

THE GOVERNMENT

THE SOCIAL REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

No. 74/2018/ND-CP

Hanoi, May 15, 2018

DECREE

AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE DECREE NO. 132/2008/ND-CP DATED DECEMBER 12, 2008 PROVIDING SPECIFIC GUIDANCE ON ENFORCEMENT OF THE LAW ON THE QUALITY OF PRODUCTS AND GOODS

Pursuant to the Law on Government Organization dated June 19, 2015

Pursuant to the Law on Quality of Products and Goods dated November 21, 2007;

At the request of the Minister of Science and Technology;

The Government promulgates the Decree providing amendments and supplements to a number of articles of Decree No. 132/2008/ND-CP dated December 31, 2008, detailing the implementation of a number of articles of the Law on Products and Goods Quality.

Article 1. Amendment and supplement to a number of articles of Decree No. 132/2008/ND-CP dated December 31, 2008, detailing the implementation of a number of articles of the Law on Products and Goods Quality

1. Article 3 shall be amended as follows:

“Article 3. Potentially unsafe products and goods

1. Rules of identification of potentially unsafe products and goods (products or goods classified into group 2 commodities) shall be established on the following bases:

The capability of causing unsafety of products and goods.

b) Regulatory requirements and competences over time periods.

2. The capability of causing unsafety of products and goods shall be determined based on one or a number of factors as follows:

Chemical, physical, and biological nature;

b) Functional structure and principles;

c) Transportation, warehousing, storage and usage.

3. Pursuant to regulations of Clause 1 and Clause 2 of this Article, Ministries or sectoral administrations shall determine products and goods classified into group 2 (hereinafter referred to group-2 commodities) and their HS codes in conformity with the Vietnam's Tariff Schedule, and also clarifies reasons for their choice in order to establish relevant national technical regulations and measures for management of group 2 commodities within their management under Clause 2 Article 32 of this Decree.

4. Ministries and sectoral administrations shall collaborate and agree with the Ministry of Science and Technology on identification of group 2 commodities, and formulation of respective national technical regulations and regulatory measures with respect to group 2 commodities as prescribed in these national technical regulations. Formulation of such respective technical regulations shall be subject to the law on technical standards and regulations”.

2. Clause 1 Article 4 shall be added with Point c and Clause 2 Article 4 shall be amended as follows:

“1. Producers must fulfill requirements concerning product quality management as prescribed in Article 28 of the Law on Quality of Product and Goods before selling their products freely in the market, and also take on the following duties:

c) Producers must follow regulations as prescribed in Article 19b of this Decree when putting codes and barcodes on products, goods or packages.

2. For group 2 products, producers must declare the conformity according to the respective national technical regulation. The conformity declaration shall be specifically prescribed in the respective national technical regulation and shall be made by requiring one of the followings:

Results of assessment of conformity carried out at the discretion of organizations or individuals;

b) Certification results produced by legally registered or recognized certification bodies.

c) Certification results produced by legally designated certification bodies.

Regarding manufactured products to which solutions referred to in Point a or Point b of this Decree are being applied, if they have been found to fail to satisfy stipulated quality standards, or be able to harm people, animals, plants, or environment or if there is any claim and complaint about their production, these products shall be subject to stricter control measures.

Regarding group 2 products which have specific requirements regarding the production process, Ministries and sectoral administrations shall promulgate the national technical regulations on their production process or particular regulations to which the process for manufacturing these products is legally bound. Producers shall be responsible for applying the national technical regulation regarding the production process and may be granted the certificate of conformity declaration by legally registered or recognized certification bodies.

3. Clause 1 Article 7 shall be added with Point c; Clause 2 Article 7 shall be amended and Clause 2a, Clause 2b, Clause 2c, Clause 6, Clause 7, Clause 8, Clause 9 Article 7 shall be supplemented as follows:

“1. Importers must fulfill all requirements concerning the quality management of goods as prescribed in Article 34 of the Law on Quality of Products and Goods before selling these products freely in the market and shall assume the following responsibilities::

c) Codes and barcodes put on products, goods or packages thereof must follow regulations laid down in Article 19 of this Decree.

