

**THE GOVERNMENT**

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No. 132/2008/ND-CP

**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom - Happiness**

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*Hanoi, December 31, 2008*

**DECREE**

**DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE  
LAW ON PRODUCT AND GOODS QUALITY**

**THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the November 21, 2007 Law on Product and Goods Quality;*

*At the proposal of the Minister of Science and Technology,*

**DECREES:**

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.** Scope of regulation

This Decree details the implementation of a number of articles of the Law on Product and Goods Quality regarding the control of product and goods quality; examination of product and goods quality; national quality awards; and responsibilities for state control of product and goods quality.

**Article 2.** Subjects of application

This Decree applies to organizations and individuals producing or trading in goods and products and organizations and individuals conducting activities related to products and goods quality in Vietnam.

**Article 3.** Identification and promulgation of a list of products and goods capable of causing unsafety

1. The identification of products and goods to be listed as products and goods capable of causing unsafety (group-2 products and goods) shall be based on:

a/ Products' and goods' capability of causing unsafety;

b/ State management requirements and capacity in each period.

2. Products' and goods' capability of causing unsafety shall be determined based on one or all of the following factors:

a/ Chemical, physical or biological nature;

b/ Structure and operation principles;

c/ Process of transportation, storage, preservation and use.

3. Pursuant to Clauses 1 and 2 of this Article, line ministries shall promulgate lists of group-2 products and goods under their management as prescribed in Clause 2, Article 32 of this Decree after consulting the Ministry of Science and Technology.

**Chapter II**

**CONTROL OF PRODUCT AND GOODS QUALITY**

## **Section 1. CONTROL OF QUALITY OF PRODUCTS IN PRODUCTION**

**Article 4.** Conditions for ensuring quality of products in production before they are marketed

1. Producers shall abide by requirements on product quality control in production specified in Article 28 of the Law on Product and Goods Quality before putting products on the market and, at the same time shall:

- a/ Ensure that products are safe to humans, animals, plants, property and the environment;
- b/ Determine and display information warning about products' capability of causing unsafety.

2. For group-2 products, producers shall make regulation-conformity announcement according to relevant technical regulations. The announcement of technical regulation conformity must comply with the law on standards and technical regulations.

For group-2 products with particular requirements on the production process, line ministries shall promulgate national standards for the production process or specify requirements on the production process in the national technical standards applicable to these products. Producers shall apply national technical regulations related to the conditions on the production process and must have their products certified as regulation-conformable by a designated certification organization.

3. For group-2 products which have new properties accompanied with the latent capability of causing unsafety under proper transportation, storage, preservation and use conditions, which, however, have not yet been specified in relevant technical regulations or products which appear for the first time in Vietnam and possess the latent capability of causing unsafety, producers shall prove that these products are safe to humans, animals, plants, property and the environment in accordance with regulations of line ministries. These products may be marketed only after line ministries' permission is obtained.

**Article 5.** State examination of product quality in production

1. The state examination of product quality in production (below referred to as examination of product quality in production) shall be conducted by product and goods quality examination agencies.

2. Grounds for product and goods quality examination agencies to examine product quality in production:

- a/ Exported goods fail to satisfy the conditions prescribed in Article 32 of the Law on Product and Goods Quality, causing harms to national interests and reputation;
- b/ Goods circulated on the market fail to conform to announced applicable standards or relevant technical regulations. The nonconformity is systematic and repeated.

3. Examination contents:

a/ Examining the application of requirements under relevant technical regulations related to conditions on the production process and measures for state control of product quality in production;

b/ Examining the evaluation of conformity and conformity evaluation results, goods labeling, display of standard- or regulation-conformity marks and documents accompanying products subject to examination;

c/ Testing samples to check the conformity of products to announced applicable standards or relevant technical regulations.

The examination under this Point shall be conducted by a designated conformity evaluation organization when signs of failure to ensure quality are detected after carrying out the examination under Points a and b of this Clause.

4. In the process of examination under Clause 3 of this Article, examination agencies may invite conformity evaluation experts or organizations to conduct the evaluation and testing according to announced applicable standards or relevant technical regulations. Conformity evaluation experts and organizations must work in an independent and objective manner and take responsibility before law for their evaluation and testing results.

