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Report Highlights:

This report provides an un-official translation of the Vietnam Food Safety Law (FSL) promulgated by Order No.06/2010/L-CTN, and ratified by the National Assembly on June 17, 2010. The FSL entered into force on July 1, 2011, and supersedes the Vietnam Food Ordinance approved in 2003 (VM [3014](#)). The FSL is the umbrella guidance on food safety, dividing responsibility for testing and enforcement of food safety among the Ministries of Agriculture and Rural Development (MARD), Health (MOH), and Industry and Trade (MOIT).

Background:

Vietnam notified the Draft FSL to the World Trade Organization’s (WTO) Sanitary and Phytosanitary Committee (SPS) (G/SPS/N/VNM/08) on September 15, 2009. The U.S. Government and a number of U.S. agriculture trade associations provided comments on the Law. Although the FSL is the umbrella law guiding food safety in Vietnam, specific guidelines, and implementing regulations for the FSL continue to be developed by the Office of the Government, MARD, MOIT, and MOH.

The Vietnamese FSL was signed by Former President Nguyen Minh Triet on June 28, 2010, and ratified by the National Assembly on June 17, 2012. The FSL entered into force on July 1, 2011.

The FSL provides organizations and individuals with rights and obligations to ensure food safety; conditions for food safety; food production and trading; food import and export; food advertisement and labeling; food testing; food risk analysis; prevention and dealing with food safety incidents; information, education and communication on food safety; and state management of food safety.

All imported food is subject to State Inspection: According to item 1, Article 39, Section 1, Chapter 6, all imported food, food additives, substances used in food processing, tools and materials used for packing and containing imported food shall be inspected by the State for food safety, except for cases where the State Inspection of food safety is exempted, in accordance with Government provisions.

Imported food is only allowed customs clearance once the inspection results show that the imported food meets import requirements. The FSL outlines three categories of food inspection: 1) Strict inspection; 2) Ordinary inspection; and 3) Loose inspection. Depending on the type product, MARD, MOH, and MOIT are in charge of developing specific guidelines on food safety inspection.

The full text of the law in Vietnamese can be accessed at the Vietnam’s Government website: http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?_search=Tim&_page=2

The table below outlines the responsibilities of MARD, MOH, and MOIT.

Ministry	Responsibilities
MOH	<u>General Responsibilities:</u> Presiding over the development, promulgation and implementation of national strategies and master planning on food safety; Promulgating national technical regulations on criteria and safety limits in respect of products, tools,

	<p>and materials used for packing and containing food...</p> <p><u>Responsibilities for Management of the Sector:</u> Managing food safety during production, primary processing, processing, preservation, transportation, export, import and trading of food additives, substances assisting food processing, bottled water, mineral water, functional food and other food in accordance with the provisions of the Government. MOH is responsible for regulating most pre-packed and processed food products.</p>
MARD	<p><u>General Responsibilities:</u> Presiding over the formulation, promulgation of policies, master plan, and regulations on food safety within the sector.</p> <p><u>Responsibilities for Management of the Sector:</u> Managing food safety during production, collection, slaughtering, primarily processing, processing, preservation, transportation, export, import and trading of cereals, meat and meat products, aquaculture and aquatic products, vegetables, bulbs, fruits, eggs and egg products, fresh milk used as an input, bee's honey, and honey products, genetically modified foods, salt, and agricultural foods in accordance with the provisions of the Government.</p>
MOIT	<p><u>General Responsibilities:</u> Presiding over the formulation, promulgation of policies, master plan, and regulations on food safety within the sector.</p> <p><u>Responsibilities for Management of the Sector:</u> Managing food safety during production, collection, slaughtering, primary processing, processing, preservation, transportation, export, import and trading of alcohol, beer, beverages, processed milk, vegetable oil, products used as materials for production of powder, starch, and other food in accordance with the provisions of the Government.</p>

Vietnam Government Decree No. 38/2012/ND-CP: On April 25, 2012, Prime Minister Nguyen Tan Dung signed Decree No.38/2012/ND-CP detailing implementation of some articles of the FSL. Decree 38 provides guidance to MARD, MOIT, and MOH on implementing provisions of the FSL, including: 1) Declaration of Conformity to Technical Regulations or Food Safety Regulations; 2) Safety requirements for genetically modified foods; 3) Granting, and withdrawing Food safety certificates for establishments that meet food safety requirements; 4) State inspection on food safety for imported and exported foods; 5) Labeling of food products; and 6) Delegation of responsibilities for state management of food safety to the relevant Ministries including MOH, MARD, and MOIT. Vietnam notified Decree 38 to the WTO SPS Committee on March 25, 2011 (G/SPS/N/VMN/27). Decree entered into force on June 11, 2012. The implementing Ministries are currently developing Circulars and Technical Regulations to enforce sections of Decree 38. The roll-out of these Circulars and Regulations has been slow as MARD, MOH, and MOIT continue to identify ministry-specific responsibilities and products with shared jurisdiction.

The full Decree 38 in Vietnamese can be downloaded from the Government's website:

http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&_page=1&mode=detail&document_id=158155.

Please contact Post for an un-official translation of Decree 38.

Below is an un-official translation of the FSL:

NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Law No. /2010/-QH12

LAW ON FOOD SAFETY

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, some articles of which were amended by Resolution No. 51/2001/QH10; The National Assembly hereby promulgates the Law on Food Safety

Chapter I
GENERAL PROVISIONS

Article 1: Governing Scope

This Law provides for the rights and obligations of organizations and individuals in ensuring food safety; for the conditions for ensuring food safety, food production and trading; food import and export; food advertisement and labeling; food testing; analysis of food safety risks; prevention and dealing with food safety incidents; information, education and communication on food safety; State management responsibilities for food safety.

Article 2: Interpretation of terms

In this Law, the bellow terms and expressions shall be construed as follows:

1. *Food safety* means to ensure that food does not cause harm to people's health and lives.
2. *Contagion via food* means an illness which is caused by eating or drinking food which is contaminated by a pathogenic agent.
3. *Substances assisting food processing* means substances intentionally used during the processing of food raw materials or food ingredients aimed at conducting technological purpose, which may be separated or remain in food.
4. *Food secondary processing* means the process of treating primarily-processed food or raw and fresh food by industrial or manual methods in order to make food materials or food products.
5. *Establishment trading in food and drink catering services* means an

establishment that conduct food secondary processing, including shops or stalls trading fast food or ready cooked food, restaurants, ration processing establishments, canteens and collective kitchens.

6. *Conditions for ensuring food safety* include technical regulations and other provisions applicable to food, food production and business establishments and food business and production activities which are issued by the State competent management body for the purpose of ensuring that food is safe for people's health and lives.
7. *Food testing* means to carry out one or several activities to test and assess the satisfaction of the technical regulations and relevant standards with respect to food, food additives, substances assisting food processing, food supplements, packaging, and food containing materials and equipment.
8. *Food trading* means the carrying out of one, several or all activities of introducing, preservation services, transportation services or trading of food.
9. *Lot of food products* means the certain quantity of products with the same name, quality, materials and shelf life and which are produced by the same establishment.
10. *Food poisoning* means the a pathological poisonous condition which is caused by absorption of poisonous or contaminated food.
11. *Food contamination risks* mean the possibility that contaminant agents penetrate into the food during the course of production and business.
12. *Food contamination* means the presence of contaminant agents in food which cause harm to people's health and lives.
13. *Food additive* means any substance whether or not it has nutritive value which is intendedly added to food ingredients during the production process in order to retain and improve certain characteristics of the food.
14. *Food production* means the carrying out of one, several or all the activities of cultivation, husbandry, harvesting, extraction, catching, primary processing, secondary processing, packaging and preservation in order to make food.
15. *Initial production* means the carrying out one or several or all of the activities of cultivation, husbandry, harvesting, extraction and catching.
16. *Food primary processing* means the treatment of cultivation, husbandry, harvesting or catching products in order to make raw and fresh food for instant consumption or to create raw materials or semi-products for the secondary processing stage.
17. *Food safety incidents* mean any circumstances arising due to food poisoning, a contagion via food or other circumstances arising in relation to food which directly cause harm to people's health and lives.