2. 2. Regarding imported group 2 commodities, the regulatory inspection of commodity quality shall be carried out through assessment of the importer’s conformity declaration. The conformity declaration shall be specifically prescribed in the respective national technical regulation and shall be made by requiring one of the followings:

a) Results of assessment of conformity carried out at the discretion of organizations or individuals;

b) Certification results produced by legally registered or recognized certification bodies

c) Certification results produced by legally designated certification bodies.

Regarding manufactured products to which solutions referred to in Point a or Point b of this Decree are being applied, if they have been found to fail to satisfy stipulated quality standards, or be able to harm people, animals, plants, or environment or if there is any claim and complaint about their production, these products shall be subject to stricter control measures.

Regarding group 2 products which have specific requirements on production process, Ministries and sectoral administrations shall promulgate the national technical regulations on their production process or particular regulations to which the process for manufacturing these products is legally bound. Producers shall be responsible for applying the national technical regulation regarding the production process and may be awarded the type approval certificate by legally registered or recognized certification bodies.

3. Clause 1 Article 7 shall be added with Point c; Clause 2 Article 7 shall be amended and Clause 2a, Clause 2b, Clause 2c, Clause 6, Clause 7, Clause 8, Clause 9 Article 7 shall be supplemented as follows:

“1. Importers must fulfill all requirements concerning the quality management of goods as regulated in Article 34 of the Law on Quality of Products and Goods before selling these products freely in the market and shall assume the following responsibilities:

c) Codes and barcodes put on products, goods or packages thereof must follow regulations laid down in Article 19 of this Decree.

2. 2. Regarding imported goods and products classified into group 2 commodities, the regulatory inspection of commodity quality shall be carried out through assessment of the importer's conformity declaration. The conformity declaration is regulated in details in correlative national technical regulations with one among following solutions

- a) Results of assessment of conformity carried out at the discretion of organizations or individuals;
- b) Certification and verification results produced by legally registered or recognized certification bodies;
- c) Certification and verification results produced by legally appointed certification bodies as per law;

2a. Regarding imported group 2 commodities of which method for declaration of conformity is prescribed in the national technical regulations as per Point a Clause 2 of this Article, the importer shall be obliged to:

- a) Register the regulatory inspection of quality of imported goods, and commitment on the quality of these goods conforming to applied technical regulations and standards as prescribed in Form No.01 in the Appendix to this Decree, with bodies authorized to inspect quality of goods and products (hereinafter referred to as inspection authority) and attach the following documents: Copy of the contract, packing list (if any/where available), copy (bearing the importer's confirmation) of the bill of lading, commercial invoice, cargo manifest; warranty of quality issued in the exporting country (certificate of quality, test result); certificate of origin (if any), photographs or description of goods with mandatory information to be displayed on primary labels and secondary labels (if the primary label contains insufficient information as prescribed); and certificates of free sale (CFS) (if any).

Importer shall be fully responsible before the law for their imported goods;

- b) Within 01 working day, obtain the inspection authority's confirmation of the importer's registration for the quality inspection of imported goods. The importer shall submit the registration form bearing such confirmation to the customs authority for customs clearance purposes;
- c) Within 15 working days from the date of such customs clearance, submit the conformity assessment results as per law to the inspection authority.

The importer shall take full responsibility for conformity assessment result and guaranteeing the conformity of goods with applied national technical regulations and standards. If the goods are not conformable with the national technical regulations or applied standards, the importer shall promptly report to the inspection authority to treat and recall the goods as per the law.

2b. Regarding imported group 2 commodities and the national regulation providing guidance on announcing the conformity as per Point b Clause 2 of this Article, the importer shall be obligated to:

Register the regulatory inspection of quality of imported goods, and commitment on the quality of these goods conforming to applied technical regulations and standards as prescribed in the Form 01 in the Appendix to this Decree, with bodies authorized to the inspection authority and attach the related documents as prescribed in Point a Clause 2a of this Article. Importer shall be fully responsible before the law for their imported goods;

Within 01 working day, obtain the inspection authority's confirmation of the importer's registration for the quality inspection of imported goods. The importer shall submit the registration form bearing such confirmation to the customs authority for customs clearance purposes;

c) Within 15 working days from the date of such customs clearance, submit the certified true copy (signed and stamped by the importer) of quality warranty (certificate of conformance to technical regulations, issued by a certification body or certificate of inspection of conformance to technical regulations, issued by an inspection body) to the inspection authority.