**Article 6.** Handling of violations in the process of examination of product quality in production

1. When a producer fails to comply with requirements prescribed in Article 28 of the Law on Product and Goods Quality, the examination team shall handle the producer according to Article 30 of the Law on Product and Goods Quality and, at the same time, notify the producer of uncomformable contents and set a time limit for remedying them. The producer shall take remedies as required by the examination team and may only put the product on the market when uncomformable contents have been remedied. Before putting this remedied product on the market, the producer shall notify in writing the examination agency thereof.

2. For cases subject to announcement on the mass media as prescribed at Point c, Clause 1, and Clause 2, Article 30 of the Law on Product and Goods Quality, the examination agency shall, depending on the nature and severity of the violation and the degree and scope of its impact, decide to make announcement on local or central radio or television stations or other mass media.

3. When detecting a violation subject to administrative handling, the examination agency shall transfer the dossier to and propose a competent agency to carry out procedures for administratively handling such violation according to the law on the handling of administrative violations. The agency competent to handle administrative violations shall notify the handling and handling results to the examination agency for monitoring.

## **Section 2. CONTROL OF IMPORTED GOODS QUALITY**

**Article 7.** Conditions for ensuring the quality of imported goods before goods are marketed

1. Importers shall abide by requirements on control of goods quality prescribed in Article 34 of the Law on Product and Goods Quality before circulating goods on the market and, at the same time shall:

- a/ Ensure that their goods are safe to humans, animals, plants, property and the environment;
- b/ Determine and display information warning about goods' capability of causing unsafety.

2. For group-2 goods, importers shall announce regulation conformity and must have their goods certified as regulation-conformable in accordance with relevant technical regulations.

The certification of regulation conformity shall be conducted in accordance with the law on standards and technical regulations. The announcement of regulation conformity shall be conducted based on one of the following grounds:

- a/ The results of self-evaluation by the producer or importer;
- b/ Evaluation by a conformity evaluation organization;
- c/ Certification of regulation conformity according to relevant technical regulations;

d/ Results of verification at the border gate of exportation or the border gate of importation by a designated or accredited certification or evaluation organization as prescribed in Article 26 of the Law on Product and Goods Quality.

3. For group-2 goods subject to technical regulations related to conditions on the production process, the importer shall produce a certificate concerning the conditions on the production process, issued by a designated or accredited evaluation organization.

4. For group-2 products which have new properties with the latent capability of causing unsafety under proper transportation, storage, preservation and use conditions, which, however, have not yet been specified in relevant technical regulations or products which appear for the first time in Vietnam and possess the latent capability of causing unsafety, importers shall prove that these products are safe to humans, animals, plants, property and the environment in accordance with regulations of line ministries. These products may be marketed only after line ministries' permission is obtained.

5. Goods produced by enterprises in export-processing zones for the domestic market are subject to quality control like imports.

#### **Article 8. State examination of quality of imported goods and handling of violations**

1. State examination of imported goods quality (below referred to as examination of imported goods quality) shall be conducted by product and goods quality examination agencies, for group-2 goods and other goods showing signs or posing risks of causing unsafety.

2. The quality of imported goods shall be examined under Clause 2, Article 27, and according to the examination order and procedures prescribed in Article 35; violations detected in the examination process shall be handled under Article 36 of the Law on Product and Goods Quality.

If goods quality satisfies prescribed requirements, the examination agency shall issue a notice for the customs office and the importer to carry out customs clearance procedures. If goods quality fails to satisfy the prescribed requirements, the examination agency shall, depending on the nature and severity of the violation, propose a competent state agency to apply one or all of the following handling measures:

a/ To request the importer to re-export the goods;

b/ To request the importer to re-process or destroy the goods according to regulations. Goods, after being re-processed, must comply with regulations on management of imports;

c/ The product and goods quality examination agency shall consider the intensified examination at border gates or propose competent state agencies to decide to suspend or stop the import of these non-conformable goods.

3. Expenses and charges for the examination of imported goods quality comply with Article 37 of the Law on Product and Goods Quality.

### **Section 3. CONTROL OF EXPORTED GOODS QUALITY**

#### **Article 9. Conditions for ensuring exported goods quality before goods are exported**

Exporters shall abide by management requirements prescribed in Article 32 of the Law on Product and Goods Quality before exporting goods.

