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Report Highlights:

This report provides an overview and update of Vietnam's food and agricultural laws and regulations. Major updates were made to Section II – Labeling Requirements, Section IV – Food Additives, Section V – Pesticides and Other Contaminants and Section VIII – Geographical Indications and Trademarks. More information on Vietnam's certification requirements is provided in the Vietnam FAIRS Export Certificate Report.

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Abbreviated terms for easy reference:

- CFS (Certificate of Free Sale)
- DAH (Department of Animal Health, MARD)
- DFISH (Directorate of Fisheries, MARD)
- DLP (Department of Livestock Production, MARD)
- FBOs (Food Business Operators)
- FSL (Food Safety Law)
- GDVC (General Department of Vietnam Customs)
- GVN (Government of Vietnam)
- MARD (Ministry of Agriculture and Rural Development)
- MOF (Ministry of Finance)
- MOH (Ministry of Health)
- MOIT (Ministry of Industry and Trade)
- MOST (Ministry of Science and Technology)
- NAFIQAD (National Agro-Forestry-Fishery Quality Assurance Department, MARD)
- NOIP (National Office of Intellectual Property, MOST)
- SPS (Sanitary and Phytosanitary)
- VFA (Vietnam Food Administration, MOH)
- WTO (World Trade Organization)

DISCLAIMER

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Hanoi Vietnam, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies may have changed since its preparation, or because clear and consistent information about these policies was not available. It is strongly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

Post also notes that this report may not cover the regulations released after June 2024 by the Government of Vietnam (GVN). Should U.S. exporters have any questions, please contact aghanoi@usda.gov.

Executive Summary

Vietnam is one of the largest export markets for U.S. food and agricultural products in Southeast Asia. In 2023, U.S. agricultural exports to Vietnam were valued at \$3.1 billion USD, with exports of high-value consumer-oriented products such as tree nuts, dairy products, poultry, fresh fruits and other products surpassing 939 million USD. Intermediate products were up to 900 million USD with a significant increase in soybean meals, feed, and fodders.

Vietnam's import requirements for food and agricultural products are regulated under several key laws, including the Food Safety Law (FSL), the Law on Quality of Goods and Products, the Law on Animal Health, and the Law on Plant Health and Quarantine. The FSL assigns the role of food safety inspection to three ministries: the Ministry of Health (MOH), the Ministry of Agriculture and Rural Development (MARD), and the Ministry of Industry and Trade (MOIT). Most processed products are under MOH and MOIT's jurisdiction, while meat and poultry, bulk commodities, dairy products, fresh fruits, and tree nuts are under MARD's jurisdiction. Vietnam reformed its Food Safety Law in 2018, which allowed self-declaration without pre-approval for the import of processed products. Product declaration, which needs to be approved by the competent health authorities, is required for supplemental foods, medical food and health supplements, food for special dietary uses, and products for children up to 36 months. After 10 years of implementing the FSL, starting in 2023 the GVN assigned MOH to lead the review of the FSL and propose amendments to the law.

Vietnam continues to review and amend other laws and regulations related to food and agricultural products. Notable amendments include the Law on Standards and Technical Regulations that is currently under the Ministry of Science and Technology (MOST)'s review. Vietnam extends the list of food additives permitted for use in food in September 2023. Nutritional labeling is required for packaged food from January 1, 2026.

Section I: Food Laws

Law on Food Safety

The Food Safety Law (FSL), which entered into force on July 1, 2011, is the umbrella law guiding food safety in Vietnam. The FSL outlines requirements for food safety; food production and trading; food import and export; food advertisement and labeling; food testing and analysis; risk analysis; prevention of and response to food safety incidents; communication on food safety; and state management of food safety.

According to the FSL, all imported food, food additives, substances used in food processing, and tools and materials used for containing and packing food shall be subject to import inspection for food safety, except in cases where the import inspection is exempt. Imported food is only granted customs clearance once inspection results show that the products meet import requirements. The Food Safety Law outlines three categories of food inspection based on risk analysis: 1) Strict Inspection; 2) Normal Inspection, and 3) Simplified Inspection. The FSL assigns responsibility for the inspection of imported food to three ministries, MOH, MARD, and MOIT. Among those, MOH is the Government Ministry with overall responsibility for the state management of food safety.

Registration and Inspection of Food Safety

To improve enforcement of the FSL, the GVN issued Decree 15/2018 on February 2, 2018, replacing Decree 38/2012, to detail the implementation of the FSL ([VM8016](#)). This Decree makes fundamental changes to the registration and inspection of both domestic and imported food and the assignment of food safety management among MOH, MARD, and MOIT. Decree 15 provides the lists of food products subject to MOH, MARD, and MOIT's jurisdiction in Appendix II, III, and IV.

Under Decree 15, the GVN applies a self-declaration procedure for pre-packaged processed foods, including food ingredients, food additives, and food processing aids, in advance of importation. Decree 15 also set an import inspection regime to streamline and synchronize the import inspection methods applied by MOH, MARD, and MOIT. The inspection regime maintains three inspection methods for all imports - reduced inspection, tightened inspection, and normal inspection, but reduces the sampling frequency, and switches to post-clearance inspection.

Handling of Food Safety Violations

Violations of food safety are subject to severe penalties and additional sanctions under GVN's Decree 115/2018 dated September 4, 2018, on handling administrative violations in food production and trade and food import and export. According to this Decree, organizations or individuals found using expired materials or products, those of unclear origin, or those from animals and plants not yet quarantined for food production will be given fines double the value of the infringing goods. Decree 115/2018 also increases fines for food safety violations up to VND 200 million or seven times higher than the value of the infringing goods. Additional penalties, such as the revocation of certificates of food safety and the registration of products and the confiscation of materials or the suspension of business operations can

also be enforced. Violating businesses are required to destroy their infringing food products and pay all expenses for handling any resulting food poisoning cases. Decree 115 took effect on October 20, 2018. Decree 115/2018 is available in Vietnamese at:

<https://vanban.chinhphu.vn/default.aspx?pageid=27160&docid=194690>

Under Article 317 of the Penal Code 100/2015/QH13, which took effect from January 1, 2018, certain violations, such as using banned substances in the manufacture, preparation, processing, or preservation of food; or processing, providing, or selling food with the knowledge that it does not comply with technical or food safety regulations, are considered criminal offenses. The revised Article 317 is available in Vietnamese at: <https://vanban.chinhphu.vn/default.aspx?pageid=27160&docid=190507>

Reform of Specialized Inspection

In January 2021, the GVN issued Decision 38/QĐ-TTg to approve the Ministry of Finance (MOF)'s project to reform the food safety and quality inspection (herein referred as specialized inspection) for imported goods. This project aimed to improve clearance procedures for imported goods and facilitate trade. The Vietnam General Directorate of Customs (GDVC), which is under MOF's jurisdiction, was assigned as the implementing agency for this project.

As of April 2021, GDVC published a draft Decree establishing a reformed specialized inspection scheme of food safety and quality for imported goods (Specialized Inspection (SI) Decree). The draft SI Decree covered both imported foods and agricultural products and integrated the self-declaration (for food safety) and conformity announcement (for quality inspection) into the registration for import inspection. That resulted in a set of proposals on revision and replacement of certain parts of Decree 15 on Food Safety and the Decrees guiding the Law on Quality of Goods and Products. Vietnam notified this draft SI Decree to WTO members as G/SPS/N/VNM/122 and G/TBT/N/VNM/194 in July 2021. In February 2022, the GVN required MOF to review the role of Customs in the new inspection model and requested MOF to continue working with line Ministries to integrate registration procedures for specialized inspection into the National Single Web Portal.

In April 2023, MOF announced it has continued to discuss changes in food safety and quality inspection procedures with line Ministries given that these changes impact the reform processes conducted by each Ministry. In December 2023, GDVC confirmed with FAS Hanoi that the GVN continues to request MOF to finalize the SI Decree with the goal of reforming and improving the specialized inspection scheme for imported goods. The GVN continues to emphasize the SI Decree must create reforms to reduce time and cost for clearance of imported goods and speed up the transition from pre-customs clearance inspection to post-customs clearance inspection.

As of March 2024, MOH and MARD confirmed that consultations on the SI Decree among line Ministries with GDVC/MOF is ongoing. Both Ministries recommended that MOF ensure the reforms proposed in the SI Decree are in line with the FSL and the Law on Quality of Goods and Products.

Review of the Food Safety Law

The Vietnam National Assembly (NA) conducted the first review of the implementation of the FSL and food safety policies in 2017. Following the first review of the FSL, the NA issued Resolution 43/2017/QH14 to request the GVN to facilitate risk analysis in food safety management. Decree 15/2018, issued by the GVN on February 2, 2018, detailed the implementation of risk analysis to reform the food safety import inspection scheme.