18. *Contaminant agents* mean the unexpected agents that, although are not deliberately added to food, which could cause adverse effect to food safety.
19. *Shelf life* means a period of time during which food retains its nutritional value and to be safe in the conditions of preservation instructed by the manufacturer and stated in its label.
20. *Food* means products which people eat or drink in the form of fresh, raw, primarily-processed, processed or preserved food. Food [according to this Law] does not include beauty products, tobacco and substances used as drugs.
21. *Fresh and raw food* means unprocessed food including meat, eggs, fish, aquatic and marine products, vegetables, bulbs and fruits which are fresh, and other unprocessed food.
22. *Food with micronutrients fortification* means the food which is added with vitamins, minerals or micro nutrient minerals in order to prevent or remedy the deficiency of these substances with respect to community's health or health of specific group subjects in the community.
23. *Functional food* means any foods used to support one or several functions of the body organs, help the body to relax, improve resistance and reduce the risk of illness, including food supplements, health protection food, medical nutritious food.
24. *Genetically modified food* means the food with one or several ingredient materials that have been modified by genetic technology.
25. *Irradiated food* means the food irradiated by radioactive sources in order to deal with and prevent food degeneration.
26. *Street food* means the food processed for instant consumption which is displayed and sold in the street, at public places or similar places.
27. *Pre-packaged food* means the food that has been properly packaged and completely labeled and ready to be sold directly for the purpose of further processing or instant consumption.
28. *Food traceability* means to trace the process of formation and circulation of food.

Article 3. The principles of food safety management

1. Ensuring food safety is the responsibility of all organizations and individuals producing and trading food.
2. Food production and trading is a conditional activity; organizations and individuals who produce and trade food shall have to bear the responsibility for the safety of the food produced and traded by them.
3. Food safety shall be managed on the basis of relevant technical regulations and other regulations issued by the competent State management body and applicable standards announced by producing organizations and individuals.

4. Food safety management shall have to be conducted during the whole process of food production and trading on the basis of analysis of food safety risks.
5. Food safety management shall have to ensure the clear delegation of power, assignment and inter-disciplinary co-ordination.
6. Food safety management shall have to meet the requirements of the socio-economic development.

Article 4. The State policies on food safety

1. Developing the strategy and master-planning on ensuring food safety; regional master planning for production of safe food in accordance with the chain of food suppliers shall be considered as focus and given with priority.

2. To use the State's resources and other resources to make investments in scientific research and technological applications for analyzing food safety risks; to newly construct or to upgrade some laboratories to meet the regional and international standards, to improve the capacity of the existing analysis laboratories; to support the investment and construction of zones for safe food material production, wholesale markets for agricultural products and food, cattle and poultry slaughters on an industrial scale.

3. To encourage food production and trading establishments to renovate technologies and expand their production scale; produce high quality food, ensure the safety; to supplement essential micronutrients to food; to build their trademark and develop safe food supply chains.

4. To establish the legal framework and organize the implementation of roadmap for compulsory application of the Good Manufacturing Practice (GMP), Good Agricultural Practice (GAP), Good Hygiene Practice (GHP), Hazard Analysis and Critical Control Points (HACCP) and other advanced management systems for food safety control in the processes of food production and trading.

5. To expand international cooperation and to intensify the conclusion of treaties and international agreements on mutual recognition [*between Vietnam and other countries*] in the food sector.

6. To promptly commend organizations and individuals producing and trading safe food.

7. To encourage and facilitate domestic societies, associations, domestic and foreign organizations/individuals to make investment in and participate in activities of development of the standards, technical regulations and testing of food safety.

8. To increase investment in, diversify the forms and modes of dissemination and education in order to raise the people's awareness of consumption of safe food; of sense of responsibilities and business morality of organizations and individuals producing and trading food in respect to the community.

Article 5. Prohibited acts

1. Using the materials that are not of the type of food materials for food processing purposes;

2. Using food materials which are out of shelf life or without clear

origin or using food materials which are not safe for food production and processing purpose.

3. Using food additives and substances assisting food processing, which are out of shelf life or not on the list of substances permitted to be used or on the list of substances permitted to be used but exceeding the permitted limits; using chemical substances without clear origin or chemical substances prohibited to be used for food production and trading activities.

4. Using dead animals, which died from disease, epidemic disease or uncertain cause or disposed, in order to produce or trade food;

5. Producing and trading:

a) Food which is in breach of the laws on labeling of goods.

b) Food that does not satisfy the relevant technical regulations.

c) Degenerated food.

d) Food containing or contaminated with toxic substances or food which contains pollutant agents exceeding the permitted limits.

dd) Food which is polluted because their container and packing became unsafe, broken, torn or deformed during transportation, polluting the food;

e) Meat or products manufactured from meat not subject to veterinary examination or which was examined but failed to satisfy requirements;

g) Food that has not been permitted to be produced or traded for the purpose of epidemic disease prevention and fighting.

h) Food of which the announcement of technical-regulation conformity has not yet been registered with the State competent body if this food is subject to registration of announcement of technical-regulation conformity.

a. Food without clear origin or food is beyond their use expiry date.

6. Using means of transportation, which pollute food or which have transported toxic substance and have not yet been cleaned, to transport food materials or food.

7. Providing false or forged results of food testing.

8. Concealing, falsifying, destroying the scene/evidence of a food safety incident; or taking other acts to intentionally obstruct the detection of and dealing with food safety incidents.

9. Food trading and production with the involvement of people with infectious diseases.

10. Producing and trading food at the establishment without a certificate on satisfaction of food safety requirements in accordance with the law.

11. Advertising food falsely or advertising food that causes confusion to consumers.

12. Publishing and publicizing incorrect information on food safety causing discontent to the society or causing damages to production and trading of food.

13. Illegally using road-bed, pavement, corridor, public yard, public path and public auxiliary floor area to process, produce or trade street food.

Article 6. Dealing with breach of the laws on food safety

1. Any organization or individual producing and trading food and committing a breach of the laws on food safety shall, depending on the nature and seriousness of the breach, be subject to administrative penalty

or be subject to criminal prosecution; and if they cause damage, they must compensate for it and remedy the consequence in accordance with law.

2. Any person who takes advantage of his or her position or power to breach the provisions of this Law or other provisions of the laws on food safety shall, depending on the nature and seriousness of the breach, be disciplined or be subject to criminal prosecution; and if he or she causes damage, he or she must compensate for it in accordance with law.

3. Level of fine applicable to administrative act stipulated in Clause 1 of this Article shall be implemented in accordance with the law on dealing with administrative breaches; in case where the maximum level of fine according to the law on dealing with administrative breaches to be applied, is still lower than 7 times of value of the foods in breach of the law, the applicable level of fine shall not exceed 7 times higher than the value of food in breach of the law; the money is received due to breach of the law shall be confiscated in accordance with the law.

4. The Government shall specifically provided for acts, forms and levels of fines applicable to administrative acts in the sector of food safety stipulated in this Article.

Chapter II

RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS IN ENSURING FOOD SAFETY

Article 7. Rights and obligations of food-producing organizations and individuals

1. Food producing organizations and individuals shall have the following rights:

a) To decide and publicize the standards applicable to the products produced or provided by themselves; to decide the application of internal control measures to ensure the food safety;

b) To request organizations and individuals trading food to cooperate in recovering and dealing with unsafe food;

c) To select an organization to assess the conformity [with the standards], testing establishment already designated to certify the conformity with the technical regulations;

d) To use standard conformity marks, technical-regulation conformity marks and other signs for products in accordance with the law;

dd) To make complaints, denunciation and initiate lawsuits in accordance with the law;

e) To be entitled to be compensated for damages in accordance with the law.