#### **Article 10. State examination of quality of exported goods and handling of violations**

1. Goods that meet the requirements specified in Article 32 of the Law on Product and Goods Quality may be exported without being examined by examination agencies.

2. For exported goods which fail to ensure quality standards, adversely affecting to the national interests and reputation, goods and product quality examination agencies shall examine the quality of products in production under Article 5 and handle violations under Article 6 of this Decree.

3. Exported goods, when circulated in the country, must comply with management requirements prescribed in Section 1, Chapter II of this Decree.

#### **Section 4. CONTROL OF QUALITY OF GOODS CIRCULATED ON THE MARKET**

##### **Article 11. Conditions for ensuring quality of goods circulated on the market**

Goods which meet the requirements prescribed in Articles 4 and 7 of this Decree may be circulated on the market.

##### **Article 12. Examination of quality of goods circulated on the market**

1. Product and goods quality examination agencies shall work out methods for collecting information on and analyzing unconformable contents, goods failing to satisfy quality standards and the situation of goods quality on the market in order to make annual examination plans, estimate examination budgets and identify specific goods subject to examination.

2. Based on examination plans and the situation of goods quality on the market, product and goods quality examination agencies shall examine the quality of goods circulated on the market as follows:

a/ Examining the results of conformity evaluation, goods labeling, display of standard-and regulation-conformity marks and documents accompanying goods subject to examination; information and warnings about the capability of causing unsafety;

b/ After conducting examination under Point a of this Clause or if detecting signs of poor quality, inviting a designated conformity evaluation organization to test samples to examine the conformity of goods with announced applicable standards or relevant technical regulations. Conformity evaluation organizations must work in an independent and objective manner and take responsibility before law for their evaluation results.

##### **Article 13. Handling of violations in the process of examination of quality of goods circulated on the market**

1. Product and goods quality examination agencies shall examine quality of goods circulated on the market according to the order and procedures specified in Article 39 and handle violations under Article 40 of the Law on Product and Goods Quality. Quality controllers and examination teams shall notify goods sellers of unconformable contents and time limits for remedying them. Goods sellers shall remedy all unconformable contents before resuming the sale of goods, and shall notify in writing examination agencies thereof.

2. For cases subject to announcement on the mass media as prescribed at Point c. Clause 1, and Point c. Clause 2, Article 40 of the Law on Product and Goods Quality, the product and goods quality examination agency shall, depending on the nature and severity of the violation as well as the degree and scope of its impact, decide to make announcement on local or central radio or television stations or on other mass media.

3. When detecting a violation subject to administrative sanction, the examination agency shall transfer the dossier to and propose a competent agency to carry out procedures for administratively handling such violation in accordance with the law on handling of

administrative violations. The agency competent to handle administrative violations shall monitor and notify the handling and handling results to the examination agency for monitoring.

## **Section 5. CONTROL OF GOODS QUALITY IN THE USE PROCESS**

**Article 14.** Conditions for ensuring the quality of goods in the use process

1. Goods users and owners shall abide by the conditions prescribed in Article 42 of the Law on Product and Goods Quality in order to ensure the quality of goods in the use process.
2. Goods on the list of those subject to verification in the use process may be used only after being granted a verification certificate.
3. Users and owners of goods subject to verification shall pay verification expenses and fees. Verification expenses shall be paid at the rates agreed upon with verification organizations.

The Ministry of Finance shall prescribe the verification fee rates for goods subject to verification in the use process and the collection and management of such fees.

**Article 15.** Control of the quality of goods subject to quality control in the use process

Line ministries shall, within their assigned management scope specified in Clause 2, Article 32 of this Decree, make lists of goods subject to verification, initial or periodical verification in the use process, and provide for the process for management of these goods.

**Article 16.** Examination of quality of goods subject to quality control in the use process and handling of violations

1. For goods subject to quality control in the use process, product and goods quality management agencies shall work out methods for collecting information to warn about the risks of poor quality, goods not up to quality standards and the situation of quality of goods subject to quality control in the use process so as to make annual examination plans, estimate examination budgets and identify specific goods subject to examination.