After ten years of implementation of the FSL, the GVN issued Decision 426/QĐ-TTg dated April 21, 2023, promulgating the Implementation Plan to Enhance Food Safety in the New Situation. Accordingly, in 2023-2025, the GVN assigned MOH to lead overall review of the implementation of the FSL and propose amendments to the FSL. The GVN also assigned the Ministry of Internal Affairs to study and propose re-organization of the entire state management of food safety towards only one focal agency.

Proposals on Special Consumption Tax for Sugar-Sweetened Beverages

GVN has announced its plan to develop the revised Law on Special Consumption Tax (SCT), proposing the inclusion of sugar-sweetened beverages in the categories subject to excise tax. The proposal has raised concerns for beverage industry as it is likely to impact businesses and consumers. As of April 2024, the Ministry of Finance (MOF) announces that it continues to amend the SCT Law and will submit the draft revision to the National Assembly at the October session.

Section II: Labeling Requirements

Vietnam imposes strict requirements on the labeling of goods. Mandatory labeling content is regulated under GVN's Decree 43/2017 ([VM7031](#)) and Decree 111/2021, amending and supplementing Decree 43 ([VM2021-0110](#)). The origin of imported goods must be presented on their original labels from February 15, 2022.

2.1. General Requirements

Decree 43/2017 on Goods Labeling

Decree 43/2017 provides labeling requirements for all categories of food, beverages, and agricultural inputs circulated in Vietnam, both domestically produced and imported. This Decree went into effect on June 1, 2017 ([VM7031](#)).

According to Decree 43, labels must be in Vietnamese and cover all mandatory content. Depending on the requirements of each type of food, the content can be included in a foreign language but must match the Vietnamese description with a font size no larger than the relevant language in Vietnamese.

The mandatory labeling content for food includes: i) name of the goods, ii) name and address of the enterprise responsible for the goods; iii) origin of the goods, and iv) additional details in conformity with the nature of the goods prescribed in Appendix I of Decree 43/2017 and other relevant legal documents. This Decree provides flexibility for the presentation of expiration dates which may be represented either

as a “use by” date or “best before” date. However, the manufacture and expiration dates must be written in the "day-month-year" format (according to the Western calendar) and must also be noted in this order if those dates are presented in another order on the product.

Food imported for consumption and circulation in the Vietnamese market must be labeled either in Vietnamese with the full mandatory labeling content or using secondary labels which contain the Vietnamese translation of the mandatory information of the original label, or to provide additional mandatory information based on the nature of the commodity as prescribed in Decree 43/2017. Secondary labels are not required for food ingredients, food additives, and food processing aids imported for internal production only and not for resale in the market.

Decree 111/2021 Supplementing and Revising Decree 43/2017

In addition to mandatory requirements stipulated in Decree 43, Decree 111/2021 requires the original label of imported goods to include the origin of the goods. Accordingly, the origin of the goods should include one of the following phrases: “made in”; “manufactured in”; “producing country”; “origin”; “made by”; or “product of” in addition to the name of the country where the goods were produced. When the origin of goods cannot be determined, the place where the final stage of production is performed should be labeled using one of the following phrases: “assembled at”; “bottled at”; “blended at”; “completed at”; “packed at” or “labeled at” ([VM2021-0110](#)).

MOST Circular 5/2019 Detailing the Implementation of Decree 43/2017

The Ministry of Science and Technology (MOST) issued Circular 5/2019 on June 26, 2019, to detail the implementation of several articles of Decree 43/2017 on Goods Labeling. This Circular took effect on January 1, 2021. Article 8 of Circular 5/2019 requires that the quantity of an ingredient be shown on a goods label, if its name is shown on the label, to draw attention to the product. Circular 5/2019 is available in Vietnamese at: <https://vbpl.vn/bokhoahoccongnghe/Pages/vbpq-toanvan.aspx?ItemID=138459&Keyword=>

Circular 5/2019 allows for a label to include the terms, “no presence” or “not containing” or “no addition” of an ingredient only if: i) the ingredient does not exist in the product nor in the materials used to produce the product; or ii) the product does not contain ingredients of the same group with similar properties or uses, unless the nature of the substitution is clearly stated. Circular 5/2019 accepts labeling per Codex’s guidance in certain cases, for example, goods are labeled “No sugar” if the sugar content is less than or equal to 0.5g/100g (solid) or 0.5g/100ml (liquid).

2.2. Other Specific Labeling Requirements

Vietnam imposes specific requirements on the labeling of the shelf life for prepacked food and special provisions for functional food, food additives, irradiated food, and genetically engineered food under the FSL.

2.2.1. Labeling Food Additives

According to Decree 43/2017, in addition to the mandatory requirements, labels of food additives must

include the following content:

- The phrase “*Phụ gia thực phẩm*” (Food additive) must be printed on the label.
- If two or more food additives are present in packaging, their names must be listed in the order of proportion by weight.

2.2.2. Labeling Irradiated Food

According to the FSL, in the case of food manufactured, processed, or preserved using irradiation, in addition to the mandatory labeling contents, the phrase “*Thực phẩm đã qua chiếu xạ*” (Irradiated food) must be printed on the label.

2.2.3. Labeling Functional Food

The key legislation regarding the labeling of functional foods is the FSL and MOH’s Circular 43/2014/TT-BYT (Circular 43), dated November 24, 2014, regulating the management of functional foods. Circular 43 entered into force on January 15, 2015. Circular 43 is available in Vietnamese at: <https://vbpl.vn/boyte/Pages/vbpq-toanvan.aspx?ItemID=44370>

Under Circular 43, functional foods are categorized into four sub-groups: i) supplementary food (*Thực phẩm bổ sung* in Vietnamese); ii) health supplements, food supplements, and dietary supplements (collectively “*thực phẩm bảo vệ sức khỏe*”); iii) food for special medical purposes or medical food (*thực phẩm dinh dưỡng dùng cho mục đích y tế đặc biệt* or *thực phẩm dinh dưỡng y học*); and iv) food for special dietary use (*thực phẩm dùng cho chế độ ăn đặc biệt*).

The labeling of these products must comply with the requirements applicable to foodstuffs. Along with complying with standard regulations, the labeling for functional food must meet the following requirements:

- The specific phrase for the relevant sub-group name must be recorded on the product label (supplemental food, health supplement, food for special medical purposes, and food for special dietary use). The nutrient content (e.g., the quantity of vitamins, minerals, enzymes, fatty acids, amino acids, or biological substances) must be displayed on the label.
- For supplementary food, the label must include the following content: the objective of use, product utility, dosage, and special precautions or side effects of the product (if any);
- For food for special medical purposes and/or for special dietary uses, the label content must include directions for use and special precautions (if any);
- For health supplements, food supplements, and dietary supplements, the statement "This product is not a medicine, nor effective to replace medicine" must be listed directly after the product’s effects or with other recommendations (if any).

2.2.4. Labeling Genetically Engineered Food (GE food)

In addition to requiring mandatory labeling for most GE food, the FSL also requires the phrase “*Thực phẩm biến đổi gen*” (Genetically engineered food) to be displayed on the product.

MARD and MOST issued Joint Circular 45/2015/TTLB-BNNPTNT-BKHHCN (Circular 45) dated November 23, 2015, guiding the Labeling of Prepacked Genetically Engineered Foods, which details the labeling requirements applicable to food products containing GE organisms and products of GE organisms for sale in Vietnam. This Circular entered into force on January 8, 2016 ([VM5088](#)). This Circular applies to pre-packed foods containing at least one GE ingredient that is at least five percent of the total makeup of the product. In instances where Circular 45 is applicable, the Vietnamese phrase “*biến đổi gen*” (genetically engineered) must be printed next to the GE component on the ingredient list of the Vietnamese-language secondary label that is affixed on a product.

The labeling of GE food products as stipulated in Joint Circular 45/2015 does not apply in the following cases: a) food carried by people on entry for personal use within the duty free limit; food in diplomatic bags; food temporarily imported for re-export; food in bonded warehouses; food used as samples for testing and research; and food used during exhibitions or trade shows; and b) materials/food additives/food processing aids, and food packaging material imported for internal production that are not for sale in the market or for internal transportation among warehouses of an enterprise.

Joint Circular 45/2015 also required the supplemental printing of the phrase “*biến đổi gen*” on the label of GE food products which were circulated in the market before this Circular took effect. Pre-packed GE food products lacking labels compliant with Circular 45/2015 are not allowed to be produced, traded, or imported into Vietnam.

Decree 15/2018/ND-CP dated February 2, 2018, keeps the requirements for the labeling of foods containing at least one GE ingredient that exceeds five percent of the product’s total makeup and labeling exemptions for GE food in the following cases:

- Pre-packaged food containing GE ingredients without the detection of the modified genes or products of the modified genes in the food;
- Fresh GE foods and unpackaged processed GE foods sold directly to consumers; and
- GE foods used in emergencies, such as natural disasters or epidemics.