2. Food producing organizations and individuals shall have the following obligations:

a) To comply with the conditions for ensuring the safety of food, to ensure the safety of food in the course of production and to bear the responsibility for the safety of the food that they produce;

b) To comply with the Government's regulations on fortification of micronutrients that the shortage of these micronutrients may affect the community's health;

c) To provide sufficient and accurate information of the products on

the label, packaging or documents attached to food in accordance with the laws on good labeling;

d) To establish a process for self-inspection in the course of production of food;

dd) To provide truthful information on food safety, to warn in timely manner, sufficiently and accurately of the risks of unsafe food, prevention methods for sellers and consumers; to notify the requirements of transportation, storage, preservation and use of food;

e) To promptly suspend the production, notify relevant parties of, and take measures to remedy the consequence when discovering that the food is unsafe or not in conformity with the applicable standards and relevant technical regulations which already announced;

g) To keep records, food samples and necessary information in accordance with the regulations on food traceability; implement the regulations on traceability of unsafe food in accordance with Article 54 of this Law;

h) To recover and handle food out of shelf-life or unsafe food. In case where it is settled by disposing, the disposal of food shall have to comply with the laws on protection of the environment, other relevant laws and shall bear all the expenses of such disposal;

i) To comply with the laws, the competent State body's decisions on examination and inspection;

k) To pay for expense on taking samples and testing in accordance with Article 48 of this Law;

l) To make compensations for damages, which are caused by the unsafe food that they produce, in accordance with the laws.

Article 8. Rights and obligations of food trading organizations and individuals

1. Food trading organizations and individuals shall have the following rights:

a) To decide upon internal control measures to maintain the quality, hygiene and safety of food;

b) To request organizations and individuals producing and importing food to cooperate in recovering and dealing with unsafe food;

c) To select testing establishment to check food safety; to select testing establishment in the list of designated ones to certify the conformity of imported foods with the technical regulations;

d) To make complaints, denunciation and initiate lawsuits in accordance with the law;

dd) To be entitled to be compensated for damages in accordance with the law.

2. Food trading organizations and individuals shall have the following obligations:

a) To comply with the requirements of food safety in the course of trading and bear the responsibility for the safety of food that they trade;

b) To check the origin of food; label of food and documents relating to food safety; to keep documents of food; implement the regulations on traceability of unsafe food in accordance with Article 54 of this Law

c) To provide truthful information on food safety, to notify consumers

of the requirements of ensuring the safety when transporting, storing, preserving and using food;

d) To promptly provide information on risks of unsafe food and prevention measures for consumers when receiving the warning information from organizations and individuals producing and importing food;

dd) To promptly suspend trading and to inform the importing and producing organizations and individuals and consumers when discovering that the food is unsafe;

e) To inform the competent State body and remedy consequence when discovering food poisoning or contagion via food which is caused by the food traded by them;

g) To cooperate with producing and import organizations and individuals, the competent State body in investigating food poisoning in order to remedy the consequence, recover and deal with unsafe food;

h) To comply with the law, the competent State body's decisions on inspection and examination;

k) To pay expenses on taking samples and testing in accordance with Article 48 of this Law;

l) To make compensations for damages, which are caused by the unsafe food that they trade, in accordance with the law.

Article 9. Rights and obligations of food consumers

1. Food consumers shall have the following right:

a) To be provided with truthful information on food safety; with guidelines on use, transportation, storage, preservation and selection of appropriate food; with information on risks of unsafe food and method of prevention when receiving warning information with respect to food;

b) To request organizations and individuals producing and trading food to protect consumers' rights in accordance with the law;

c) To request consumer protection organizations to protect their legitimate rights and interest in accordance with the laws on protection of consumers' rights;

d) To make complaints, denunciation and initiate lawsuits in accordance with the law;

dd) To be entitled to be compensated for damages caused by using unsafe food in accordance with the law.

2. Food consumers shall have the following obligations:

a) To fully comply with the food safety regulations and guidelines of organizations and individuals producing and trading [food] with respect to transportation, storage, preservation and use of food;

b) To promptly provide information when discovering risks of unsafe food, to declare food poisoning and contagion via food with the nearest people's committee, medical examination and/or treatment establishments, the competent State body and organizations and individuals producing and trading food;

c) To comply with the laws on protection of the environment when using food;

CHAPTER III CONDITIONS FOR ENSURING SAFETY OF FOOD

Article 10. General conditions for ensuring safety of food

1. To satisfy the relevant technical regulations, to comply with the regulations on limits of pathogenic micro-organisms, residues of pesticides, veterinary medicines, heavy metals, contaminant agents and other substances in food which may cause harms to people's health and lives.

2. Depending on each category of food, apart from the provisions in Clause 1 of this Article, food shall also have to meet one or some regulations as follows:

a. Regulations on use of food additives and substances assisting food processing in producing and trading food;

b. Regulations on packaging and labeling of foods;

c. Regulations on preservation of food.

Article 11. Conditions for ensuring the safety of fresh and raw food

1. To comply with the conditions stipulated in Article 10 of this Law;

2. To ensure the traceability of food in accordance with Article 54 of this Law;

3. To have certification on animal health hygiene which is issued by the competent body for fresh and raw food originated from animals in accordance with the laws on animal health.

Article 12. Conditions for ensuring safety of already-processed food

1. To comply with the conditions stipulated in Article 10 of this Law;

2. Original materials to be used to make food shall have to ensure their safety and keep their inherent attributes intact; materials to be used to form food shall not interact to each other to create products that cause harm to people's health and lives.

3. The announcement of technical-regulation conformity in respect to pre-packaged and processed food must be registered with the competent State body before this food is circulated on the market.

The Government shall specifically stipulate registration of announcement of technical-regulation conformity and time-limit of registration of announcement of technical-regulation conformity with respect to pre-packaged and processed food.

Article 13. Conditions for ensuring safety of food with micronutrients fortification

1. To comply with the conditions stipulated in Article 10 of this Law;

2. Original materials to form food shall have to ensure their safety and keep their inherent attributes intact; materials to form food shall not interact to each other to create products that cause harms to people's health and lives.

3. Only micronutrients being vitamins, minerals and or micro nutrient minerals may be added to the food provided that their contents are ensured not to cause harm to people's health and lives and those fall within the list of substances as stipulated by the Minister of Health.

Article 14. Conditions for ensuring safety of functional food

1. To comply with the conditions stipulated in Article 10 of this Law;

2. To have scientific information and documents, which evidence the effect of ingredients forming functional food, already publicized.

3. For functional food which is circulated in the market for the first

time, the reports on testing effects of the product shall be required.

4. The Minister of Health shall make specific provisions on management of function food.

Article 15. Conditions for ensuring safety of genetically modified food

1. To comply with the conditions stipulated in Article 10 of this Law;
2. To comply with the regulations on ensuring the safety for people's health and environment that the Government stipulates.

Article 16. Conditions for ensuring safety of irradiated food

1. To comply with the conditions stipulated in Article 10 of this Law;
2. To fall within the list of food permitted to be irradiated.
- 3) To comply with the regulations on irradiation doses.
- 4) The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate the List of food permitted to be irradiated and irradiation dose with respect to food which is assigned to them to manage.

Article 17. Conditions for ensuring safety of food additives and substances assisting food processing

1. To satisfy the relevant technical regulations and comply with the provisions on food additives and substances assisting food processing.
2. Users' instructions in Vietnamese and another language according to the origin of products must be stated either in the labels or in the documents attached to each product unit.
3. To fall within the List of food additives and substances assisting food processing permitted to be used for producing and trading food that the Minister of Health stipulates.

4. Announcement of technical-regulation conformity [in respect to food additives and substances assisting food processing] must be registered with the competent State body before this food is circulated on the market

The Government shall specifically stipulate registration of announcement of technical-regulation conformity and time-limit of registration of announcement of technical-regulation conformity with respect to food additives and substances assisting food processing.

Article 18. Conditions for ensuring safety with respect to tools, materials used for packing and containing food

1. To be manufactured from safe materials and ensure not to release poisonous substances and strange smell or taste into food, ensuring the quality of food within its use expiry date
2. To meet the relevant technical regulations, to comply with the regulations on tools and materials used for packing and containing food that the Minister of Health promulgates.
3. Announcement of technical-regulation conformity must be registered with the competent State body before [tools and materials used for packing and containing food] being circulated on the market

The Government shall specifically stipulate registration of announcement of technical-regulation conformity and time-limit of registration of Announcement of technical-regulation conformity with respect to tools and materials used for packing and containing food.