2. Based on examination plans and the situation of quality of goods subject to quality control in the use process, product and goods quality examination agencies shall examine quality of goods subject to quality control in the use process as follows:

a/ Examining the compliance with requirements specified in relevant technical regulations related to the conditions on the use process and measures for state control of quality in the use process;

When necessary, examination agencies may invite conformity evaluation experts or organizations to conduct evaluation according to requirements specified in relevant technical regulations. Conformity evaluation experts and organizations must work in an independent and objective manner and shall take responsibility before law for their evaluation results.

b/ Examining the compliance with verification requirements, verification results and use instructions accompanying goods subject to examination;

c/ If considering that requirements specified at Points a and b of this Clause are not fully complied with or when detecting signs of poor quality, examination agencies shall consider and invite a designated conformity evaluation organization to test these goods;

Conformity evaluation organizations must work in an independent and objective manner and shall take responsibility before law for their evaluation results.

3. When detecting goods which fail to meet verification requirements and relevant technical regulations, depending on the nature and severity of violations, quality examination agencies shall:

- a/ Notify goods owners of unconfirmable contents and time limits for remedying them;
- b/ Request goods owners to suspend the use and take measures to announce the suspension of goods use. All unconfirmable contents must be remedied and verified and a re-verification certificate must be granted before the goods are re-used;
- c/ Propose competent state agencies to inspect, handle administrative violations, confiscate or destroy the goods or stop the use of the goods forever.

## **Section 6. CONFORMITY EVALUATION**

**Article 17.** Conformity evaluation organizations and registration of conformity evaluation operations

1. Conformity evaluation organizations may provide services on the Vietnamese territory if they meet the conditions prescribed in Clause 5, Article 25 of the Law on Product and Goods Quality and have rights specified in Article 19 of the Law on Product and Goods Quality.

2. The registration of operations of conformity evaluation organizations is prescribed as follows:

a/ Registration for standard conformity certification and testing operations is carried out at the Ministry of Science and Technology;

b/ Registration for regulation conformity certification operations is carried out at ministries, ministerial-level agencies and provincial-level People's Committees that promulgate technical regulations;

c/ Registration for verification operations is carried out at the Ministry of Industry and Trade under the commercial law;

d/ Registration for assay operations is carried out at ministries or ministerial-level agencies in accordance with their assigned scope of product and goods quality control.

3. Biannually, ministries, ministerial-level agencies and provincial-level People's Committees which receive registrations of operations of conformity evaluation organization specified in Clause 2 of this Article shall send to the Ministry of Science and Technology the lists of conformity evaluation organizations which have registered their operations.

4. The Ministry of Science and Technology shall sum up and publicize the list of conformity evaluation organizations which have registered their operations under Clause 2 of this Article.

5. The Ministry of Science and Technology shall specify requirements, order of and procedures for registration of operation domains of conformity evaluation organizations.

**Article 18.** Designation of conformity evaluation organizations and recognition of conformity evaluation results

1. Conformity evaluation organizations which have registered their operations under Article 17 of this Decree may be selected or designated to assist the state control of product and goods quality.

2. Line ministries or provincial-level People's Committees shall designate conformity evaluation organizations to conduct testing, verification, certification and assay for the state control of quality of product and goods in their assigned branches, domains or localities.

Conformity evaluation results of designated conformity evaluation organizations shall be considered and recognized by competent state agencies in the process of examination and inspection of product and goods quality.

3. Line ministries and provincial-level People's Committees shall publicize the list of designated conformity evaluation organizations and conformity evaluation organizations with recognized conformity evaluation results under Clause 2, Article 26 of the Law on Product and Goods Quality for selection and use by concerned agencies, organizations and individuals.

4. The Ministry of Science and Technology shall prescribe requirements, the order of and procedures for designation of conformity evaluation organizations.

**Article 19.** Conformity evaluation expenses

1. Producers and traders shall pay expenses for conformity evaluation as agreed upon with conformity evaluation organizations.

2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with line ministries in, scrutinizing charges related to conformity evaluation which must be abolished. The deadline for completion is December 1, 2009.

**Chapter III**

**ORGANIZATION OF EXAMINATION OF PRODUCT AND GOODS QUALITY**

**Article 20.** Product and goods quality examination agencies

1. Central product and goods quality examination agencies are general departments and departments which have the function of state control of product and goods quality or other ministerial-level agencies which are assigned the task of examining product and goods quality.