2.2.5. Nutrition Labeling

Starting January 1, 2026, pre-packaged foods must adhere to nutritional labeling requirements outlined in MOH’s Circular 29/2023 ([VM2024 - 0001](#)). This Circular, issued on December 30, 2023, sets mandatory requirements for nutritional labeling of food products. That encompass the labeling of nutritional ingredients and reference values for energy, protein, carbohydrates, fat, sodium, and sugar, specific to various categories of pre-packaged foods.

Specifically, pre-packaged foods manufactured, traded, imported, and circulated in Vietnam must be labeled with the following nutritional ingredients: i) energy; ii) protein; iii) carbohydrates; iv) fat; and v) sodium.

In addition to the above-mentioned nutritional ingredients, specific nutritional ingredients are required for relevant food categories:

- For beverages and processed milk with added sugar (specified in Food Safety Decree 15/2018) and other foods with added sugar: Total sugars must be added.
- For fried foods: saturated fat must be added.

Post notes that nutritional labeling is exempted for pre-packaged foods that either lack nutritional ingredients or contain them in quantities lower than the thresholds specified in Appendix I of Circular 29/2023.

Food Categories Exempted from Nutritional Labeling

The following food categories are exempted from nutritional labeling:

- Food ingredients and foods that are not sold directly to consumers, including ice for food purposes;
- Single-ingredient foods;
- Natural mineral water, bottled water (including those with only added CO₂ and/or flavorings);
- Food-grade salt, refined salt;
- Vinegar and vinegar substitutes, including those that are only added with flavorings;
- Flavorings, additives, food processing aids;
- Food-grade enzymes;
- Tea and coffee that do not contain other additional ingredients except colors and flavorings;
- Health supplements, dietary supplements;
- Alcoholic beverages;
- Fresh and raw foods, processed foods without packaging that is sold directly to consumers;

Guidelines on Presenting Nutritional Values

Nutritional values must be presented per 100g or 100ml of pre-packaged foods or in a serving or per a packaged portion.

- Energy value must be presented in kilocalories (kcal);
- Contents of protein, carbohydrate, fat, saturated fat, and total sugar must be presented in grams (g);
- Sodium content must be presented in milligrams (mg).

In addition, the percentage of reference nutritional values for nutritional ingredients are recommended to be present on pre-packaged food labels.

Section III: Packaging and Container Regulations

3.1. National Technical Regulations (NTR) for food packages and containers

MOH issued the following National Technical Regulations on food safety and hygiene for packages, containers, and equipment directly in contact with food:

- NTR 12-1:2011/BYT on food safety and hygiene for synthetic resin packages, containers, and equipment in direct contact with food,

- NTR 12-2:2011/BYT on food safety and hygiene for rubber packages, containers, and equipment in direct contact with food, and
- NTR 12-3:2011/BYT on food safety and hygiene for metallic packages, containers, and equipment in direct contact with food.

3.2. Packaging Sustainability Measures

Recycling of Packages

Vietnam requires mandatory recycling of food and beverage packages with a recycled value from January 1, 2024. According to the Law on Environment Protection (EPL) 72/2020/QH14 dated November 17, 2020, manufacturers/importers must recycle packages that are determined to have a recycled value by self-organization of recycling or making a financial contribution to the Vietnam Environmental Protection Fund (EPF) to support recycling. The 2020 EPL is available in Vietnamese at: <https://vanban.chinhphu.vn/?pageid=27160&docid=202613&classid=1&typegroupid=3>

On January 10, 2022, the GVN issued Decree 08/2022 detailing a number of articles of the EPL 72/2020. Article 77 of this Decree stipulates that the manufacturer and/or importer must recycle packages with a recycled value according to the mandatory recycling rates and specified specifications. The mandatory recycling rate for each type of package in the first three years is provided in Appendix XXII of Decree 08. The mandatory recycling rate is adjusted every three years gradually to meet the national recycling target and environmental protection requirements. According to Decree 08/2022, manufacturers/importers must register their recycling plan with the Ministry of Natural Resources and Environment (MONRE), then implement the plan and report the yearly recycling results to MONRE.

Roadmap to Single-use Plastic Restriction by 2030

Article 73.7 of the EPL stipulates that the GVN prescribe a roadmap to restrict the production and import of single-use plastic products and bio-persistent plastic packaging. According to Article 3.14 of Decree 08/2022, single-use plastic products include food utensils and containers with plastic components that are designed and marketed with the intention to be used once before being disposed of in the environment. These products will be banned in commercial centers, supermarkets, hotels, and tourist resorts starting on January 1, 2026. Manufacturers/importers of single-use plastic products, except those certified with Vietnam's ecolabel, must suspend their production/import by December 31, 2030. Decree 08/2022 is available in Vietnamese at: <https://vanban.chinhphu.vn/?pageid=27160&docid=205092>

Section IV: Food Additives Regulations

Vietnam currently regulates the use of food additives and the lists of permissible additives under the FSL and MOH's Circular 24/2019 ([VM2019-0066](#)). Circular 24/2019, replacing MOH's Circular 27/2012 and Circular 8/2015, took effect on October 16, 2019.

Lists of Permitted Food Additives and Maximum Use Levels (MLs) in Food

Generally, Vietnam adopts the use of food additives in accordance with Codex General Standard for Food Additives (GSFA) STAN 192-1995. Appendix 2A of Circular 24/2019 lists the additives permitted for use in food and their MLs in accordance with GSFA.

In addition, Circular 24/2019 permits the use of additional additives for wine, dairy products, spices, cereal, processed meat, sauces, and fish, which are currently not adopted in Codex standards. These additives must be used with specific MLs or in accordance with good manufacturing practice (GMP) provided in Appendix 2B of this Circular.

Starting November 2023, Vietnam allows the list of permitted food additives to be updated at the same time with GSFA ([VM2023-0073](#)). MOH's Circular 17/2023 amending Circular 24/2019 also extends the list of food additives permitted for use with specific MLs or in accordance with GMP provided at Appendix 2B of Circular 24/2019.

Flavorings

Circular 17/2023 extends the lists of flavors allowed for food use in Vietnam, including those in one of the following lists:

- Flavors that have been evaluated by the Joint FAO/WHO Expert Committee on Food Additives (JECFA) and determined to be safe at expected intakes or acceptable daily intakes (ADI)
- Flavors generally recognized as safe (GRAS) issued by the American Flavor and Extract Manufacturers Association (FEMA)
- Flavors for use in foods in the European Union issued by the Parliament and Council of the European Union.

Processing aids

Circular 17/2023 provides the renewed List of Processing Aids allowed for use in food production. The renewed List includes 221 processing aids with relevant chemical names. Other processing aids are allowed for use once they are determined to be safe in accordance with Point 3.3 and Point 3.4 of Item 3 Principles in Safe Use of Processing Aids provided in Vietnam Standard 11429:2016 (CAC/GL 75 :2010).

Section V: Pesticides and Other Contaminants

5.1. Maximum Residue Limits (MRLs) for Pesticides

Vietnam manages the use and registration of pesticides under the Law on Plant Quarantine and Protection. Since then, MARD annually issues a list of pesticides permitted for use and a list of pesticides banned for use in Vietnam. The current list of permitted pesticides is provided in Appendix I of MARD's Circular 09/2023. The list of banned pesticides is provided at Appendix II of Circular 09/2023.

Pesticide MRLs are managed under the Food Safety Law. Accordingly, MOH issued two key regulations establishing MRLs for pesticides in foods: Part 8 of MOH's Decision 46/2007, being effective from 2007 to June 2017, and Circular 50/2016/TT-BYT, taking effect from July 1, 2017. Circular 50/2016 currently provides MRLs for 205 compounds for a wide range of foods, including: fruits, vegetables, cereals, nuts, coffee, tea, meat, fat, skin, offal, eggs, milk and dairy products, dried food, vegetable oils, and spices ([VM7026](#)). According to MOH, these MRLs were established in accordance with Codex MRLs and ASEAN MRLs. Vietnam still maintains MRLs for several banned chemicals such as endosulfan, endrin, lindane, etc. Vietnam maintains MRLs for glyphosate given it suspended the domestic use of glyphosate from July 1, 2021.

According to the FSL, imported foods must meet relevant Vietnam MRLs regulations. Vietnam currently applies the same MRLs provided in MOH's Circular 50/2016 for both imported and domestic products. Vietnam has not yet provided any guidance on an MRL deferral pathway for imported products although the FSL allows the application of international agreements for imported products if Vietnam has no technical regulations.

Since the GVN issued Decree 15/2018, MOH is no longer responsible for setting pesticide MRLs in foods. MRLs establishment for agro-foods and commodities is currently assigned to MARD, after which MARD must send its proposals to MOH for promulgation.

In January 2023, the Vietnam Department of Plant Protection (PPD) announced that it began review of Circular 50/2016 to update Vietnam's MRLs and set up regulatory guidelines for import tolerances. FAS Hanoi, in collaboration with the FAS/Trade Capacity Building Division, supported PPD to hold a workshop to discuss best practices in setting MRLs in September 2023. As of May 2024, PPD confirmed they are proceeding with their inter-agency consultations on the amendment of Circular 50/2016. Reportedly, PPD annually conducts a monitoring program for pesticide residues on imported products, but there are no published data on its results.

