development of local technical regulations; The order and procedures for developing local technical regulations shall comply with the provisions in clauses 1.a and 1.b of this Article;
 - b) The People's Committees of provinces and cities under central authority shall publicize draft technical regulations for public comments from organizations, individuals concerned; to arrange workshop with participation of stakeholders for collection of comment on the drafts. Period for public comment is at least 60 days, except in emergency cases to protect health, safety and the environment where the period may be shorter in accordance with decision of the People's Committees of provinces and cities under central authority;
 - c) The People's Committees of provinces and cities under central authority shall study and take into account comments from organizations and individuals to complete the drafts, prepare the dossiers of technical regulations for submission to the competent agency stipulated in clause 1a, Article 27 of this Law for comment;
 - d) The People's Committees of provinces and cities under central authority shall issue local technical regulations in period of thirty days from the date of receiving the agreement of the agency specified in clause 1a, Article 27 of this Law.
3. The Government shall specify the content of dossier of draft technical regulation.

Article 33. Content of appraisal of technical regulations

1. Conformity of technical regulation with provisions of laws and relevant international commitments.
2. Consistency and synchronization of system of national technical regulations .
3. Compliance to the requirements of qualification, procedures in development of technical regulations.

Article 34. Enforcement of technical regulations

1. Technical regulation shall come into force after at least 6 months from the date of issue, except for cases stipulated in clause 2 of this Article.
2. In emergency cases for safety, health or environment, this period may be shortened as decided by the agency issuing technical regulations.
3. National technical regulations shall take effect through out the country; local technical regulations shall take effect in territory under management of the People's

Committees of provinces and cities under central authority issuing those technical regulations.

Article 35. Reviewing, amendment, supplement, replacement and annulment of technical regulations

1. The agency issuing technical regulations shall review technical regulations periodically once every 5 years since the date of issuance or earlier if necessary.
2. The amendment, supplement, replacement of technical regulations shall be carried out in accordance with the order and procedures stipulated in Article 32 of this Law on the basis of the review results or at the request of organizations, individuals.
3. The agency issuing technical regulations shall annul technical regulations in accordance to the following procedures:
 - a. Preparing the dossier for annulment of technical regulations on the basis of the review results or at the request of organizations, individuals; considering the dossier and deciding to annul national technical regulations after receiving the appraisal from Ministry of Science and Technology.
 - b) Based on the results of reviewing or at the request of organizations, individuals, the People's Committees of provinces and cities under central authority shall prepare dossier for annulment of local technical regulations; consider dossier and decide to annul local technical regulations after receiving comment from the agency specified in clause 1a, Article 27 of this Law.

Article 36. Notification, dissemination, registration, publication of technical regulations

1. The agency issuing technical regulations shall have the following responsibilities:
 - a) Make a notice on the issuance of technical regulations and the amendment, supplement, annulment thereof in period of at least thirty days from the date of decision.
 - b) Publicize, disseminate, provide guidelines for, and organize the application of the technical regulation.
 - c) Send a copy of technical regulation to Ministry of Science and Technology for registration.
 - d) Publish technical regulations.
2. The Ministry of Science and Technology shall annually issue a list of technical regulations.

Article 37. Responsibilities of application of technical regulation

1. Organizations and individuals are responsible for application of technical regulations;
2. In process of application of technical regulations, organizations and individuals shall

2. To ensure that all the information and data relating to the organization subject to conformity assessment shall be kept confidential.
3. To ensure non-discriminatory treatment among production and business organizations or with regard to origins of goods, services, products or processes.
4. Conformity assessment procedures should be harmonized with the requirements of the relevant international organizations.

Article 41. Classification of conformity assessments

1. Assessments of conformity with standards and technical regulations are carried out by conformity assessment bodies or organization, individuals who declare the conformity.
2. Assessment of conformity with standards shall be carried out voluntarily at the request of organization or individual in the form of testing, inspection, certification and declaration of conformity with standards.
3. Assessment of conformity with technical regulations shall be carried out mandatorily in accordance with the State management requirements in the form of testing, inspection, certification and declaration of conformity with technical regulations.

Article 42. Requirements for the standards and technical regulations used as the basis for conformity assessment

The standards and technical regulations used as the basis for conformity assessment must set forth specific criteria and requirements which can be assessed by using existing methods and means home or abroad.

Article 43. Marks of conformity with standards and technical regulations

- d) Pay certification fee.

Session 3

Assessment of Conformity with Technical Regulations

Article 47. Technical regulation conformity certification

1. Technical regulations conformity certification shall be mandatory to products, service or processes provided for in relevant technical regulations.
2. Technical regulations used for technical regulation conformity certification are national technical regulations, local technical regulations that meet the requirements prescribed in Article 42 of this Law.
3. Ministry, ministry-level agencies, People's Committee of province and city under central authority as specified in Clause 1 and clause 2, Article 27 of this Law, based on examination and selection among certification bodies as set out in Article 50 of this Law, shall assign bodies who have right to carry out certification of conformity with technical regulations which have been issued by themselves.
4. The assigned conformity certification bodies will carry out technical regulation conformity certification under method specified by the State competent agency.