2. Local product and goods quality examination agencies are specialized agencies under provincial-level People's Committees which have the function of state control of product and goods quality and conduct examination of the quality of product and goods in their respective localities under regulations of line ministries.

3. Based on specific requirements, line ministries and provincial-level People's Committees shall specify the functions, tasks, powers and organizational structures of, and reach agreement with the Ministry of Home Affairs on the payroll of quality inspectors in, product and goods examination units defined in Clauses 1 and 2 of this Article.

**Article 21.** Assignment of product and goods quality examination responsibilities to examination agencies under line ministries

1. Product and goods examination agencies under line ministries shall examine product and goods quality in the domains assigned to them under decrees defining the functions, tasks, powers and organizational structure of their respective ministries, particularly in production, import and export, circulation on the market. and the use process as follows:

a/ According to Clause 2, Article 32 of this Decree, for products in production;

b/ According to Clause 2, Article 70 of the Law on Product and Goods Quality, for imported goods, exported goods, goods circulated on the market and goods on the list in Article 15 of this Decree.

2. The product and goods quality examination agency under the Ministry of Science and Technology shall examine product and goods quality within its assigned domains, specifically as follows:

a/ According to Point o. Clause 2, Article 32 of this Decree, for products in production;

b/ According to Clause 4, Article 69 of the Law on Product and Goods Quality, for imported goods, exported goods, goods circulated on the market and goods in the use process.

3. Product and goods quality examination agencies specified in Clauses 1 and 2 of this Article, have the powers defined in Article 46 and tasks defined in Article 47 of the Law on Product and Goods Quality, and perform the following specific tasks:

a/ Assume the prime responsibility for, and coordinate with other agencies in, organizing the examination within their assigned domains;

b/ Take the initiative in coordinating with market management agencies in handling violations detected in the process of examination of quality of goods circulated on the market;

c/ Guide and provide professional instructions for local product and goods quality examination agencies to conduct the examination;

d/ Sum up and review the situation of quality of product and goods under their management for reporting to their respective ministries and the Ministry of Science and Technology.

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with line ministries in, issuing regulations on examination of quality of products and goods circulated on the market and formulate and submit to the Prime Minister for promulgation a Regulation on coordination between examination agencies defined in Clauses 1 and 2 of this Article, and local product and goods quality examination agencies and inspection agencies, customs agencies, public security agencies and market control agencies in the examination of quality of products and goods under their assigned domains.

#### **Article 22.** Quality controllers

1. Quality controller is the rank of public employees specializing in product and goods quality examination.

2. Titles, rank codes and professional qualifications for product and goods quality controllers shall be prescribed by the Ministry of Home Affairs.

3. Line ministries and provincial-level People's Committees shall decide on the appointment and change of the rank of public employees in charge of product and goods quality examination at product and goods quality examination agencies to the rank of quality controller according to their assigned management domains.

The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology in, guiding the appointment and change of the rank of public employees to the rank of quality controller.

4. Quality controllers shall be supplied with uniforms, badges and quality controller's cards according to regulations of the Ministry of Science and Technology.

#### **Article 23.** Funds for product and goods quality examination

1. Funds for product and goods quality examination come from:

a/ Annual state budgets of line ministries and provincial-level People's Committees;

b/ Other sources.

2. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology in, specifying spending items as well as the allocation, management and use of funds for product and goods quality examination.

## **Chapter IV**

### **NATIONAL QUALITY PRIZES**

**Article 24.** Purposes of and conditions on assessment for prize awarding

1. National quality prizes are a form of national-level commendation presented by the Prime Minister to organizations and enterprises which record outstanding achievements in raising product and goods quality according to the criteria of the national quality prizes and have lawfully operated in Vietnam for at least 3 years.

2. The national quality prizes are awarded on a yearly basis.

**Article 25.** Prize forms

The national quality prizes include:

1. The national quality gold prize;
2. The national quality silver prize.

Awarded organizations and enterprises shall be given a trophy, together with a certificate.

**Article 26.** Principles on selection of prize winners

1. Non-discrimination among participating organizations and enterprises, regardless of their type and size and no limitation on the number of participating organizations and enterprises.