Should U.S. exporters have any questions on Vietnam pesticides MRLs, please refer to the GAIN report [VM7026](#) or email aghamoi@usda.gov.

5.2. Maximum Limits for Mycotoxins and other Contaminants

Below are highlights of current National Technical Regulations (NTR) regulating the tolerance of contaminants in food.

Mycotoxins

In 2011, MOH issued NTR 8-1:2011, promulgating the Maximum Limits (MLs) of Mycotoxins Contaminations in Food ([VM3070](#)). This NTR provides MLs of aflatoxin, including total aflatoxin, aflatoxin B1 and aflatoxin M1, ochratoxin A, and other mycotoxins in many types of food, including,

nuts, corn, rice, raw milk, milk powder, spices, food formula for babies, etc. According to GAIN Report VM3070, Vietnam did not notify the NTR to the WTO.

As of August 2023, the Vietnam Food Safety Administration (VFA) announced that it opened a review process to amend NTR 8-1:2011 on MLs of Mycotoxins in Foods. VFA has started to solicit comments from local industries and related agencies. Currently, FAS has raised concerns to the VFA about the MLs of total aflatoxin in foods and the MLs of aflatoxin B1 in peanuts per comments of U.S. industry. FAS Hanoi will continue updating the amendment of this NTR.

Heavy Metals

MOH issued NTR 8-2:2011 providing the Maximum Limits of Heavy Metal Contaminants in food. This NTR establishes the safety limits for arsenic, cadmium, lead, mercury, methyl mercury and zinc in various kinds of foods such as meat, processed meat, fruits, dried fruits, dairy products, juice, seafood, etc ([VM3070](#)).

Microbial Contamination

MOH issued NTR 8-3:2012 providing the Maximum Limits of Microbiological Contamination in Food. This NTR prescribes the limits of microbiological contamination in food for milk and dairy, eggs, and products from eggs, meat and products from meat, aquaculture products, nutrition products for children aged 0 to 36 months old, bottled natural water, bottled water and instant-use ice, cream, vegetables and fruits, and products from vegetables and fruits. Post noted that NTR 8-3:2012 currently sets zero tolerance for *Salmonella* in meat, poultry, cheese, dairy products, and seafood.

5.3. Maximum Residue Limits for Veterinary Drugs

The establishment of MRLs for veterinary drugs are regulated under the FSL and Decree 15/2018. MOH issued its consolidated regulations of MRLs for veterinary drugs as Circular 24/2013/TT-BYT, taking effect on October 1, 2013. MRLs for veterinary drugs provided in Circular 24/2013 are in line with Codex MRLs.

On September 7, 2016, MOH announced the amendment of Circular 24/2013 which proposed zero tolerances for several compounds in food, including ractopamine, trenbolone acetate, and zeranol as the compounds were on the list of chemicals banned for livestock in Vietnam. In response, the USG and other countries requested Vietnam not deviate from its past practice of following Codex standards and urged MOH to maintain its current MRLs for ractopamine and other veterinary drugs. On May 31, 2017, the United States and Vietnam announced a resolution of the veterinary drug MRLs issue. On November 9, 2018, MOH confirmed they reached an agreement with MARD to suspend the amendment of Circular 24/2013 for further review of the list of chemicals banned for livestock.

On November 28, 2019, MARD issued Circular 21/2019 Guiding a Number of Articles of the Animal Husbandry Law on Animal Feed. The Circular removes ractopamine, trenbolone acetate, and zeranol from the list of chemicals banned for domestic use in Vietnam ([VM2019-0065](#)). Since then, Vietnam

continues to maintain MRLs for ractopamine, trenbolone acetate, and zeranol in accordance with Codex MRLs.

5.4. Maximum Limits (MLs) of Contaminants in Feed

MARD issued National Technical Regulation 01-190:2020 on Maximum Limits (MLs) of Undesirable Substances in Feed and Feed Ingredients (NTR190) on March 9, 2020. NTR190, initially going to enter into force on July 1, 2020, set a zero tolerance for *Salmonella* and renewed MLs for heavy metals in feed and feed ingredients, including grains and oilseeds for both livestock and aquaculture feed ([VM2020-0016](#)).

MARD notified NTR190 to the WTO as G/SPS/N/VNM/113 as trading partners raised concerns about the impacts of NTR190. On June 30, 2020, MARD issued Circular 08/2020 postponing the implementation of the zero tolerance for *Salmonella* and MLs for heavy metals in feed ingredients of plant origin until June 30, 2021, for further review and risk assessment.

On July 1, 2021, MARD eliminated the zero tolerance for *Salmonella* and tolerances for heavy metals in feed ingredients of plant origin in NTR190 ([VM2021-0057](#)). The revision helps to avoid increasing testing costs and ensure the trade flow of grain and oilseed products, including soybean meal, distillers dried grains with solubles (DDGS), and corn gluten feed.

Section VI: Other Requirements, Regulations, and Registration Measures

Vietnam requires several kinds of certificates for imported food and agricultural products. The list of export certificates and certification requirements relevant for each group of food and agricultural products are detailed in the FAIRS Export Certificate Report. Generally, Vietnam requires Export Certificates for meat, poultry, and seafood, and Phytosanitary Certificates for plant products. A Certificate of Free Sale or Health Certificate is required for health supplements, medical foods, food for special dietary uses, dietary products for children up to 36 months, genetically engineered (GE), and irradiated food. A Certificate of Analysis (COA) is required for feed ingredients, including grains and oilseeds. There are no mandatory requirements for a COA, but Vietnamese importers usually request a COA containing test results of key specifications prescribed in national technical regulations on food/feed safety.

Imported food and agricultural products are subject to relevant specialized inspections, including food safety inspection, quarantine inspection, and quality inspection at points of entry. Testing of safety indicators (per national technical regulations on food safety) is required for meat, poultry, seafood, and dairy products. Vietnam carries out testing to monitor residues of pesticides in imported fruits and vegetables. Imported foods are also subject to food safety monitoring in the domestic market.

COVID-19 Food Inspections

Vietnam no longer conducts monitoring of the SARS-CoV2 virus in imported food. As of March 2021, DAH suspended the SARS-CoV-2 virus test in imported meat, poultry, and seafood after reporting no detections of the SARS-CoV-2 virus. Previously, from November 2020 to March 2021, DAH conducted testing of the SARS-CoV2 virus in meat, poultry and seafood imported from countries identified as high risk based on their COVID-19 status for monitoring purposes.

6.1. Meat, Poultry, and Seafood Facility Registration

Vietnam requires exporters of meat, poultry, and seafood to be registered on the list of establishments eligible for export of foodstuffs of animal origin and seafood prior to exporting these products to Vietnam. The Department of Animal Health (DAH) is currently in charge of review and approval of establishments eligible for export of meat, poultry and seafood to Vietnam ([VM7036](#)).

As mentioned in Section I of this report, GVN's Decree 15/2018 consolidates import requirements for food derived from aquatic animals and terrestrial animals. Accordingly, Vietnam requires a two-step registration process for the export of meat and seafood to Vietnam:

- Exporting countries are required to register to be included on the list of countries and territories approved for export to Vietnam.
- Exporters of food derived from aquatic animals and terrestrial animals, except for processed and pre-packaged products, are required to register to be included on the list of establishments approved for export to Vietnam.

DAH considers heat-treated meat, poultry, and seafood products to be processed products, and establishments exporting these products do not need to be registered.

DAH approves establishments' application packages on a case-by-case basis, within 30 days of receiving an application. U.S. exporters of meat and poultry products wishing to register an establishment or update a registration should reach out to aghanoi@usda.gov or usda4circ25@gmail.com. FAS/Hanoi will provide exporters with the application packet or information needed to update a current registration.

U.S. seafood exporters should refer to the guidance of the National Ocean and Atmospheric Administration's Seafood Inspection Program at: <https://www.fisheries.noaa.gov/export-requirements-country-and-jurisdiction-n-z#vietnam>

The list of establishments eligible to export meat and meat products to Vietnam is available at: <https://cucthuy.gov.vn/web/guest/danh-sach-cac-doanh-nghiep-cua-22-nuoc-du-dieu-kien-xuat-khau-thuc-pham-co-nguon-goc-dong-vat-tren-can-vao-viet-nam>

The list of establishments eligible for exporting seafood to Vietnam is available at: <https://cucthuy.gov.vn/web/guest/danh-sach-doanh-nghiep-xk-thuy-san>

6.2. Product Registration

6.2.1. Self- Declaration for Processed and Pre-packaged Food

Decree 15/2018 requires food enterprises, including importers, to publish a Product Self-Declaration to clarify quality specifications, labeling information, product shelf-life, and other technical information prior to manufacture and/or import of these products.