CHAPTER IV

CONDITIONS FOR ENSURING FOOD SAFETY IN PRODUCING AND TRADING FOOD

Section 1

GENERAL CONDITIONS FOR ENSURING SAFETY OF FOOD IN PRODUCING AND TRADING FOOD

Article 19. Conditions for ensuring safety of food in respect to establishments producing and trading food

1. Establishment producing or trading food shall have to meet the following conditions:

a) Having a location with appropriate area and safe distance from toxic and contamination sources and other harmful factors.

b) Having enough water meeting the technical regulations for producing and trading food.

c) Having sufficient and appropriate equipment and facilities to treat, process, pack, preserve and transport various categories of food; having sufficient equipment, tools and means for washing and disinfection, antiseptic water, equipment for preventing and fighting harmful insects and animals.

d) Having waste treatment system which is regularly operated in accordance with the laws on protection of the environment.

dd) Maintaining the conditions for ensuring the safety of food and archiving documents on origin of food materials and other documents relating to the entire process of production and trading of food.

e) Comply with the regulations on health, knowledge and practices of people directly involved in producing and trading food.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate the national technical regulations and specific regulations on the conditions for ensuring safety of food with respect to establishments producing and trading food in the sector which is assigned to them to manage

Article 20. Conditions for ensuring the safety of food with respect to preservation of food

1. Food producing and trading establishments shall have to ensure the conditions for preservation of food, as follows:

a) Means and places for preservation must have enough area to preserve each category of food separately, being able to carry out loading and unloading techniques safely and exactly, and ensuring hygiene requirements during preservation;

b) Preventing effect of temperature, moisture, insects, animals, dust, strange smell and adverse effects of environment; ensuring sufficient light; having specialized devices to adjust temperature, moisture and other climate conditions; having ventilation devices and other special storage conditions in accordance with the requirements of each category of food;

c) Complying with the provisions on preservation stipulated organizations and individuals producing and trading food.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate the national technical regulations and specific regulations on conditions for

ensuring safety of food with respect to preservation of food in the sector which is assigned to them to manage.

Article 21. Conditions for ensuring safety of food during transportation of food

1. Food transporting organizations and individuals shall have to ensure the following conditions:

a) Means of transportation of food shall have to be made of materials not contaminating food or its packing and being easy for cleaning;

b) Ensuring conditions for preservation of food during transportation in accordance with the instructions of producing and trading organizations and individuals.

c) Not transporting food together with toxic goods or with those may cause cross-contamination affecting to quality of food.

2. The competent State body shall provide for means transporting food; route for transportation of food with respect to some categories of fresh and raw materials in urban areas.

Article 22. Conditions for ensuring safety of food with respect to production and trading of food at a small scale

1. Establishments producing and trading food at a small scale shall have to comply with the conditions for ensuring food safety, as follows:

a) Having a safe distance from toxic and polluting sources;

b) Having enough water, meeting the technical regulations to be used for producing and trading food;

c) Having appropriate equipment to produce and trade food without making food toxic or polluted.

d) Using materials, chemical substances, food additives, substances assisting food processing, tools, materials for packing and containing food in primary processing, processing and preservation of food.

dd) Complying with the provisions on health, knowledge and practice of people directly involved in producing and trading food.

e) Collecting and treat wastes in accordance with the laws on protection of the environment.

h) Maintaining the conditions for ensuring safety of food and keeping information relating to sale and purchase, ensuring the traceability of food.

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall promulgate the national technical regulations and specific regulations on conditions for ensuring safety of food with respect to producing and trading food at small scale in the sector which is assigned to them to manage.

3. People's committees of provinces and cities under central authority (hereinafter referred to as provincial People's committee) shall promulgate the local technical regulations and specific regulations on conditions for ensuring safety of food in producing and trading food at small scale with respect to particular in the province.

Section 2

**CONDITIONS FOR ENSURING SAFETY OF FOOD IN
PRODUCING AND TRADING FRESH AND RAW FOOD**

Article 23. Conditions for ensuring safety of food with respect to

establishments producing fresh and raw food

1. Establishments producing fresh and raw food shall have to ensure the following conditions:

a) Ensuring conditions of cultivated soil, water source and production location in order to produce safe food;

b) Complying with the law on use of plant varieties, breeds; fertilizers, animal feeds, pesticide, veterinary drugs, growth-promoting substances, weight-promoting substances, reproductive stimulants, food preserving substances and other substances relating to food safety.

c) Complying with the regulations on quarantine and animal health hygiene in slaughtering animals; on plant quarantine for farm products.

d) Treating wastes in compliance with the laws on protection of the environment.

dd) Use of detergents, disinfectants and antidotes shall have to ensure safety for people and the environment.

e) Maintain the conditions for ensuring safety of foods, keeping documents relating to origin of food materials and other documents relating to the entire process of production of fresh and raw food.

2. The Minister of Agriculture and Rural Development shall make specific provisions on conditions for ensuring safety of food with respect to establishments producing fresh and raw food.

Article 24. Conditions for ensuring safety of foods in respect to establishments trading fresh and raw food

1. Establishments trading fresh and raw food shall have to ensure the following conditions:

a) Complying with the conditions for ensuring safety in respect to tools, materials used for packing and containing food, conditions for ensuring safety in preserving, transporting food as stipulated in Articles 18, 20 and 21 of this Law.

b) Ensuring and maintaining hygiene of business places.

2) The Minister of Agriculture and Rural Development shall make specific provisions on conditions for ensuring safety of food with respect to establishments trading fresh and raw food.

Section 3

CONDITIONS FOR ENSURING FOOD SAFETY IN PRIMARILY PROCESSING, PROCESSING AND TRADING OF PROCESSED FOOD

Article 25. Conditions for ensuring food safety in respect to establishment primarily processing and processing food

1. Ensuring the conditions stipulated in Article 19 of this Law.

2. Processes for primarily processing and processing [food] must ensure that food is not cross-contaminated and does not contact contaminants and toxic factors;

Article 26. Conditions for ensuring food safety in respect to materials, food additives, substances assisting food processing, micronutrients used for processing food

1. Materials to be used for processing food must be within their use expiry date, have clear origin, ensuring the safety and keeping inherent attributes intact; materials to form food must not interact with each

other to create products that cause harms to people's health and lives;

2. Micronutrients, food additives, substances assisting food processing shall have to comply with the provisions in Articles 13 and 17 of this Law when they are used;

Article 27. Conditions for ensuring food safety in respect to establishment trading processed food

1. Establishments trading pre-packaged processed food shall have to ensure the following conditions:

a. Complying with the regulations on labeling of food.

a. Complying with the conditions for ensuring food safety in respect to tools, materials used for packing and containing food, conditions for ensuring food safety in preserving food in accordance with Articles 18 and 20 of this Law.

c. Ensuring and maintaining hygiene of the business place.

d. Preserving food in accordance with the instructions of producing organizations and individuals.

2. Establishments trading non-pre-packed processed food shall have to ensure the following conditions:

a. Taking measures to ensure that food does not become rancid, moldy or does not contact with insects, animals, dirt and other contaminant elements.

b. Cleaning or sterilizing tableware and containers of foods before being used with respect to instant food.

c. Having information on origin and manufacture date of food.

Section 4

CONDITIONS FOR FOOD SAFETY IN PROVIDING FOOD AND DRINK SERVICES

Article 28. Conditions for ensuring food safety in respect to places processing and trading in food and drink catering services

1. Kitchens must be organized to ensure not to cross-contaminate between food not processed yet and processed food.

2. There must be enough water meeting the technical regulations for processing and trading.

3. There must be sufficient equipment for collecting and containing wastes and garbage that ensure the hygiene.

4. Sewage system at the restaurant and kitchens must be cleared and not stagnated.

5. The restaurant must be airy, cool, lighted sufficiently, maintaining them clean and must take measures to prevent harmful insects and animals.

6. There must be food preservation equipment, toilet and restroom and daily garbage collection system.

7. The head of entity having collective kitchen shall be responsible for ensuring food safety.

Article 29. Conditions for ensuring food safety in respect to establishment processing and trading in food and drink catering services

1. Having separate tools and containers for cooked and raw food.

2. Cooking and processing tools must ensure the hygiene and safety.

3. Eating and drinking utensils must be made from safe materials, cleaned

and dried.