When the goods have already been assessed in the exporting country by a certification body, within 03 working days from the date of clearance, the importer shall submit the certified true copy (signed and stamped by the importer) of certificate satisfying technical regulations to the inspection authority. The importer shall take full responsibility for and guaranteeing the conformity of goods with the national technical regulations and applied standards. If the goods are not conformable with the national technical regulations or applied standards, the importer shall promptly report to the inspection authority to treat and recall the goods as per law.

2c. Regarding group 2 commodities of which method for declaration of conformity is prescribed in the national technical regulations as per Point c Clause 2 of this Article, the importer shall be obliged to:

a) Register the regulatory inspection of quality of imported goods, and commitment on the quality of these goods conforming to applied technical regulations and standards as prescribed in the Form No. 01 in the Appendix to this Decree, to the inspection authority and attach a certified true copy (signed and stamped by the importer) of quality warranty and other related documents as prescribed in Point a Clause 2a of this Article.

b) Inspection authority carries out inspection and takes the following steps:

b1) Receive documents submitted to register the inspection of quality of imported goods as regulated in Form No.02 in the Appendix to this Decree and add a confirmation that the importer has registered the quality inspection of imported goods onto the registration form completed by the importer.

b2) Carry out inspection of the contents as regulated in Point c of this Clause:

- If the registration documents are complete and conformable, within 01 working day of receipt of such registration documents, the inspection authority shall send a notification of the result of the regulatory inspection of imported goods in which quality of imported goods satisfies the

quality requirements according to Form No.03 in the Appendix enclosed with this Decree to the importer to complete customs clearance procedures.

- If the application is complete but not conformable, the inspection authority shall take the following actions:

If the goods do not satisfy the requirements of labels, the inspection authority sends the importer the notification of unsatisfactory result of the state inspection of imported goods quality (according to Form No.03 in the Appendix enclosed with this Decree), specifying the unsatisfactory contents, and request the importer to correct its product labels within 05 working days. The inspection authority only issues the notification that imported goods meet quality requirements only after the importer has managed to provide the proof of such correction.

In case the quality certificate of imported goods is unconformable to the application of the imported shipment, or the respective applied standards or technical regulations, the inspection authority shall send to the customs authority and the importer a notification of the unsatisfactory result of the regulatory inspection of imported goods according to regulations in Form No.03 in the Appendix enclosed with this Decree, clearly specifying all the contents that fail to satisfy the requirements. The inspection authority also reports to competent authorities to seek their decision on such case as per Clause 2 Article 8 of this Decree;

- In case the application is incomplete, the inspection authority verifies the missing items in the receipt note of application and requires the importer to supplement and complete the application within 15 working days. If the importer fails to do so by the deadline, the importer shall need to submit to the inspection authority a document clearly stating reasons for the delay and the expected completion date. Next inspecting steps shall be carried out only after the importer has managed to submit the complete application.

If the importer fails to complete the application within the prescribed time limit, within 01 working day after the duration for supplementation of application expires, the inspection authority shall send out a notification of the result of the regulatory inspection of imported goods according to Form No.03 in the Appendix enclosed with this Decree. The notification must clearly specify that “the consignment is with incomplete documents” and shall be sent to the importer and the customs authority. The inspection authority also takes prime responsibility and collaborates with competent authorities in carrying out the ad-hoc inspection of goods quality at the importer’s facilities.

c) In order to inspect the goods quality, the inspection authority shall carry out the following inspections:

c1) Inspection of the completion of the application of quality inspection registration of imported goods;

c2) Inspection of conformity assessment results, the conformity mark, labels (if product labeling is required) and documents attached to the inspected goods;

- The conformity of the quality certificate content of the consignment with requirements of the technical regulations, applied standards and regulations currently in force; the accuracy and consistency of the application of registration for the quality inspection;

- The compulsory information printed on the sample labels (and secondary labels), including the name of goods, address of organizations or individuals responsible for the goods; the origin of the goods and other information legally required with respect to each kind of goods, or the conformity between the sample label and the label specified in the import goods dossier;

- The position, color, size, and language of the label;

- The conformity mark presented on goods, products or their packages or labels;

c3) Inspection of the acceptance document prescribed in regulations of relevant industry or sector-specific ministries with respect to group 2 commodities bearing new features that may cause harm but are not yet prescribed in the respective technical regulations.