Article 4.2 of Decree 15 allows products and raw materials imported for processing for re-export or for internal production that are not for domestic sale to be exempt from self-declaration. On March 9, 2018, the Directorate of Customs instructed local customs authorities to allow this exemption based on the importer's declaration on the purposes of use for imported shipments. Importers are fully responsible for the use of imported shipments in accordance with their declaration ([VM8016](#)).

6.2.2. Product Declaration for Health Supplements and Dietary Products

Decree 15/2018 requires a Product Declaration for the following products:

- Health supplements, medical foods, and food for special dietary uses.
- Dietary products for children up to 36 months.
- Mixed food additives with new usages, food additives that are not on the permitted list, or food additives not intended for use for the food categories as prescribed by MOH.

Importers are required to submit applications for Product Declaration to either VFA or the provincial competent authorities. Within seven working days (for unregistered food additives, medical foods, food for special dietary uses, and dietary products for children up to 36 months) or 21 working days (for health supplements) from the day the competent authorities receive an application, the authorities will verify the application and issue a Certificate of Registered Product Declaration. An application for product declaration consists of:

- Certificate of Free Sale, or Certificate of Exportation, or Health Certificate issued by the competent authority of the country of origin/exporting country, which has a safety assurance statement for users or permits the free sale of the products in the country of origin/exporting country (the certificate must be consular-notarized);
- Original copy or certified true copy of the testing results, completed within 12 months up to the date of the document submission, issued by recognized laboratories or ISO 17025 accredited laboratories. The testing results must specify the safety indicators prescribed by MOH according to the risk management principles per international regulations or standards applied by the supplier, if relevant MOH regulations are not available.
- An original or authenticated copy of documentation of scientific evidence of the effects of the product or ingredients.

An authenticated copy of a Certificate of Good Manufacturing Practice (GMP) or an equivalent certificate for health supplements is required as of July 1, 2019.

6.2.3. Registration for Import Inspection of Foodstuffs of Plant, Animal Origin, and Seafood

Vietnam requires foodstuffs of plant, animal origin, and seafood to be registered for import quarantine and food safety inspection prior to importation to Vietnam. The procedures are detailed in Section 6.3.

6.2.4. Registration for Import of Live Aquatic Animals for Consumption

Vietnam allows imports of live aquatic animals for human consumption if they are listed in the Appendix VIII of Government's Decree 26/2019 Guiding the Implementation of the Law on Fishery - The List of Aquatic Animals Eligible for Trade in Vietnam. DAAH does not require U.S. exporters of live aquatic animals to register for export to Vietnam.

Risk Assessment for Live Aquatic Animals

For the initial import of live aquatic animals that are not included in the list of aquatic animals eligible for trade, the live aquatic animal's environmental impacts must be evaluated by the Directorate of Fisheries (DFISH). According to MARD's Circular 25/2018 regulating risk assessments and granting import permits for live aquatic animals, importers must submit applications to DFISH for their evaluation. The application consists of:

- An application for import permit.
- A description of the biological characteristics of imported live aquatic animals.
- A plan for the management and observation of imported live aquatic animals (using the form issued together with Circular 25/2018).

Import of Live Lobsters to Vietnam

DFISH issued Decision 540/QD-TCTS-TTKN, dated September 7, 2015, recognizing American lobsters (*Homarus americanus*) as approved under a risk assessment. The Decision is available at:

<https://thuvienphapluat.vn/van-ban/Thuong-mai/Quyet-dinh-540-QD-TCTS-TTKN-tom-hum-nhap-khau-thuy-san-song-da-duoc-danh-gia-rui-ro-289629.aspx>. This decision permits the importation of American lobsters (*Homarus americanus*) into Vietnam for food use, but importers are required to obtain an import permit for each shipment from DFISH (Article 6 of Circular 25/2018).

6.2.5. Approval of Genetically Engineered (GE) Products for Food and Feed Use

GE products are required to obtain a Certificate of Approval for Food and/or Feed Use (Food and Feed Certificate) prior to importation and trade in Vietnam.

Under Decree 69/2010/ND-CP dated June 21, 2010, on Biosafety for Genetically Modified Organisms, MARD is responsible for reviewing applications and granting Food and Feed Certificates for GE products. The conditions for import and trade of GE food and feed, previously prescribed in Decree

69/2010, are consolidated in Decree 123/2018 dated September 17, 2018, amending and supplementing conditions for agricultural trade and business.

The process for applying for a Food and Feed Use Certificate is detailed in MARD's Circular 2/2014 dated January 24, 2014. The Circular also regulates the process to revoke Food and Feed Use Certificates.

6.3. Specialized Inspection

6.3.1. Food Safety Inspection

Decree 15/2018 set an import inspection scheme for imported foods, including three inspection methods: reduced inspection, tightened inspection, and normal inspection ([VM8016](#)).

Exemption from Food Safety Import Inspection

As mentioned in Section I - General Food Laws, Decree 15/2018 establishes a broader range of foods exempt from of import inspections. According to Article 13 of Decree 15/2018, the following products are exempted from import inspection:

- The product has a Certificate of Registered Product Declaration.
- Food in hand luggage of inbound passengers that is sent before or after arrival to serve the passengers' personal needs or travel purpose, gifts within duty-free allowances.
- Imports for personal use of people eligible for diplomatic immunity.
- Products in transit, temporarily imported for re-export or in bonded warehouses.
- Samples for testing or research whose quantities are suitable for these purposes and confirmed by the owners.
- Products used for display at exhibitions or fairs.
- Products or raw materials imported for production or processing for export or internal production that are not for domestic sale.
- Temporarily imported products for sale at duty-free shops.
- Imports serving emergency purposes under orders of the Government or the Prime Minister.

6.3.2. Import Quarantine for Plants and Plant Products

Plant quarantine is governed by the Law 41/2013/QH13 on Plant Protection and Quarantine. This law entered into force on January 1, 2015. The Plant Protection Department (PPD), under MARD, is the agency responsible for import quarantine of products of plant origin. The list of its inspection bodies is specified in Appendix II of this report.

Under the Law on Plant Protection and Quarantine, MARD released the following Circulars to guide the implementation of the law:

- Circular 30/2014 dated September 5, 2014, issuing the list of articles subject to plant quarantine and the list of articles subject to pest risk analysis before importation into Vietnam ([VM4057](#)).
- [Circular 33/2014](#) dated October 10, 2014, providing guidance on quarantine procedures for import, export, and in-transit consignments of plant origin.
- [Circular 04/2023](#) dated August 15, 2023, replacing Circular 35/2014. This Circular provides an amendment of the list of quarantine pests for plants and plant products imported to Vietnam.

According to Circular 04/2023, Vietnam has removed creeping thistle *Cirsium arvense* from the list of quarantine pests. Wheat and soybean exported to Vietnam no longer need to be certified as free of creeping thistle from September 29, 2023.

Post notes that Vietnam notified WTO a draft Circular amending Circular 30/2014 as G/SPS/N/VNM/154 dated March 5, 2024. The draft proposes some changes to the list of articles subject to plant quarantine and the list of articles subject to pest risk analysis before importation to Vietnam.

In addition to the general list of articles subject to plant quarantine, MARD has specified the harmonized schedule (HS) codes relevant with each line of plants and plant products imported to Vietnam. The list of HS codes for imported goods subject to MARD's management, first issued in 2015, is revised periodically. On February 2, 2024, MARD issued the latest list of HS codes for imported goods under the Ministry's specialized inspection under Circular 01/2024. This Circular replaces Circular 11/2021 and takes effect from March 20, 2024. Accordingly, updated HS codes for plants and plant products subject to plant quarantine are specified at Section 9 of Appendix I Circular 01/2024 ([VM2024-0003](#)). Should U.S. exporters have any questions on the HS codes, please email to aghanoi@usda.gov

6.3.3. Import Quarantine for Animals and Animal Products

Animal quarantine is governed under the Law on Animal Health, which entered into force on July 1, 2016. DAH is the agency in charge of both quarantine and food safety inspections for imported food of animal origin. DAH follows the GVN's Decree 15/2018 on Food Safety as well as MARD's Circular 25/2016 ([VM6065](#)) for quarantine of terrestrial animals and products thereof, and Circular 26/2016 ([VM6053](#)) for quarantine of aquatic animal products and products thereof.

The inspection bodies responsible for quarantine and food safety inspection for imported food of animal origin are the Regional Offices of Animal Health (RAHO) under DAH. These inspection bodies are listed in Appendix II of this report.

Quarantine of Terrestrial Animals and Animal Products

The quarantine inspection process for terrestrial animals and animal products is detailed in MARD's Circular 25, dated June 30, 2016 ([VM6065](#)). The current list of products subject to animal quarantine and their HS Codes was revised in Appendix I, Section 1, of MARD's Circular 01/2024 ([VM2024-0003](#)). Previously, MARD removed processed products under HS codes 19, 21 and 22 from the list of products subject to animal quarantine ([VM2021-0104](#)). Post notes that imported animal products,

including processed meat and poultry, dairy products, and egg products are subject to both food safety and quarantine inspection.