4. Complying the regulations on health, knowledge and practice of people directly involved in producing and trading food.

Article 30. Conditions for ensuring food safety in processing and preserving food

1. Using food and food materials with clear origin and ensuring the safety, keeping food samples.

2. Food shall have to be cooked in order to ensure safety and hygiene.

3. Food displayed for sale shall have to be kept in shop window or hygienically qualified preservation equipment which may protect food against dust, rain, sunlight and penetration of harmful insects and animals; must be displayed on tables or shelves higher than the ground.

Section 5

CONDITIONS FOR ENSURING FOOD SAFETY IN TRADING STREET FOOD

Article 31. Conditions for ensuring food safety in respect to places where street food is displayed for sale

1. It must be separate from toxic and contaminant sources.

2. Food must be displayed for sale on tables, shelves or means, ensuring food safety and hygiene and good-looking street.

Article 32. Conditions for ensuring food safety in respect to materials, eating and drinking utensils, food containers and people trading street food

1. Materials used for processing street food shall have to ensure food safety with clear origin.

2. Eating and drinking utensils, food containers must ensure the hygiene and safety.

3. It is required to ensure that packing and other materials directly contacting food must not pollute or not release pollutants into food.

4. Having equipment for shading, sheltering from sunlight, rain, dirt, insects and harmful animals.

5. Having enough water meeting the technical regulations for processing and trading [food].

6. Complying with the provisions on health, knowledge and practice of people directly producing and trading street food.

Article 33. Responsibilities for management of street food trading

1. The Minister of Health shall specifically stipulate the conditions for ensuring food safety in trading street food.

2. People's committees of all levels are responsible for management of street food trading in the locality.

Chapter V

CERTIFICATION OF ESTABLISHMENT SATISFYING THE CONDITIONS OF FOOD SAFETY IN PRODUCING AND TRADING FOOD

Article 34. Entity, conditions to issue and revoke certificates on establishments satisfying the conditions of food safety

1. Establishments are issued with a Certificate on establishment satisfying the conditions of foods safety when satisfying in full of the following conditions:

a. Meeting all the conditions for ensuring food safety in conformity with each forms of food production and trading stipulated in Chapter IV of this Law.

b. Having registered line of business being food-trading in the Certificate on registration of business.

2. Organizations and individuals shall have their Certificate on establishment satisfying of the conditions of food safety revoked when they do not satisfy the conditions stipulated in Clause 1 of this Article.

3. The Government shall specifically stipulate entities who are not issued with a Certificate on establishment satisfying of the conditions of food safety.

Article 35. The competence to issue and revoke Certificate on establishment satisfying of the conditions of food safety

The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall make specific provisions on competence to issue and revoke Certificate on establishment satisfying of the conditions of food safety in the sector assigned to them to manage

Article 36. Application dossier and procedure for issuance of Certificate on establishment satisfying of the conditions of food safety

1. Application dossier for a Certificate on establishment satisfying of the conditions of food safety includes:

a) An application for a Certificate on establishment satisfying of the conditions of food safety;

b) A copy of Certificate on registration of business;

c) An explanation on physical facilities, equipment and tools to ensure the food hygiene and safety conditions stipulated by the competent State management body;

d) Certificates on satisfaction of health requirement of owner of establishment and people directly involved in producing and trading food, these certificates issued by a healthcare establishment of district or higher;

dd) Written certifications of completion of a training course on food safety and hygiene issued to owner of establishment and people directly involved in producing and trading food as provided for by the Minister of ministry managing the sector.

2. Procedure for issuing a Certificate on establishment satisfying of the conditions of food safety shall be stipulated as follows:

a) Organizations and individuals producing and trading food shall submit application dossier for a Certificate on establishment satisfying of the conditions of food safety to the competent State body stipulated in Article 35 of this Law;

b) Within 15 days as from the date of receipt of full and valid application dossier, the competent State body shall practically inspect the conditions for ensuring food safety at establishment producing and trading food; if such conditions are satisfied, a Certificate on establishment satisfying of the conditions of food safety shall have to be issued; in case of refusal, it must answer in writing, clearly specifying the reason.

Article 37. Effective duration of a Certificate on establishment

satisfying of the conditions of food safety

1. A Certificate on establishment satisfying of the conditions of food safety shall be valid for 03 years.

2. Six months before the on which the Certificate on establishment satisfying of the conditions of food safety becomes invalid, food producing and trading organization and individual shall have to submit a application dossier for re-issuance of the Certificate if they continue producing and trading. Application dossier and procedure for re-issuance shall be implemented in accordance with Article 36 of this Law.

Chapter VI

IMPORT AND EXPORT OF FOOD

Section 1

CONDITIONS FOR ENSURING SAFETY OF IMPORTED FOOD

Article 38. Conditions for ensuring safety of imported food

1. Food, food additives, substances assisting food processing, tools and materials used for packaging and containing imported food shall have to comply with the relevant conditions stipulated in Chapter III of this Law and the following conditions:

a) Announcement of technical-regulation conformity shall have to be registered with the competent State body before import.

b) They must be issued with "A notice of result certifying that food satisfies the requirements of import" for each lot of goods by the inspection body as designated by the Minister of ministry managing the sector.

2. Apart from the conditions stipulated in Clause 1 of this Article, functional food, food with micronutrients fortification, genetically-modified food and irradiated food shall be subject to certificate on free circulation or medical certificate in accordance with the Government's regulations.

3. In case where Vietnam does not have relevant technical regulations applicable to food, food additives, substances assisting food processing, tools and materials used for packing and containing imported food, the international treaties and agreements, of which Vietnam is a member, shall be applied.

Article 39. State inspection of food safety in respect to imported food

1. All imported food, food additives, substances assisting food processing, tools and materials used for packing and containing imported food shall have to be inspected by the State for food safety purpose, except for cases where the State inspection of food safety is exempted in accordance with the provisions of the Government.

2. Foods imported from countries, which enter into international treaties with Vietnam on mutual recognition in respect to certification of food safety, shall be applied with the shortened inspection procedure, except for cases where it is warned or sign of breach of the laws of Vietnam on food safety is discovered.

3. The Government shall specifically stipulate the exemption of State inspection of food safety in respect to some imported food; procedure for State inspection on food safety in country exporting food to Vietnam shall

be implemented in accordance with the international treaties, of which Vietnam is a member.

Article 40. Procedures and methods of State inspection of food safety

1. Procedures for State inspection of food safety in respect to imported food, food additives, substances assisting food processing, tools and materials used for packing and containing imported food shall be implemented in accordance with the laws on quality of products and goods and the following provisions:

a) Only being transported to preservation warehouse to wait for customs clearance when having a registration of inspection of food safety.

b) Customs clearance shall only be conducted when there are inspection results evidencing that food satisfies the requirements of import.

2. Methods of State inspection of food safety in respect to imported food, food additives, substances assisting food processing, tools and materials used for packing and containing imported food include the followings:

a) Strict inspection;

b) Ordinary inspection;

c) Loose inspection.

3. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall specifically stipulate State body inspecting food safety, application of methods of State inspection of food safety in respect to imported food, food additives, substances assisting food processing, tools and materials used for packing and containing imported food within the sector, the management is assigned to them.

Section 2

CONDITIONS FOR ENSURING FOOD SAFETY WITH RESPECT TO EXPORTED FOOD

Article 41. Conditions for ensuring safety in respect to exported food

1. Satisfying Vietnam's conditions for ensuring food safety;

2. Complying with the importing country's regulations on food safety in accordance with contract, international treaty or international agreement on mutual recognition of results assessing the conformity with the relevant country or territory area.

Article 42. Certification of exported food

1. The competent State body of Vietnam shall issue certificates on free circulation, medical certificates, certificates of origin or other relevant certificates with respect to exported food when the importing country requires;

2. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall stipulate application dossier and procedure for issuance of all categories of certificates as stipulated in Clause 1 of this Article according to the sector assigned to him or her to manage.

Chapter VII

ADVERTISING AND RECORDING LABELS OF FOOD

Article 43. Advertising food

1. Advertising food shall be implemented by organizations and individuals producing and trading food or advertising service providers in accordance with the laws on advertising.