Article 48. Technical regulations conformity declaration

1. Organizations and individuals producing or trading goods/products subject to application of technical regulations shall have the obligation to declare products, goods, services, processes and environment in conformity with the relevant technical regulations, based on the results of technical regulations conformity certification completed by the assigned conformity certification bodies as specified in clause 3, Article 47 of this Law, or the results of self-assessment completed by organizations and individuals, based on the test report issued by the accredited or assigned testing laboratories.
2. The organization or individual making technical regulations conformity declaration

- b) To be granted the certificate of conformity with technical regulation to products, goods, services, processes, environment which have passed technical regulations conformity certification;
 - c) To use the mark of technical regulation conformity directly on the products/goods; their packages; or documents relating to the products/goods and processes in respect of which technical regulations conformity certification and declaration have been made;
 - d) To complain about breaches of the certification contract signed with the certification organization in accordance with the law;
 - e) To complain about the results of technical regulations conformity certification, violations of the conformity certification body in term of certification contract.
2. Organizations, individuals requesting for technical regulations conformity declaration shall have the following obligations:
- a) Ensure the conformity of products, service and processes with the respective technical regulations;
 - b) Display correctly information of the certificate given to the certified products, goods, package and documents thereof;
 - c) Submit documents which prove the technical regulation conformity assurance of the products, goods, service, processes, environment with the respective technical regulations at the request of the State competent management agency or the conformity certification body;
 - d) Stop temporarily the distribution of the products, service, process which are non-conformed with the respective technical regulations by decision of the State competent agency;
 - b) Pay fees for technical regulations conformity certification.

Session 4

Conformity certification organizations

Article 50. Conformity certification bodies

1. Self-financed organizations providing technical services
2. Businesses;
3. Branches of foreign certification bodies operating in Viet Nam.

Article 51. Operational conditions of conformity certification bodies

The conformity certification bodies sh

Article 53. Accreditation activity

1. Accreditation activity shall be provided to the following organizations:
 - a) Testing laboratory;
 - b) Calibration laboratory;
 - c) Certification body;
 - d) Inspection body.
2. Bases for accreditation are national standards, international standards.
3. Accreditation activities shall be carried out by accreditation bodies stipulated in Article 54 of this Law.

Article 54. Accreditation body

1. Accreditation body shall be self-financed technical organization authorized to evaluate and accredit competence of the subjects stipulated in clause 1, Article 53 of this Law.
2. Accreditation body must meet the following requirements:
 - a) Having the organizational structure and competence to meet the requirements of national standards, international standards for accreditation body; being recognized by international or regional accreditation organizations;
 - b) Operating in compliance to the requirements stipulated in the respective national, international standards;
 - c) Establishing and maintaining quality management system in conformity with national standards, international standards;
 - d) Operating independently and impartially;
3. Minister of Science and Technology shall stipulate the organization and operation of accreditation body.

Article 55. Rights and obligations of accreditation body

2. Accreditation body shall have the following obligations:
 - a) To carry out accreditation activity on a request of organizations, individuals
 - b) To ensure the principles of independence and impartiality during the accreditation activities; do not provide with the consultancy service to the organizations requesting accreditation;
 - c) Ensure information gathered during certification process be kept confidentially;
 - d) Supervise over the accredited bodies to ensure their competence in continuous conformity with the respective standards;
 - e) To be responsible before the law for their accreditation activities.

Article 56. Rights and obligations of accredited bodies

1. Accredited bodies shall have the following rights:
 - a) To be given priority to using results of conformity assessment of accredited certification, testing, calibration, inspection for the service of State management requirements.
 - b) To complain about accreditation results by the accreditation body for agreed terms and conditions;
 - c) Conformity certification body specified in clause 1c, Article 53, of this Law shall also have the rights specified in clause 1, Article 52 of this Law.
2. Accredited bodies shall have the following obligations:
 - a) Ensure the organizational structure and competence which have been accredited to meet the requirements of the respective national standards, international standards;
 - b) Maintain the quality management system in conformity with the respective national standards, international standards;
 - c) To ensure the principles of independence and impartiality during the conformity assessment activities;
 - d) Conformity certification body specified in clause 1c, Article 53, of this Law shall also have the obligations specified in clause 2, Article 52 of this Law;
 - e) Pay fees for accreditation.

Article 57. Mutual recognition arrangements

1. Mutual recognition arrangements include:

- a) Recognition of the results of conformity assessments by Viet Nam and other nations, territories under the international treaties to which Viet Nam is a member;
2. The conformity assessments fulfilled by Viet Nam and other nations, territories in order to mutually recognize the results of conformity assessment are performed on basis of the agreement between parties concerned.
2. Ministry of Science and Technology presides and coordinate with the relevant ministries, ministry-level agencies to organize the implementation of mutual recognition arrangements specified in clause 1 of this Article.

Chapter V

RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS IN THE FIELD OF STANDARDS AND TECHNICAL REGULATIONS

Article 58. Responsibilities of the Government

The Government shall carry out uniform State management in the field of standards and technical regulations nationwide.