In 2022, MARD issued an amendment of Circular 25/2016 on quarantine regulations for terrestrial animals as Circular 09/2022 ([VM2022-0065](#)). According to Circular 09/2022, Vietnam's DAH accepts an electronic quarantine certificate for terrestrial animals and terrestrial animal products once DAH and the competent authority of an exporting country reach an agreement on the electronic certification. In addition, Circular 09/2022 specifies the list of pathogens being tested for animal products. Among those, frozen meat and poultry, by-products and offal are listed as high-risk products; and processed meat, by-products and offal are listed as low-risk products. Each category of products, for example, poultry, beef or port shall be tested for relevant animal pathogens.

On January 30, 2024, Vietnam notified an amendment to Circular 09/2022 and Circular 25/2016 as G/SPS/N/VNM/153 ([VM0024-0002](#)). This draft Amendment proposed testing for *Salmonella spp.* and *E. coli* in imported meat and poultry and additional tests for Highly Pathogenic Avian Influenza (HPAI) and Newcastle disease virus in poultry products. MARD issued the amendment as Circular 04/2024 dated April 1, 2024 ([VM0024-0009](#)). This Circular was effective from May 16, 2024. Should U.S. exporters have any questions, please contact aghanoi@usda.gov.

Quarantine of Aquatic Animals and Aquatic Animal Products

The quarantine inspection process for aquatic animals and aquatic animal products is prescribed in MARD's Circular 26/2016 ([VM6053](#)) and MARD Circular 36/2018 ([VM9020](#)). The current list of aquatic animals and aquatic animal products subject to quarantine and their HS codes has been revised in Appendix I, Section 5 of MARD's Circular 1/2024 ([VM2024-0003](#)). MARD removed processed fishery products including, smoked, salted, brined, and heat-treated products from the list of aquatic products subject to quarantine.

In 2022, MARD issued Circular 06/2022 ([VM2022-0058](#)) amending Circular 26/2016 on quarantine of aquatic animals. Accordingly, Vietnam's DAH accepts an electronic quarantine certificate for aquatic animals and aquatic animal products once DAH and the competent authority of an exporting country reaches an agreement on the electronic certification.

Section VII: Other Specific Standards

7.1. National Technical Regulations on Food Quality and Safety

MOH has promulgated National Technical Regulations (NTR) setting quality specifications and safety limits for food products, including:

- NTR for nutritious cereal products for children ages 6 to 36 months,
- NTR on supplemental formula products for children ages 6 to 36 months,
- NTR on special medical-treatment products for children ages 0 to 12 months,

- NTR on micronutrient fortified food,
- NTR on natural mineral water and bottled water, and
- NTR on food additives including acidity regulators, firming agents, artificial sweeteners, antifoaming agents, antioxidant agents, and others.

The NTRs are available in Vietnamese at: <https://vfa.gov.vn/van-ban.html>

7.2. Micronutrients and Fortified Food

The GVN issued Decree 9/2016/ND-CP, dated January 28, 2016, regulating the mandatory fortification of salt, wheat flour, and vegetable oils ([VM6012](#)). Accordingly, the following foods must be fortified with the relevant micronutrients:

- Edible salt and salt used for food processing must be fortified with iodine,
- Wheat flour used for food processing must be fortified with iron and zinc, and
- Vegetable oils which contain one of the following ingredients: soy oil, palm oil, rapeseed oil, and peanut oil, must be fortified with vitamin A, except for vegetable oils used for food processing.

MOH issued Circular 44/2015/TT-BYT, dated November 30, 2015, promulgating the List of Micronutrients Allowed for Supplementation and Fortification in Food Products. However, this Circular is not applicable for nutritional formula products for children ([VM6005](#)).

7.3. Plant-based Meat and Dairy Alternatives

Plant-based meat and dairy alternatives are regulated under the FSL and Decree 15/2018. Depending on the products' ingredients, the product may be subject to specific NTRs on maximum limits of contaminants in foods. For example, dairy alternatives are subject to NTR 6-2:2010 on maximum limits of heavy metals, microorganisms, and mycotoxins for non-alcohol beverages. Dairy alternatives are also subject to regulations on pesticide MRLs in foods. Importers must follow regulations on food import inspection and self-declaration for dairy alternatives.

Plant-based meat, primarily made from soybeans and green peas, such as “*giò chay*” or “*chả lụa chay*” have been consumed in Vietnam for centuries for religious reasons. Products, like pea protein-based burger patties or sausages have recently been introduced to the Vietnam market. Vietnam currently has no specific requirements on these products. Generally, these products are subject to NTRs on maximum limits of contaminants in food, e.g., NTR 8-3:2012 on maximum limit of microbiological contaminants.

These products are also subject to regulations on food additives and flavors and regulations on labeling and advertising. Should U.S. exporters have any questions, please contact aghanoi@usda.gov.

Section VIII: Geographical Indications, Trademarks, Brand Names, and Intellectual Property Rights

Geographical indications, trademarks, brand names and intellectual property rights are protected under the Vietnamese Intellectual Property (IP) Laws and related legislation.

8.1. Laws on Intellectual Property

Vietnam's National Assembly (NA) approved the IP Law 50/2005/QH11 on November 29, 2005. This Law, entering into force on July 1, 2006, stipulates copyrights, copyright-related rights; industrial property rights; rights for plant varieties, and the protection of these rights. Rights to trademarks and geographical indications are listed under industrial property rights. This 2005 IP Law in English can be accessed at the World Intellectual Property Organization (WIPO)'s website:

<https://www.wipo.int/wipolex/en/legislation/details/12011>

The 2005 IP Law was then amended by the NA's Law 36/2009/QH12 issued on June 19, 2009. This 2009 IP Law in English can be accessed at WIPO's website:

<http://www.wipo.int/wipolex/en/details.jsp?id=6566>. This law entered into force on January 1, 2010.

On November 12, 2018, Vietnam became the seventh member of the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) to ratify the agreement, which includes greater protection of intellectual property rights. On June 30, 2019, Vietnam and the European Union signed the EU-Vietnam Free Trade Agreement (EVFTA), which provides safeguards for protected designation of origin products like cheese, cognac, and wine ([VM2020-0059](#)).

On June 16, 2022, Vietnam's NA officially approved the 3rd Amendment of the IP Law. The Amended IP Law, taking effect from January 1, 2023, reflects Vietnam's commitment to several international agreements in recent years, including CPTPP and EVFTA. Regarding foods and agricultural products, Post notes that the Amendment provides revisions regarding trademark registration, well-known trademark, geographic indication and plant varieties rights. The 2022 IP Law in Vietnamese is available at: <https://congbao.chinhphu.vn/loi-dung-van-ban-so-07-2022-qh15-37504>.

8.2. Trademark Registration

The 2005 IP law defines a trademark as “any sign used to distinguish goods and/or services of different organizations or individuals”. Article 87 of the 2005 IP Law stipulates that the manufacturers of goods and products or the suppliers of services have the right to register trademarks for goods and/or services.

To register a trademark, manufacturers/suppliers of goods and/or services must submit an application to the National Office of Intellectual Property of Vietnam (NOIP). Article 72 of the 2005 IP Law stipulates eligible signs for trademark protection, including visible signs in the form of letters, words, drawings, or images, including holograms, or a combination thereof, represented in one or more colors. These signs must be distinguishable from goods or services of the trademark owner to those of others. The Amended IP Law 2022 adds sound marks to the list of signs eligible for trademark protection.

The 2005 IP Law stipulates that certificates of registered trademarks shall have a validity starting from the grant date and expiring at the end of 10 years after the filing date and may be renewed for many consecutive terms, each of 10 years.

The Government of Vietnam (GVN) issued several regulations to guide the implementation of IP Laws. Most recently, GVN issued Decree 65/2023 on August 23, 2023, providing measures to implement the IP Law regarding industrial property and protection of industrial property rights, including trademark registration. Decree 65/2023 is currently available in Vietnamese at: https://ipvietnam.gov.vn/thong-bao/-/asset_publisher/bHEp9KzHjHwY/content/nghe-dinh-65_2023_nd-cp?inheritRedirect=false.

Following Decree 65/2023, the Ministry of Science and Technology (MOST) issued Circular 23/2023/TT-BKHCN on November 30, 2023, providing further guidance on the procedure to register trademarks in Vietnam. This Circular is available in Vietnamese at: <https://www.most.gov.vn/vn/pages/ChiTietVanBan.aspx?vID=29186>.

8.3. Geographical Indications (GIs)

A definition of GI was first provided in the 2005 IP Law, then it was amended in the 2022 IP as “*Geographical indication* means a sign that is used to indicate the geographical origin of a product from a specific region, locality, territory or country”.

The conditions for GI protection are renewed in the 2022 IP Law, including: i) the product bearing the GI must originate from the area, locality, territory, or country corresponding to such GI; and ii) The product bearing the GI has a reputation, quality, or characteristics mainly attributable to geographical conditions of the area, locality, territory, or country corresponding to such GI.