2. The selection of prize winners shall be conducted in a public, objective and fair manner by the methods of assessing and marking according to the criteria specified in Article 27 of this Decree.

**Article 27.** Criteria for selection of prize winners

The national quality prizes shall be assessed according to the following criteria:

1. The role of organizations' or enterprises' leadership;
2. Operation strategies of organizations or enterprises;
3. Customer- and market-oriented policies;
4. Knowledge measurement, analysis and management;
5. Human resources management and development;
6. Management of organizations' or enterprises' operation process;
7. Operation results of organizations or enterprises.

**Article 28.** Procedures for selection of prize winners

1. National quality prize winners shall be selected by a pre-qualification council and a national council.

a/ A national council shall be set up under decision of the Minister of Science and Technology, composed of between 11 and 17 members who are representatives of relevant ministries, branches, agencies and organizations. The council has a chairman, a vice chairman and members. Council members must be those knowledgeable about quality and thoroughly understanding the requirements of the national quality prizes;

b/ Pre-qualification councils shall be set up by the national quality prize's standing body at the proposal of directors of provincial-level Science and Technology Services;

A pre-qualification council consists of between 7 and 11 members who are representatives of provincial-level services, departments and relevant organizations. A pre-qualification council has a chairman, a vice chairman and members. Members of pre-qualification councils must be knowledgeable about quality and thoroughly understand the requirements of the national quality prizes.

c/ The national quality prize's standing body is the Directorate for Standards and Quality.

2. The Minister of Science and Technology shall submit a list of organizations and enterprises proposed for prize awarding to the Prime Minister for consideration and final decision.

3. The Ministry of Science and Technology shall provide for the number of gold prizes and silver prizes, model trophies and forms of certificates of national quality prizes and guide the order of and procedures for selection of prize winners, detailed criteria, the scoring scale and organization of national quality prize awarding ceremonies.

#### **Article 29. Operation funds**

Funds for the organization of the award of the national quality prizes include:

1. State budget;
2. Financial aid of domestic and foreign organizations and individuals;
3. Contributions of participating organizations and enterprises.

#### **Article 30. Benefits of awarded organizations and enterprises**

1. Organizations and enterprises awarded with the national quality prizes may make announcement, dissemination and advertisement on the mass media or otherwise introduce their units and may use the symbol of the national quality prizes on their products or publications.

2. Organizations and enterprises awarded with the national quality gold prize shall be nominated for participation in regional and international quality prizes by the national quality prize's standing body.

### **Chapter V**

#### **RESPONSIBILITIES FOR STATE CONTROL OF PRODUCT AND GOODS QUALITY**

**Article 31.** Responsibilities of the Ministry of Science and Technology for state control of specific product and goods quality

1. To perform the task of state control of product and goods quality defined in Article 69 of the Law on Product and Goods Quality.

2. Within the scope of tasks and powers of a line ministry, the Ministry of Science and Technology shall:

a/ Perform the state control of the quality of products in production, for products and goods under its assigned domains as prescribed by the law on standards and technical regulations;

b/ Perform the state control of imported goods, exported goods, goods circulated on the market and goods in the use process under its assigned domains which are capable of causing unsafety as prescribed in Clause 4, Article 69 of the Law on Product and Goods Quality;

c/ Biannually, annually and irregularly, report to the Prime Minister on the situation and results of product and goods quality examination nationwide.

**Article 32.** Responsibilities of line ministries for state control of product and goods quality

1. To perform the task of state control of product and goods quality prescribed in Clause 1, Article 70 of the Law on Product and Goods Quality.

2. Line ministries shall perform the state control of the quality of products in production, specifically:

a/ The Ministry of Health:

- Traditional medicine and pharmacy; community health; food hygiene and safety, functional food, food fortified with micronutrients, supplement food, food additives, drinking water, daily-life water, natural mineral water, cigarettes; chemicals, pesticides and disinfectants for family and medical use;

- Medical examination and treatment, care, convalescence, and functional rehabilitation, plastic surgery;

- Drugs and cosmetics;

- Medical equipment and works.

b/ The Ministry of Agriculture and Rural Development:

- Plant varieties, animal breeds; agricultural, forest and aquatic products, salt; cattle, poultry and domestic animals;