6. Where importer registers the quality inspection via the National Single Window Portal, the inspecting agency shall grant registration for such inspection and agree to inform the result of the quality inspection via the National Single Window Portal.

If imported goods to which solutions, regulated at Point a or Point b of this Decree are applied, are found to fail to meet stipulated quality standards, likely to harm people, animals, plants, or environment or if there is any claim and complaint about their production, these products shall be subject to stricter control measures.

7. Group 2 commodities exempted from the quality inspection upon importation shall include:

a) Luggage of incoming passengers and portable belongings of organizations and individuals within the relevant duty-free allowance (excluding motor vehicles, special-duty vehicles and electric bicycles);

b) Goods of diplomatic organizations and individuals or international organizations within the relevant duty-free allowance (excluding motor vehicles, special-duty vehicles and electric bicycles);

c) Sample products for advertising purpose only, not being meant for consumption; sample products used in scientific and production-oriented researches ; sample products used in tests carried out for the purpose of inspection and certification of conformity with the national regulations, or inter-laboratory tests;

d) Goods temporarily imported for display or advertisement at trade fairs or exhibitions (excluding motor vehicles, special-duty vehicles, and electric bicycles);

dd) Gifts or donations within the specified duty-free allowance (excluding motor vehicles, special-duty vehicles, electric bicycles)

- e) Goods exchanged between border residents that fall within the specified duty-free allowance;
- d) Goods, supplies, machinery and equipment temporarily imported for re-export which are not used in Vietnam (excluding motor vehicles, special-duty vehicles, electric bicycles);
- h) In-transit, merchanting and transshipment goods;
- i) Goods sent to bonded warehouses from abroad (excluding goods sold domestically from bonded warehouses)
- k) Raw materials, input materials and sample products provided by foreign traders for outward processing or for manufacture of exports;
- l) Duty-free goods sold to passengers on exit (managed as temporarily imported goods for export);
- m) Goods re-imported for repair or recycling at the request of a foreign partner;
- n) Goods imported upon the urgent request of the Government or the Prime Minister;
- o) Goods imported for national defense or public security purposes;
- p) Other goods serving non-business purposes (in the non-trade form) as per the law.

8. Reduction or exemption of inspection of quality of group 2 commodities shall be applied, subject to the following provisions:

b) As for imported goods (excluding means of transport) that have the same name, usage, brand, type, technical specifications, are made by a manufacturer, are of the same origin, and are imported by the same importer, and, after 03 consecutive imports, gain the results of conformity with the national technical regulations based on which the inspecting agency has issued a written document confirming the exemption from the regulatory quality inspection within a period of 02 years, including the following information (commodity name, brand, type, technical specifications, origin, manufacturer, quantity and volume of imported goods as registered; unit of measurement);

In order to be eligible for such exemption or reduction, the importer shall submit an application specifying such information as commodity name, brand, type, technical specifications, origin, manufacturer, quantity and volume of imported goods as registered; unit of measurement; and results of assessment of conformity with national technical regulation carried out in 03 consecutive imports.

b) During duration of such exemption or reduction:

- Every 03 month, the importer must report on the import status enclosed with the results of assessment of conformity with national technical regulation and applied standards to the inspection authority for its supervision and conduct of post-inspection activities.

- Inspection authority has the rights to conduct a surprise inspection of shipments when finding out or receiving complaints upon quality of the imported goods (if necessary).

c) During the exemption period, if the imported goods in circulation on the market are found not conformable with the national technical regulations or applied standards or if the complaints, denunciations upon results of the assessment of conformity are verified as true or when the importers fail to pass the surprise inspection of conformity, the inspection authority shall send out a notification of suspension of the exemption.

Annually, the inspection authority conducts the inspection at the storage facility of the importer. The Ministry of Science and Technology promulgates orders and contents of the inspection of quality of products and goods during the production process.

9. The regulatory inspection of quality of imported goods shall be undertaken by agencies having assigned or decentralized regulatory authority over the quality of products and goods that are affiliated to industry or sector-specific ministries and professional agencies of the People's Committee of central-affiliated cities and provinces; the declaration of conformity shall be carried out as prescribed by the Law on standards and technical regulations".