2. Before registration of advertisement, organizations and individuals having food to be advertised shall have to send their application dossier to the competent State management body for confirmation of the advertisement contents.

3. Advertisement publishers, advertising service providers organizations and individuals having food to be advertised shall only be permitted to conduct the advertisement after the advertisement contents are appraised and only confirmed contents is permitted to be advertised.

The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall specifically stipulate the categories of advertisement subject to registration, competence, procedure for confirmation of the food advertisement contents according to the sector assigned to them to manage.

Article 44. Recording labels of food

1. Organizations and individuals producing and importing food, food additives and substances assisting food processing in Vietnam shall have to record labels of food in accordance with the laws on labeling of goods.

Use expiry date of food to be represented on the labels, depending on category of products, shall be recorded with phrase "hạn sử dụng" [use expiry date], "sử dụng đến ngày" [using until date] or "sử dụng tốt nhất trước ngày" [best used before date].

2. For functional food, food additives, irradiated food, genetically modified food, apart from provisions in Clause 1 of this Article, the following provisions must be complied:

a) For functional food, phrase "thực phẩm chức năng" [functional food] must be recorded and it is not be permitted to express in any forms that its effect replaces medicine.

b) For food additives, phrase "phụ gia thực phẩm" [food additives] and other information on scope of use, doses and use methods must be recorded.

c) For irradiated food, phrase "thực phẩm đã qua chiếu xạ" [irradiated food] must be recorded;

d) For genetically-modified food, phrase "thực phẩm biến đổi gen" [genetically modified food] must be recorded.

3. Based on the socio-economic conditions from time to time, the Government shall make specific provisions on recording labels of food, use expiry date of food; make specific provisions on genetically modified food subject to recording label, ratio of genetically modified food ingredients subject to labeling.

Chapter VIII

FOOD TESTING, ANALYSIS OF FOOD SAFETY RISKS, PREVENTION AND DEALING WITH FOOD SAFETY INCIDENTS

Section 1

TESTING FOOD

Article 45. Requirements for food testing

1. Food testing shall be carried out in the following cases:
 - a) At the request of organizations and individuals producing and trading food or other relevant organizations or individuals.
 - b) Serving the State management of food safety.
2. Food testing shall have to ensure with the following requirements:
 - a) Objectiveness and accuracy.
 - b) In compliance with the technical requirements.

Article 46. Food testing establishments

1. Food testing establishments shall have to satisfy the following conditions:

a) Having organizational apparatus and technical capacity, which satisfies the requirements of the national and international standards in respect to testing establishments.

b) Establishing and maintaining an management system appropriate with the requirements of the national and international standards.

c) Registering activities of assessment of standard conformity and technical regulation conformity with the competent State body when implementing activities subject to certification of standard conformity and/or certification of technical-regulation conformity.

2. Food testing establishments may provide testing services, collect testing fees and shall be responsible before the law for the testing results that they conduct.

3. Minister of ministry managing the sector shall make specific provisions on the conditions of testing establishments as stipulated in Clause 1 of this Article.

Article 47. Food testing to serve the resolution of disputes over food safety

1. The competent dispute-resolving body shall assign a testing and verifying establishment to test food in respect to issue of dispute. The testing result provided by the testing and verifying establishment shall be used as bases for resolution of disputes over food safety.

2. Testing establishments designated to verify must be State testing establishments satisfying the conditions as stipulated in Clause 1 of Article 46 of this Law.

3. Minister of ministry managing the sector shall make provisions on the conditions of testing and verifying establishments, and the List of testing and verifying establishment eligible for operating.

Article 48. Expenses on sample taking and food testing

1. Expenses on taking samples and testing food for the purpose of examination and inspection of food safety shall be borne by the body that decided the examination and inspection.

2. Basing on the testing results, the body deciding the examination and inspection of food safety makes conclusion that organization or individual producing and trading food has committed breach of the food safety regulations, such organization or individual shall have to refund expenses on taking samples and testing food to the body deciding the examination and inspection.

3. Organizations and individuals which request sample taking and food testing shall have to pay expenses on taking sample and testing food.

4. Expenses on taking sample and testing in complaint and dispute over food safety shall be borne by person making complaint or initiating lawsuit. In case where testing results evidence that organization or individual producing and trading food commits breach of the regulations on food safety, such organization or individual shall have to refund the expenses on taking sample and testing disputed food safety to the person making complaint or initiating the lawsuit.

Section 2

ANALYSIS OF FOOD SAFETY RISKS

Article 49. Objects to be analyzed for food safety risks

1. Food which may causes poisoning at highly rate;
2. Food from which sample is taken for supervision shows that the ratio of breach of the technical regulations on food safety is high
3. Environment and establishments producing or trading food suspected to cause pollution.
4. Food, establishments producing and trading is analyzed for risks in accordance with the requirements of management.

Article 50. Activities of analyzing food safety risks

1. The analysis of food safety risk consists of the activities of assessment, management and communication on food safety risk.
2. The assessment of food safety risks shall include the followings:
 - a) Investigating and testing to identify dangers of food safety that fall within groups of agents such as microorganism, chemical and physical;
 - b) Determination of food safety risks affecting to health, their scope and level of their impact on the community's health.
3. The management of food safety risks includes the followings:
 - a) Implementing solutions to limit food safety risks in each stage of the food supply chain;
 - b) Control and coordinate to limit food safety risks in catering services and in other food producing and trading activities.
4. Communication on food safety risks shall include the followings:
 - a) Provide information on preventative measures when food poisoning or contagion via food happens due to unsafe food in order to improve public awareness of and sense of responsibility for food safety risks;
 - b) Notifying and forecasting food safety risks; developing a system warning food safety risk and contagion via food.

Article 51. Responsibilities for carrying out analysis of food safety risk

The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall organize the analysis of food safety risks in the sector which is assigned to manage in accordance with Articles 49 and 50 of this Law.

Section 3

PREVENTION AND DEALING WITH FOOD SAFETY INCIDENTS

Article 52. Prevention of food safety incidents

1. Organizations and individuals discovering sign relating to food safety incident shall be responsible to promptly notify the nearest medical

examination and/or treatment establishments or local people's committee or the competent State body for prompt preventative measures.

2. Measures preventing food safety incidents shall include the followings:

- a) Ensuring safety during production, trading and use of food.
- b) Educating and disseminating knowledge and practice of food safety to producers, traders and consumers.
- c) Examining and inspecting food safety during production and trading of food.
- d) Analyzing food pollution risks.
- dd) Investigating, surveying and archiving food safety data.
- e) Keeping food samples.

3. People's committees of all levels shall be responsible to take measures to prevent food safety incidents in their localities.

4. The Ministry of Health, the Ministry of Agriculture and Rural Development and the Ministry of Industry shall organize programs on supervision, prevention of food safety incidents; organize to take measures to prevent and food safety incidents in foreign countries which likely affect to Vietnam in the sector which is designed to manage.

5. The Ministry of Health shall preside over and coordinate with the relevant ministries and branches to develop the system warning food safety incidents.

Article 53. Dealing with food safety incidents

1. Organizations, individuals detecting food safety incident in the country or overseas which might affect Vietnam shall have to promptly report it to the nearest medical establishment, local people's committee or the Ministry of Health, Ministry of Agriculture and Rural Development and Ministry of Industry and Trade for promptly preventative measures.

2. Measures to overcome food safety incidents shall include:

a) Timely discovering, giving first aid, treating patients with food poisoning and contagion via food or other circumstances arising from harmful food to people's health and lives.

b) Investigating to identify the cause of food poisoning, contagion via food and carry out traceability of food which causes food poisoning and contagion via food.

c) Suspending the production and trading activities or recovering and dealing with circulated food which causes food poisoning and contagion via food.

d) Notifying food poisoning and contagion via food to the relevant organizations and individuals.

dd) Taking measures to prevent food poisoning and contagion via food risks.

3. People's committees of all levels are responsible to take measures to deal with food safety incidents in their localities.

4. The Minister of Health shall have the following responsibilities:

- a) Making specific provisions on declaration of food safety incidents;
- b) Presiding over and coordinating with the relevant ministries and branches to take measures to prevent overseas food safety incidents which likely affect to Vietnam.