Under the EVFTA, Vietnam recognizes a list of 171 GIs, mostly for wine, cheese, spirit, cured meat and olive oil products from European countries. However, Vietnam accepts the use of exceptions if the owners of the indications made actual commercial use in good faith of these indications in Vietnam prior to January 1, 2017. That includes “Asiago”, “Fontina” and “Gorgonzola” for cheeses, and “Feta” for cheeses made from sheep's milk or made from sheep and goat’s milk. Vietnam also endorses the protection of GIs under the CPTPP. Accordingly, Vietnam recognizes that GIs may be protected through a trademark or sui generis system or other legal means.

To register for GI protection, organizations and individuals manufacturing products bearing GIs must submit applications to the NOIP. Requirements on applications for GI protection were provided at Article 106 of the 2005 IP Law. This Law stipulates that certificates of registered GIs have an indefinite validity starting from the granting date.

Section IX: Import Procedures

9.1. Law on Customs

Vietnam’s National Assembly promulgated the Law on Customs 54/2014/QH13, which entered into force on January 1, 2015. Accordingly, live animals, plants, goods difficult to preserve, or deemed as

other special goods shall be prioritized for customs inspection. Importers will conduct the customs declaration before the date that the commodities arrive at the border checkpoint or within 30 days from the date on which the commodities arrive at the border checkpoint. The 2014 Customs Law is available in Vietnamese at: <https://vbpl.vn/botaichinh/Pages/vbpq-toanvan.aspx?ItemID=36878&Keyword=>

According to the Law on Customs, the customs declaration is made electronically. A paper declaration is only allowed for following exceptions:

- Imported and exported goods of border residents.
- Imported and exported goods in excess of the limit of tax exemption applied to incoming and outgoing persons.
- Cargo for the purpose of emergency assistance and humanitarian aid.
- Cargo that is personal gifts, presents, properties.
- Cargo that is equipment containing goods according to the temporary importation/re-exportation, temporary exportation/re-importation rotation method.
- Cargo to be temporarily imported and re-exported or exported and re-imported and carried by incoming and outgoing persons for working in the pre-determined time.
- If the customs electronic data processing system or electronic customs declaration system fail to carry out transactions, which may be caused by the operational failure of one or both systems or caused by other reasons. In cases where the electronic data processing system fails to carry out the customs procedures, customs authorities shall be responsible for making an announcement at least one hour from the time when such failures take place.
- Other cargo, as stipulated by the Minister of Finance.

The Customs electronic data processing system can receive, examine, register, and handle electronic customs declarations 24 hours a day, seven days a week.

9.2. Decrees and Circulars Guiding the Law on Customs

The GVN issued the following Decrees to guide the implementation of the Law on Customs:

- [Decree 08/2015/ND-CP](#), dated January 21, 2015, promulgating the implementation of the Law on Customs, regarding customs procedures, customs supervision, and inspection. Decree 08/2015 entered into force on March 15, 2015.
- [Decree 59/2018/ND-CP](#), dated April 20, 2018, revising and supplementing a number of articles of Decree 08/2015/ND-CP on the regulations and enforcement rules for customs procedures, audits, and inspections. Specifically, Decree 59/2018/ND-CP amends and supplements content on customs declaration; valuation methods for import goods; customs inspection authority; customs procedures for temporary import and export goods, in-transit goods, etc. Decree 59/2018 took effect from June 5, 2018.

MOF Details Customs Procedures

Following the Law and GVN's Decrees on Customs, MOF issued the following Circulars to provide further guidance on customs procedure, customs valuation, and identification of origin of goods:

- [Circular 39/2018/TT-BTC](#), dated April 20, 2018, amending, and supplementing a number of articles of Circular 38/2015/TT-BTC. These Circulars provide guidance on customs procedures, customs supervision, inspection, export tax, import tax, and tax administration applied to exported and imported goods.
- [Circular 33/2023/TT-BTC](#), dated May 31, 2023, replacing Circular 38/2018/TT-BTC. This Circular regulates the identification of the origin of imported and exported goods.

Certificate of Origin

Circular 33/2023/TT-BTC continues to require a Certificate of Origin (C/O) for imported meat and poultry, and processed meat products with HS codes under Chapter 2, 15 and 16. Accordingly, required information for a C/O remains unchanged, except that Circular 33/2023 requires C/O to be signed by the person or the agency in charge of issuing C/O. The required information for a C/O includes: i) Name of exporter; ii) Name of importer; iii) Means of transport; iv) Goods description and HS codes; v) Quantity, weight, or volume of goods; vi) Countries, groups of countries, or territories of origin; vii) Date of issuance; and viii) Signature of the person and/or the agency in charge of issuing the C/O. Circular 33/2023 is available in Vietnamese at: <https://chinhphu.vn/?pageid=27160&docid=208028>

Post notes that in October 2020, FAS Vietnam engaged with GDVC to address their questions on the authenticity of the C/O issued by U.S. authorities not containing a stamp. On October 28, 2020, the GDVC issued Official letter 6932/TCHQ-GSQL instructing Customs Departments at entry points, that a C/O is not required to bear a stamp of the issuing authority. A signed C/O from a certifying authority is accepted without a stamp.

Customs Valuation

Clause 9 of Decree 59/2018 stipulates that if an importer's declared customs value was rejected during the Customs' valuation process, the importer has five working days to adjust their documentation. If the importer does not adjust the relevant declarations within this timeframe, the Customs authorities will adjust the customs value at their own discretion and impose the tax and duty assessment. This process also applies in cases where the customs authorities doubt the importer's declared customs value and conducts a consultation meeting with the importer. Following a consultation meeting, the importer has five working days to adjust the declared customs value, or the Customs authorities will adjust the customs value at their own discretion and impose the tax and duty assessment.

On August 30, 2019, MOF issued [Circular 60/2019](#) to revise a number of articles of Circular 39/2015 on the determination of customs value for imported and exported goods. Accordingly, the Customs authorities shall determine the customs value of imported goods by using either: a) the transaction value

of imported goods (actual price paid by the buyer); b) the transaction value of identical imported goods; c) the transaction value of similar imported goods; d) the method of deduction value; d) the method of calculation value or e) the method of inference. The Directorate of Customs manages the list of exported and imported goods with risk of the value being declared at a lower price than the actual transaction price, which is the basis for customs authorities to compare and check the declared value of the customs declarant.

Post notes that customs valuation was an issue of concern as the GDVC used reference pricing to value U.S. meat and poultry imports. The GDVC notified their national customs valuation legislation to WTO members as [G/VAL/N/1/VNM/1](#) on June 7, 2021. Should U.S. exporters have any questions, please contact aghanoi@usda.gov.

Section X: Trade Facilitation

Vietnam implemented the Trade Facilitation Program (TFP), funded by the United States Agency for International Development (USAID), for the implementation of the WTO Trade Facilitation Agreement (TFA) from 2018 to 2022. The goals of the TFP were to support MOF to complete the legal framework for the implementation of the TFA, promote the implementation of the National Single Window to improve the customs clearance procedures, promote the application of risk management principles, and reform the specialized inspection system for imported goods.

Pre-clearance Program

Currently, Vietnam has no pre-clearance program for food and agricultural products exported from the United States.

National Single Window and E-Customs System

Vietnam implements the registration for specialized inspections of imported and exported goods via the National Single Window (NSW). Up to date, single-window procedures are applicable for most food and agricultural products, including quarantine and food safety inspection for meat, poultry, and seafood, quarantine inspection for plant products, quality inspection of feed ingredients, quarantine and food safety inspection for plant products used for food, and food safety inspection for processed and packaged foods.

Customs procedures are managed through an e-Customs system, “Vietnam Automated Cargo and Port Consolidated System/ Vietnam Customs Intelligence Information System (VNACCS/VCIS)”. There are six key functions within VNACCS/VCIS: e-Declaration; e-Manifest; e-Invoice; e-Payment; e-Certificate of Origin; and Selectivity. The Selectivity function automatically assigns imported shipments to one of three channels, green, yellow, or red. Each channel is subject to a different level of customs inspection based on the assessment of the importers’ history and the risks of the specific commodity.

E-certificates

DAH accepts Export Certificates for U.S. meat and poultry products, issued by the U.S. Food Safety Inspection Service (FSIS), with digital signatures starting from December 21, 2020, when FSIS updated its animal health attestations in the certificates.

For plant products, starting January 1, 2022, the U.S. Animal and Plant Health Inspection Service (APHIS) has implemented a new format for phytosanitary certificates, that includes improved security measures generated in its Phytosanitary Certificate Issuance and Tracking (PCIT) system. However, PPD continues to request phytosanitary certificate printed on plain paper must be physically signed by authorized certification officials.