- Agricultural, forestry and fishery supplies; fertilizers; animal feed and animal feed raw materials;

- Products and services in cultivation, harvest, processing, preservation and transportation of agricultural, forest and aquacultural products and salt;

- Additives and chemicals for use in agriculture, forestry and fisheries, plant and animal protection drugs;

- Irrigation works, dikes;

- Fishing gear and equipment subject to strict safety requirements in the fisheries sector.

c/ The Ministry of Transport:

- Means of transport, loading and unloading means and equipment, and construction equipment exclusively used in transport (except those for defense and security purposes and fishing boats) and technical equipment and facilities of the transport sector;

- Road, railway, inland waterway, maritime and aviation infrastructure facilities;

- Services in the transport sector,

d/ The Ministry of Construction:

- Civil construction works, houses and office buildings;

- Construction materials;

- Architecture and construction planning including regional construction planning, urban construction planning, planning on construction of rural residential quarters, planning on construction of industrial parks, economic zones and hi-tech parks, and construction of important international border gates;

- Technical infrastructure in urban centers, industrial parks, economic zones and hi-tech parks;

- Services in the construction sector,

e/ The Ministry of Industry and Trade:

- Chemicals, industrial explosives;
- Machinery and equipment subject to strict labor safety requirements under the Ministry's state management;
- Products of consumer goods, food and other processing industries as prescribed by law;
- Services in the industry and trade sector;
- E-commerce.

f/ The Ministry of Labor, War Invalids and Social Affairs:

- Machinery, equipment and materials subject to strict labor safety requirements; personal protection equipment for laborers;
- Labor safety products as prescribed by law;
- Public recreation works;
- Services in the labor, war invalids and social affairs sector.

g/ The Ministry of Information and Communication:

- Press products; publication; post and delivery;
- Telecommunications equipment and works;
- Post and telecommunications networks, facilities, products and services, electronics and information technology;
- Radio frequencies and radio wave receivers and transmitters;
- Services in the post and telecommunications sector.

h/ The Ministry of Natural Resources and Environment:

- Natural resources and minerals;
- Meteorology and hydrology;
- Metrology and topography;
- Services in the natural resources and environment sector.

i/ The Ministry of Education and Training:

- Textbooks, syllabuses and teachers' manuals;
- Teaching equipment, material foundations and toys in the education and training sector under the Ministry's state management as prescribed by law;
- Services in the education and training sector.

j/ The Ministry of Finance: Products related to national reserves, lottery business, securities activities; insurance, accounting, audit, financial consultancy, tax, price appraisal and customs services.

k/ The Ministry of Culture, Sports and Tourism:

- Cultural articles, literary and artistic works;
- Sports facilities, equipment and devices for sports training and competition of sport and physical training establishments.

l/ The State Bank of Vietnam: Currencies, banking activities and specialized banking equipment.

m/ The Ministry of Defense: military equipment and facilities, weapons and ammunitions, defense products and defense works not classified as national secrets.

n/ The Ministry of Public Security: Fire prevention and fighting equipment; technical equipment, weapons, ammunitions, support instruments and other products for use in the people's public security force not classified as national secrets.

o/The Ministry of Science and Technology: Radiation safety equipment; radiation sources; measuring equipment and other products and goods, except for those stated at Points a, b, c, d, e, f, g, h, i, j, k, l, m and n of this Clause and products and goods used in defense and public security and classified as national secrets.

3. Line ministries shall perform the state control of the quality of goods imported, exported, circulated on the market or in the use process, which are capable of causing unsafety. under their respective management in accordance with Clause 4, Article 69, and Clause 2, Article 70 of the Law on Product and Goods Quality and goods on the list specified in Article 15 of this Decree.

4. Line ministries shall notify the Ministry of Science and Technology of their agencies in charge of assisting their ministers in performing the state control of product and goods quality under Clauses 2 and 3 of this Article. They shall sum up and report on the situation and results of the examination of the quality of products and goods under their respective management on a quarter, biannual, annual or irregular basis to the Ministry of Science and Technology for sum-up and reporting to the Prime Minister.

5. If there is an overlap or duplication in domains assigned to line ministries or arise of new domains other than those as prescribed in Clauses 2 and 3 of this Article, the Ministry of Science and Technology shall sum up and report them to the Prime Minister for consideration and decision.