5. Organizations and individuals supplying food that causes food poisoning shall have to bear expense on treatment for poisoned person, and shall have to compensate for damages in accordance with the civil code.

Section 4
FOOD TRACEABILITY, RECOVERY AND SETTLEMENT OF UNSAFE FOOD

Article 54. Traceability of unsafe food

1. The traceability of unsafe food shall be conducted by organizations and individuals producing and trading food in the following cases:

- a) When the competent State body requests;
- b) When discovering that foods produced by themselves do not ensure the safety;

2. Organizations and individuals producing and trading food who carry out the traceability of unsafe food shall have to implement the following tasks:

- a) Identifying, notifying lot of food products which does not ensure the safety;
- b) Requiring food trading agents to report the quantity of products in the unsafe food lot, in actual inventory or being circulated in the market.
- c) Collecting, reporting to competent State body on recovering plan and settlement measures.

3. The competent State body shall be responsible for inspection and supervision of traceability of unsafe food.

Article 55. Recovering and disposal of unsafe food

1. Food shall have to be recovered in the following cases:

- a. Food is beyond the use expiry date, but still sold in the market.
- b. Food failing to meet the relevant technical requirements.
- c. Food is a product of new technology that is not permitted for circulation.
- d. Food is damaged during storage, transportation and trading.

dd) Food having substances prohibited to be used or any pollutant agents appear and exceed the permitted level.

e) Imported food that the competent body of exporting country, other countries or international organizations inform that such food contains pollutant agents which affect people's health and lives.

2. Unsafe food shall be recovered in the following manners:

- a. Voluntary recovery which is conducted by the organizations/individuals producing and trading food.
- b. Compulsory recovery which is conducted at the request of the competent State body to the organizations and individuals producing and trading unsafe food.

3. Measures of settlement of unsafe food:

- a) Overcoming mistake of products, labeling error;
- b)
- b. Conversion of use purpose;
- c) Re-export.

e) Destruction

4. Organizations and individuals producing and trading unsafe food shall be responsible to disclose information on recovered products and shall be responsible for recovering and settling unsafe food within the time-limit decided by the competent State body; shall bear all expenses on recovering and settling unsafe food.

In case where the time-limit for recovering [unsafe food] is exceeded, organizations and individuals producing and trading food fail to recover, they shall be forced to recover in accordance with the law.

5. The competent State body shall have the responsibilities as follows:

a) Basing on seriousness of breach of the conditions for ensuring the food safety, to decide recovering and settling unsafe food, time-limit for completion of recovering, settlement of unsafe food;

b) To inspect the recovering of unsafe food;

c) To deal with breach of the laws on food safety in accordance with the competence as stipulated by the law;

d) In case where food threatens to cause adverse impact on the community's health and in other urgent cases, the competent State body shall directly organize the recovering and settlement of the food and shall request organizations and individuals producing and trading unsafe food to pay expenses on such recovering and settlement of food.

6. The Minister of Health, the Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall make specific provisions on recovering and settlement of unsafe food in the sector which is assigned to her or him to manage.

Chapter IX INFORMATION, EDUCATION AND COMMUNICATION ON FOOD SAFETY

Article 56. Objectives and requirements of the information, education and communication on food safety

1. Information, education and communication on food safety is aimed at improving the awareness of food safety, changes of backward behavior, customs and practices in production, trading, living, eating and drinking which cause harm to food safety in order to protect people's health and lives; trading morality, sense of responsibility of organizations and individuals producing and trading in respect to food consumers' health and lives.

2. The provision of information, education and communication on food safety shall have to meet the following requirements:

a) Accurate, prompt, clear, simple and useful;

b) Suitable to tradition, culture, national character, belief, social moral, religion, customs and habits;

c) Suitable to each category of entities to be propagandized.

Article 57. Contents of information, education and communication on food safety

1. Providing information, propagandizing knowledge and laws on food safety.

2. Reasons, ways of identification of food poisoning risks, contagion

via food and measures to prevent and fight food safety incidents.

3. Information on symbolic safe food producer or trader; recovering of unsafe food, dealing with establishments committing serious breach of the laws on food safety.

Article 58. Subjects accessing to information, education and communication on food safety

1. Organizations and individuals may be entitled to the right to access to information, education and communication on food safety.

2. A priority in accessing to information, education and communication on food safety shall be given to the following subjects:

a) Food consumers.

b) People managing and running food production and trading establishments; people directly involved in food production and trading;

c) Organizations and individuals producing and trading raw and fresh food; producing and trading food at a small scale; people in specially socio-economic difficult conditions.

Article 59. Forms of information, education and communication on food safety

1. Implementing through the competent State body in charge of food safety.

2. Via mass media.

3. Combining with teaching and studying programs at educational establishments in the national education system.

4. Through cultural and community activities, activities of unions, social organizations and other forms of public cultures.

5. Through food safety inquiry locations in the Ministry managing the sector.

Article 60. Responsibilities for information, education and communication on food safety

1. Bodies, organizations and units within the scope of their respective duties and powers shall be responsible for information, education and communication on food safety.

2. The Minister of Health, and ministers managing the sector and heads of relevant ministerial-level bodies shall be responsible for directing the relevant bodies to provide accurately and scientifically information on food safety; and promptly notify any inaccurate information on food safety.

3. The Minister of Information and Communication shall be responsible for directing mass media agencies to regularly provide information and communications on food safety, mainstreaming food safety issue with other communication and information programs.

4. The Minister of Education and Training shall be responsible for presiding over and coordinating with Ministers of Health and minister of ministry managing the sector and relevant ministerial-level bodies in developing contents for food safety education in combination with other issues.

5. People's committees of all levels shall be responsible for organizing the provision of information, education and communication on food safety to the local people.

6. Mass media agencies shall be responsible for giving priority in terms

of timing and length of their broadcasts to provide information, educate and communicate on food safety on the radio and televisions; also in terms of the volume and the position on a printed, visual or electronic newspapers in accordance with the regulations of the Minister of Information and Communication. The information, education and communication on food safety on the mass media shall be free of charge except for the cases where the program is broadcast made under a separate contract or program or is sponsored by a domestic or foreign organization or individual.

7. The Fatherland Front, associations and social organizations, within the scope of their respective duties, shall be responsible for providing information and communication on food safety.

Chapter X

STATE MANAGEMENT OF FOOD SAFETY

Section 1

STATE MANAGEMENT RESPONSIBILITY FOR FOOD SAFETY

Article 61. State management responsibility for food safety

1. The Government ensures the uniform State management of food safety.

2. The Ministry of Health shall be responsible to the Government for carrying State management of food safety.

3. Ministries ministerial-level bodies, within the scope of their respective duties and powers, shall be responsible for coordinating with the Ministry of Health in conducting State management of food safety.

4. People's committees of all levels shall carry out State management of food safety in their localities.

Article 62. Ministry of Health's State management responsibilities for food safety

1. General responsibilities, as follows:

a) Presiding over formulating, submitting to the competent State body to promulgate and organize the implementation of national strategies and master planning on food safety;

b) Promulgating national technical regulations on criteria and safety limits in respect to food products; tools, materials used for packing and containing food;

c) Requesting Ministries, branches, provincial People's Committees to report periodically or extraordinarily the management of food safety;

d) Making the general conditions for ensuring food safety in respect to establishments producing and trading food;

dd) Presiding over organizing and implementing propaganda and education of the laws on food safety; warning food poisoning incidents;

e) To conduct extraordinary examinations and inspection of the processes of production, import and trading of food that fall within the scope of management of other ministries if necessary;

2. Responsibilities for management of the sector

a) Presiding over the formulation, promulgation or submitting to the competent State body to promulgate and implement strategies, policies, master planning, plans and legal normative documents on food safety within the sector is assigned to manage;

b) Managing food safety during production, primarily processing, processing, preservation, transportation, export, import and trading in

respect to food additives, substances assisting food processing, bottled water, mineral water, functional food and other food in accordance with the provisions of the Government;

c) Managing food safety in respect to tools, materials packing and containing food during the course of production, processing, trading of food in the sector which is assigned to manage;

d) Inspecting, examining and dealing with breaches of the laws on food safety in the course of production, export, import and trading of food in the sector which is assigned to manage;

Article 63. Ministry of Agriculture and Rural Development's responsibilities

1. Presiding over the formulation, promulgation or submitting to the competent State body to promulgate and implement strategies, policies, master planning, plans and legal normative documents on food safety within the sector is assigned to manage;

2. Managing food safety in respect to initial production process of agricultural, forestry and aquatic products and salt;

3. Managing food safety during production, collection, slaughtering, primarily processing, processing, preservation, transportation, export, import and trading in respect to cereals, meat and products originated from meat, aquaculture and aquatic products, vegetable, bulb, fruits, eggs and products made from eggs, fresh milk being material, bee's honey and products made from bee's honey, genetically modified food, salt and agricultural food in accordance with the provisions of the Government.