Article 59. Responsibilities of the Ministry of Science and Technology

1. The Ministry of Science and Technology shall be responsible to the Government for carrying out uniform State management of standards and technical regulations.
2. The Ministry of Science and Technology shall have the following responsibilities:
 - a) To develop, issue or submit to the competent level for issuance of, and organize the implementation of, policies, strategies in the field of standards and technical regulations ; organize the setting of, and approve master plans and programs on development of national standards and technical regulations in the fields assigned;
 - b) To develop, issue or submit to the competent level, person for issuance of, legal normative documents on standards and national technical regulations, and organize the implementation of those documents.
 - c) To carry the appraisal, and publicize national standards; organize the development

- e) To manage and provide guidelines for conformity assessment activities.
- f) To build up and develop human resource for the field of standards and technical regulations; organize scientific research and technological development in the field of standards and technical regulations
- g) To manage international cooperation activities concerning standardization.
- h) Organize and manage the operation of national network on notification and enquiry of standards, technical regulations and conformity assessments.
- i) To propagandize, organize and guide the implementation of laws on standards and technical regulations; carry out statistic works relating to standards and technical regulations.
- k) To supervise and inspect the observance of laws and policies concerning standards and technical regulations; to deal with violation in accordance with laws; to deal with complaints and denunciations about breaches of legislation on standards and technical regulations in accordance with laws of complaints and denunciations .

Article 60. Responsibilities of ministries, ministerial-level agencies and Government agencies

1. Ministries, ministerial-level agencies and Government agencies, within the scope of their respective functions, duties and powers, shall have the following responsibilities:
 - a) To develop, issue, or submit to the competent organ, person for issuance of,

- g) To participate in international cooperation on standards and technical regulations; propose plans for development of national standards; to coordinate with the Ministry of Science and Technology in compiling draft national standards;
- h) To disseminate, popularize and provide guidelines for, the application of standards and technical regulations.
- i) To supervise and inspect activity relating to technical regulations ; to deal with breaches under provisions of laws.
- k) To deal with complaints and denouncement relating to technical regulations under laws on complaints and denouncement.

2. Governmental agencies in their authority shall have the following responsibilities:

- a) To develop and submit to the competent organ, person for issuance of, relevant legal normative documents on standards and technical regulations.
- b) To develop and submit to the competent organ, person for approval of, master plans, programs for development of national technical regulations;
- c) To organize the development of draft national technical regulations; provide with guidelines for the development and issuance of local standards; provide with guidelines for development of local technical regulations; provide with comments on draft local technical regulations;
- d) To propose the master plans, programs to develop national standards; organize the preparation of draft national standards for sector assigned.
- e) To disseminate, popularize and provide guidelines for, the application of standards and technical regulations;
- f) To participate in international cooperation on standards and technical regulations;
- g) To supervise and inspect activity relating to technical regulations; to deal with breaches under provisions of laws.
- h) To deal with complaints and denouncement relating to technical regulations under laws on complaints and denouncement.

Article 61. Responsibilities of People's committees of provinces and cities under central authority

3. To build the technical infrastructure needed to the activity of standards and technical regulations in locality;
4. To disseminate, popularize and educate laws on standards and technical regulations;
5. To supervise and inspect the observance of laws relating to technical regulations ; to deal with breaches under provisions of laws.
6. To deal with complaints and denouncement relating to technical regulations under laws on complaints and denouncement.

Article 62. Responsibilities of business organizations and individuals

1. To declare standards applied for their products, goods, services, processes, environment in accordance with the law; to ensure that their products, goods, services and processes are in conformity with the standards or technical regulations.
2. To declare their products, goods, services, processes, environment in conformity with the relevant technical regulations; Propose programmes for development of national standards and technical regulations;

3. The Government shall provide for the organization and operations of standards and technical regulations inspectors.

Article 65. Dealing with breaches of standards and technical regulations legislation

1. A person breaching standards and technical regulations legislation, depending on characteristics and levels of violations, shall be subject to an administrative penalty or

Article 66. Transitional provisions

1. National and organizational (company) standards already issued in accordance with the 1999 Ordinance on Goods Quality, other laws and ordinances shall be considered for being converted into national standards or national technical regulations.
2. Technical requirements, procedures, normative and technical documents subject to compulsory implementation and already issued for State management purpose shall be considered for being converted into technical regulations.
3. The Government shall provide for the conversion of organizational (company) standards into national standards or national technical regulations as regulated in clause 1 of this Article; and for conversion of technical requirements, procedures, normative and technical documents subject to compulsory implementation into technical regulations as in clause 2 of this Article

Article 70. Enforceability

This Law takes effect as from 1st January 2007

Article 71. Implementation guidelines

The Government shall make detailed provisions for and provide guidelines for the implementation of this Law.

This Law has been ratified by the Legislature XI of the National Assembly of the Socialist Republic of Vietnam in its 9th session on 29 June 2006.

THE CHAIRMAN OF THE NATIONAL ASSEMBLY

NGUYEN PHU TRONG