Port Fees

Port fees vary from port to port. Major fees include but are not limited to storage fees; repair and maintenance fees; lift-on and off fees; fees for transferring goods to the inspection yard; unloading fees related to manual inspections, and sampling. Large ports usually publish their fee schedules on their respective websites. Information on service fees at major ports are available at:

- Quang Ninh: [Quang Ninh Port \(in Vietnamese\)](#)
- Hai Phong: [Hai Phong Port \(in Vietnamese\)](#)
- Da Nang: [Da Nang Port \(in Vietnamese\)](#)
- Ba Ria Vung Tau: [Tan Cang - Cai Mep International Terminal](#)
- Ho Chi Minh City: [Saigon New Port Cooperation \(in Vietnamese\)](#)

Average Release Times

Release times for goods depends on a number of factors, including but not limited to, timing of specialized inspections, freight operations, and timing of customs inspection at the points of entry.

According to current regulations, if imported goods are subject to specialized inspection, customs must inspect the cargo within eight working hours upon receipt of the specialized inspection result. In special cases involving extremely large volumes, diverse products, or complicated inspection processes, customs can extend the cargo inspection, but not more than two days. The use of electronic documents via the NSW has helped enterprises to save time and customs clearance costs. A survey on cross-border trade transactions in 2020, showed that the average total time to carry out customs procedures for imported goods at entry gates is around 27.2 hours, down 43 percent compared to 2019; and the average time to prepare import documents took half the time compared to 2019, at 27.6 hours.

Time required for specialized inspections vary depending on the nature of goods and the applicable lab tests. According to industry sources, the release times for frozen meat and poultry shipments is between three to five working days. For processed foods, the release times could be up to three working days if the products are subject to required tests. For grains and oilseeds, the release times are around three to five working days. In 2022, GDVC reported the average release time of the goods, from the arrival to the point of entry to the departure was about 127 hours, decreasing of nearly 7 hours compared to 2021.

In response to the GVN's request for specialized inspection reform and reduction of release time, MARD has shifted the quality inspection scheme for feed ingredients from prior to customs clearance to post-customs clearance. The post-clearance inspection has been effective since March 20, 2024. That applies for the feed ingredients listed under Section 5 Appendix III of Circular 01/2024, including grains, oil seeds, oil seed meals, DDGS, meat and bone meal, and completed feeds ([VM2024-0003](#)).

Common Delays

Delays in a shipment release can occur for various reasons, including but not limited to documentation issues, quarantine pests, or regulatory changes. For meat and poultry, shipments can be detained due to discrepancies between export certificates and product labels, parts of the shipment sourced from an unlisted facility, or facility numbers that do not match with the export certificate and DAH's approved list. Since 2023, industries reported delays and refusals of quarantine inspection for poultry shipments since the Vietnam DAH has not accepted the replacement of export certificates for diverted shipments.

Vietnam customs also reported that difficulties in identifying HS codes for imported products may result in delays, for examples, processed products like soup base, broths and hot pot seasonings are not detailed in the list of HS codes issued by line Ministries. For dairy products, the main reasons for detainments include certificates issued after the date on the bill of lading, shipments for food use obtaining an APHIS certificate instead of an AMS certificate, or discrepancies in the product description between the sanitary certificate and other export documents. For grains and oilseeds, if there is a suspected issue with quarantine pests, shipment clearance may take up to four working days, depending on lab test results times and the endorsement of plant inspection certificates. In some cases, new regulatory requirements, especially those without clear guidance and sufficient lead time, can cause delays or detained shipments at ports.

Appendix I. Government Regulatory Agency Contacts

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

International Cooperation Department (ICD)

(MARD) 2 Ngoc Ha Street, Hanoi,

Contact: Dr. Nguyen Do Anh Tuan, Director General,

Email: htqt@mard.gov.vn

Plant Protection Department (PPD)

149 Ho Duc Di, Hanoi

Website: www.ppd.gov.vn

Contact: Dr. Huynh Tan Dat, Director General,

Email: htqt.bvtv@mard.gov.vn

Department of Animal Health (DAH)

15/78 Phuong Mai-Dong Da Hanoi

Website: <https://cucthuy.gov.vn/>

Contact: Dr. Nguyen Van Long, Director General

Email: TY@mard.gov.vn

DAH/Animal Quarantine Division

Email: kiemdich.cty@dah.gov.vn

Directorate of Fisheries (DFISH)

10 Nguyen Cong Hoan, Hanoi

Email: tcts@mard.gov.vn

Department of Livestock Production (DLP)

16 Thuy Khue, Tay Ho, Hanoi

Email: cn@mard.gov.vn

National Authority for Agro-Forestry-Fishery Quality, Processing and Market Development (NAFIQPM)

10 Nguyen Cong Hoan, Hanoi

Email: nafiqpm@mard.gov.vn

MINISTRY OF HEALTH (MOH)

Vietnam Food Administration (VFA)

138A Giang Vo, Hanoi

Website: www.vfa.gov.vn

MINISTRY OF TRADE AND INDUSTRY (MOIT)

Department of Science and Technology

54 Hai Ba Trung, Hoan Kiem, Ha Noi

Website: <https://moit.gov.vn/>

MINISTRY OF SCIENCE AND TECHNOLOGY

National Office of Intellectual Property of Vietnam (NOIP)

386 Nguyen Trai, Thanh Xuan, Hanoi

MINISTRY OF FINANCE

General Department of Vietnam Customs

Block E3 - Duong Dinh Nghe street, Yen Hoa, Cau Giay, Hanoi

Appendix II. Other Import Specialist Contacts

Processed and Packaged Foods

National Institute of Food Control

65 Pham Than Duat, Cau Giay District, Hanoi

<http://nifc.gov.vn/index.php/en/>

Quality and Certification Centre 1

8 Hoang Quoc Viet, Cau Giay District, Hanoi

<https://quatest1.com.vn/>

Quality and Certification Centre 2

02 Ngo Quyen, Son Tra District, Da Nang.

<http://quatest2.gov.vn/en/>

Quality and Certification Centre 3

49 Pasteur, District 1, HCMC

<http://www.quatest3.com.vn/>

Ho Chi Minh City Institute of Public Health

159 Hung Phu, District 8, HCMC

<http://www.iph.org.vn/>

National Institute of Nutrition

48B Tang Bat Ho, Hai Ba Trung district, Hanoi

<http://viendinhduong.vn/>

Plant Products

PPD/Plant Quarantine Sub-Department of Region I

2 Tran Quang Khai, Hai Phong

Email: kdtv1.bvtv@mard.gov.vn

Management area: Hai Phong, Thai Binh, Hung Yen, Hai Duong, Quang Ninh

PPD/Plant Quarantine Sub-Department of Region II

28 Mac Dinh Chi, District 1, Ho Chi Minh City

Email: kdtv2.bvtv@mard.gov.vn

PPD/Plant Quarantine Sub-Department of Region III

146 Hoang Dieu, Da Nang

Email: kdtv3.bvtv@mard.gov.vn

PPD/Plant Quarantine Sub-Department of Region IV

66 Le Hong Phong, Quy Nhon, Binh Dinh

Email: kdtv4.bvtv@mard.gov.vn

PPD/Plant Quarantine Sub-Department of Region V

149 Ho Dac Di, Dong Da, Hanoi

Email: kdtv5.bvtv@mard.gov.vn

PPD/Plant Quarantine Sub-Department of Region VI

28 Tran Phu, Vinh city, Nghe An

Email: kdtv6.bvtv@mard.gov.vn

PPD/Plant Quarantine Sub-Department of Region VII

98B Ngo Quyen, Dong Kinh ward, Lang Son

Email: kdtv7.bvtv@mard.gov.vn

PPD/Plant Quarantine Sub-Department of Region VIII

7 Nguyen Hue, TP Lao Cai

Email: kdtv8.bvtv@mard.gov.vn

PPD/Plant Quarantine Sub-Department of Region IX

386B Cach Mang Thang 8, Can Tho

Email: kdtv9.bvtv@mard.gov.vn

Animal Products

DAH/Regional Animal Health Office I

Phuong Mai, Dong Da, Ha Noi

Email: cqtyvung1.tonghop@gmail.com

DAH/Regional Animal Health Office II

23 Da Nang, Ngo Quyen District, Hai Phong

Email: tonghoptyv2@gmail.com

Website: <http://raho2.gov.vn/>

DAH/Regional Animal Health Office III

51 Nguyen Sinh Sac, Vinh City, Nghe An

Email: hcthtyv3@gmail.com

DAH/Regional Animal Health Office IV

12 Tran Quy Cap, Hai Chau district, Da Nang

Email: tyvdm@vnn.vn

DAH/Regional Animal Health Office V

36 Phạm Hùng - TP. Buôn Ma Thuột - Đắk Lắk

Email: phongtonghoptyv5@gmail.com

DAH/Regional Animal Health Office VI

521/1 Hoang Van Thu, Tan Binh District, Ho Chi Minh City

Email: rahcmc@hcm.fpt.vn

DAH/Regional Animal Health Office VII

88 Cach Mang Thang 8, Can Tho

Email: chicucthuyvung7.raho7@gmail.com

Attachments:

No Attachments