4. Managing food safety in respect to tools, materials packing and containing food during the course of production, processing, trading of food in the sector which is assigned to manage;

5. Reporting periodically or extraordinarily the management of food safety in the sector which is assigned to manage.

6. Inspecting, examining and dealing with breaches of the laws on food safety in the course of production, export, import and trading of food in the sector which is assigned to manage;

Article 64. Ministry of Industry and Trade's responsibilities

1. Presiding over the formulation, promulgation or submitting to the competent State body to promulgate and implement strategies, policies, master planning, plans and legal normative documents on food safety within the sector is assigned to manage;

2. Managing food safety during production, processing, preservation, transportation, export, import and trading in respect to alcohol, beer, drink, processed milk, vegetable oil, products used for processing powder and starch and other food in accordance with the provisions of the Government;

3. Managing food safety in respect to tools, materials packing and containing food during the course of production, processing, trading of food in the sector which is assigned to manage;

4. Promulgating policies and master planning on markets, supermarkets, stipulating the conditions for trading food in markets and supermarkets.

5. Presiding over prevention and fighting of false food and trade fraudulence in circulating and trading food;

6. Reporting periodically or extraordinarily the management of food

safety in the sector which is assigned to manage.

7. Inspecting, examining and dealing with breaches of the laws on food safety in the course of production, export, import, and trading of food in the sector which is assigned to manage.

Article 65. State management responsibilities of People's Committees of all levels

1. Promulgating in accordance with the competence or submitting to the competent State body to promulgate legal normative documents and local technical regulations; developing and organizing the implementation of regional master planning and establishments producing safe food in order to ensure that the management is conducted in the entire food supply chain.

2. Taking responsibility for the food safety control in their respective areas; managing the conditions for ensuring food safety in respect to establishments producing and trading street food or food at small scale, business establishments, food and drink catering services, food safety in the market in area and other subjects which are assigned to manage.

3. Reporting periodically or extraordinarily the management of food safety in the locality.

4. Arranging resources, organizing training courses to improve the quality of human resource for ensuring food safety in the locality.

5. Organizing propaganda, education and communication to improve the awareness of food safety, sense of complying with the laws on management of food safety, sense of responsibility of person producing and trading food to the community and sense of food consumers.

6. Inspecting, examining and dealing with breaches of the laws on food safety in the locality that it manages.

Section 2

FOOD SAFETY INSPECTION

Article 66. Food safety inspection

1. Food safety inspection shall be specialized inspectorate. The food safety inspectorate shall be carried out by the healthcare, agricultural and rural development, industry and trade sectors in accordance with the laws on inspection.

2. The Government shall provide for the coordination among food safety inspection forces of ministries, ministerial-level agencies with other forces in ensuring food safety.

Article 67. Contents of inspection of food safety

1) The implementation of the technical standards and other provisions on food safety issued by the competent State management agencies applicable to production and trading of food and food products;

2) The implementation of the standards relating to food safety declared by producers to be applicable to production and trading of food and food products;

3) Advertising and labeling activities with respect to the food that falls within the scope of management.

4) Certification of technical-regulation conformity; food safety testing activities.

5) The implementation of other provisions of laws on food safety.

Section 3

FOOD SAFETY EXAMINATION

Article 68. Responsibilities for food safety examination

1. Food safety management bodies of Ministries managing the sector shall carry out food safety examination during food production and trading process in accordance with Articles 61, 62, 63 and 64 of this Law.

2. The food safety management bodies under provincial people's committees shall conduct food safety examination within their locality in accordance with the regulations of Ministries managing the sector and as assigned by the provincial people's committee.

3. Where an inter-disciplinary food safety examination relates to the scope of management of several sectors or localities, the body in charge shall be responsible to coordinate with concerned bodies of relevant ministries, ministerial-level bodies, provincial people's committees in implementation.

4. Food safety examination activities must ensure the following principles:

- a) Objectivity, accuracy, publicity, transparency, non-discrimination;
- b) Keeping confidentiality of information, documents and the examination results relating to food producing and trading agencies, organizations and individuals who are subject to examination when the official conclusions are not yet available;
- c) Not creating burdensome or troubles for food producing and trading agencies, organizations and individuals;
- d) Being responsible under the law for examination results and related conclusions.

5. The Minister of ministry managing the sector shall make detailed provisions on food safety examination activities within their assigned scope of State management.

Article 69. Authority and duties of the food safety management body in food safety examination activities

1. Within the scope of its duties and power, a food safety management body shall have the following rights in food safety examinations:

- a. Deciding on establishment of examination delegation to carry out periodical or extraordinary examination;
- b. Warning/alerting threats of food safety dissatisfaction;
- c. Dealing with breaches during the food safety examinations as stipulated in Articles 30, 36 and 40 of the Law on Quality of Goods and Products.
- d. Dealing with complaints and denunciations on examination delegation's decisions and behaviors/acts of examination delegation's member in accordance to the law on complaints and denunciations

2. Within the scope of its power and duties, a food safety management body shall have the following duties:

- a. Developing annual examination plans and submit them to the State competent body for approval;
- b. Receiving application dossier for imported food safety examination; confirming the conditions for ensuring food safety for imported food;
- c. Issuing settlement decisions within 3 working days at the latest from the date of receipt of the report from the examination delegation on the

temporary suspension of production/trading activities, food sealing, temporary suspension of advertisements of unsafe food.

Article 70. Examination delegation

1. Examination delegation shall be established by the head of food safety management body on the basis of the examination plan/program approved by the competent State body or at a request for extraordinary examination.

2. During the process of food safety examination, the examination delegation shall have the following tasks and power:

a) Requesting food producing and trading organizations and individuals to provide relevant documents; and deal with the breach during the examination process in accordance with Articles 30 and 40 of the Law on Quality of Goods and Products; provide copies of the documents prescribed in this Clause where necessary.

b) Taking samples for testing if necessary;

c) Sealing off food; suspending sales of unqualified food; suspending food advertisements that contain inappropriate contents during the examination in the market and having to report to the food safety management body within 24 hour or less from the time at which food is sealed off or sales of unqualified food/advertisement is suspended;

d) Requesting the organizations and individuals producing or trading the food that does not conform with the standards announced for application or with technical regulations or regulations on similar conditions to immediately take corrective measures or remedies;

dd) Proposing the food safety management body to deal with [breach] in accordance with its competence stipulated in Article 69 of this Law;

e) Ensure the principles stipulated in Clause 4 of Article 68 of this Law when carrying out examination;

g) Report accurately and timely examination results to food safety management body.

Chapter XI

IMPLEMENTATION PROVISIONS

Article 71. Effectiveness

This Law shall be of full force and effect as of 1 July 2011. Ordinance on Food Safety & Hygiene No. 12/2003/PL-UBTVQH11 dated 26 July 2003 is hereby repealed as from the date this Law take effect.

Article 72. Detailed provision and guidelines for implementation

The Government shall make detailed provisions, providing guidelines for implementation of some Clauses and Articles as assigned to them in this Law; providing guidelines for other necessary contents of this Law to meet the State management requirements.

This Law has been passed by XIIth National Assembly of the Socialist Republic of Vietnam at its 7th session on the date of 17 June 2010.

**PRESIDENT OF THE NATIONAL ASSEMBLY
NGUYEN PHU TRONG**