**Article 33. Responsibilities of People's Committees at all levels**

1. Provincial-level People's Committees, within the scope of their tasks and powers, shall:

a/ Adopt measures to encourage and create conditions for enterprises in their localities to raise the quality and competitiveness of their products and goods. Direct local functional agencies in formulating and implementing programs on raising the productivity, quality and competitiveness of local products and goods;

b/ Organize the implementation of regulations of the Government and line ministries regarding product and goods quality control according to management decentralization;

c/ Organize and direct the operation of local product and good quality examination agencies;

d/ Monitor, make statistics and sum up the situation of product and goods quality in their localities. Report on the situation and results of examination of product and goods quality in their localities on a quarter, biannual, annual or irregular basis to the Ministry of Science and Technology for sum-up and reporting to the Prime Minister;

e/ Propagate, disseminate and guide the application of, the law and supply information on product and goods quality to production and business organizations and individuals and consumers;

f/ Inspect the observance of the law on product and goods quality; settle complaints and denunciations and handle violations of the law on product and goods quality in accordance with law;

g/ Designate conformity evaluation organizations in their localities in accordance with law.

2. Provincial-level Science and Technology Services shall assume the prime responsibility for, and coordinate with provincial-level services and departments in, assisting provincial-level People's Committees in performing the state control of product and goods quality in their localities; act as the sole agency in charge of synthesizing and reporting on the situation of product and goods quality in their localities to provincial-level People's Committees and the Ministry of Science and Technology.

Sub-directorates of Standards and Quality under provincial-level Science and Technology Services shall directly assist provincial-level Science and Technology Services in performing the control of product and goods quality, and conduct the examination of product and goods quality in localities.

3. District-level People's Committees, within the scope of their tasks and powers, shall:

a/ Propagate, disseminate, and guide the application of, the law on product and goods quality in accordance with law;

b/ Participate in the examination of the quality of goods circulated on the market; handle violations of the law on goods quality according to their competence;

c/ Monitor, make statistics and sum up the situation of the quality of goods circulated on the local market;

d/ Settle complaints and denunciations about quality of goods circulated on the market in accordance with law.

4. Communal-level People's Committees, within the scope of their tasks and powers, shall:

a/ Propagate, disseminate, and guide the application of, the law on product and goods quality;

b/ Provide technical guidance and examine the observance of regulations of competent state agencies and handle violations in quality of products and goods produced or traded on a small scale in their localities according to the management decentralization;

c/ Coordinate with competent state agencies in conducting examination and inspection of product and goods quality in their localities in accordance with law.

**Article 34.** Responsibilities of local product and goods examination agencies

1. To work out product and goods quality examination plans according to their assigned domains and geographical areas.

2. To take the initiative in organizing the examination and handling of matters regarding product and goods quality according to regulations of line ministries and provincial-level People's Committees.

3. To sum up and report on the examination results to line ministries, provincial-level People's Committees and provincial-level Science and Technology Services on a quarterly, biannual, annual and irregular basis.

## **Chapter VI**

### **IMPLEMENTATION PROVISIONS**

**Article 35.** Transitional provisions

1. For products and goods subject to Vietnam standards, branch standards or technical regulations, processes, standards and documents (below collectively referred to as technical documents) which, however, have not yet been converted into national technical regulations, these technical documents will continue to apply to examining product and goods quality till

they are converted into national technical regulations in accordance with the Government's Decree No. 127/2007/ND-CP of August 1, 2007, detailing the implementation of a number of articles of the Law on Standards and Technical Regulations.

2. Public employees in agencies having the function of state control of quality under line ministries and provincial-level People's Committees shall continue conducting the examination of product and goods quality until the time they are appointed or have their rank changed to the rank of quality controller in accordance with Clauses 2 and 3. Article 22 of this Decree.

**Article 36.** Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO." The Government's Decree No. 179/2004/ND-CP of October 21, 2004, on the state management of product and goods quality and other previous regulations contrary to this Decree are annulled.

**Article 37.** Implementation guidance

The Minister of Science and Technology shall guide the implementation of this Decree.

**Article 38.** Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial-level People's Committees shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**