4. Clause 2 Article 12 shall be amended as follows:

“2. Depending on the type of inspection which may be carried out according to the inspection plan approved by competent authorities, on an unscheduled manner or under the regulatory authority's direction, the inspection authority shall conduct an inspection of quality of goods currently in free circulation as follows:

a) The inspection of compliance with Law on Quality of Products and Goods;

b) After checking of requirements referred to in Point a of this Clause, if there is any sign of impairment of quality, the inspecting agency collects and tests samples at the conformity assessment body as prescribed by the law in order to check the conformity of the goods with the relevant national technical regulations or applied standards. The conformity assessment body must be an independent and impartial body that is legally responsible for the conformity assessment results”.

5. Clause 3 Article 13 shall be amended as follows:

“3. When detecting any violation subject to administrative actions, the Head of the inspection group issues a notice of that administrative violation; in case of such violation falling ultra vires, the Head of the inspection group shall refer documents related to such violation to the inspecting agency and request it to impose an appropriate penalty within its jurisdiction as prescribed by the law on handling of administrative violations. In case of such violation falling ultra vires, the

inspection group shall refer documents related to such violation to the competent agency and request it to impose an administrative penalty; the agency handling administrative violations shall be responsible for announcing and collaborating with the inspection group to monitor the case.”

6. Article 13a and Article 13b shall be added as follows:

“Article 13a. Responsibilities of organizations and individuals licensed to manufacture and freely sell products and commodities

1. Products and goods in free circulation must ensure no harm to people, animals, plants, property and environment.
2. When products and commodities currently in free circulation are found not conformable with the safety requirements set forth in relevant standards and technical regulations, or may inflict any harm on people, animals, plants, property, or environment, then organizations and individuals shall have the responsibility to handle or recall all these products and obey any requirement imposed by the state regulatory authority at their request.

“Article 13b. Valuation of consumed violating products and goods

1. The volume of consumed products or goods is the total number of products or goods determined according to commercial invoices, evidencing documents or records established at the date of receipt of goods and products immediately preceding the time of inspection, minus goods or products inventory at the time of violation.
2. Value of consumed violating goods, products equals the price at which a unit of product or good is sold at the time immediately preceding the violation time multiplied by the volume of consumed products and goods.
3. The Ministry of Science and Technology shall provide detailed instructions for determination of value of violating goods, products as prescribed in Clause 1, Clause 2 of this Article”.

7. Article 17 shall be amended as follows:

“Article 17. Conformity assessment bodies and registration of their conformity assessment services

1. After satisfying requirements prescribed in Clause 5 Article 25 of the Law on Quality of Products and Goods, and Decree No.107/2016/ND-CP dated July 01, 2016 on eligibility conditions for providing conformity assessment services (hereinafter referred to as Decree No.107/2016/ND-CP), conformity assessment bodies that are allowed to provide services throughout Vietnam shall have the rights as prescribed in Article 19 of the Law on Quality of Products and Goods.

2. Registration for operation of a conformity assessment body shall be subject to provisions laid down in Decree No.107/2016/ND-CP”.

8. Article 18 shall be amended; Article 18 shall be added with Article 18a, Article 18b, Article 18c, Article 18d, Article 18dd, Article 18e, Article 18g as follows:

“Article 18. Designation of the Conformity assessment body and recognition of conformity assessment results

1. The conformity assessment body licensed under the Article 17 of this Decree shall be entitled to participate in assessment of conformity of group 2 commodities as prescribed in Point a, Point b Clause 4 and Point a, Point b Clause 2 Article 7 of this Decree.

2. The conformity assessment body appointed by the competent authority can join the assessment of conformity of group 2 commodities as prescribed in Clause 2 Article 4 and Clause 2 Article 7 of this Decree.

3. Ministries, sectoral administrations and People’s Committee of provinces and central-affiliated cities shall appoint the conformity assessment body to render testing, assessment, certification, and audit services, as prescribed in Point 2 of this Article, with respect to goods and products under their authority.

4. For relevant organizations or individuals to have a good choice of service, Ministries, sectoral administrations and People’s Committee of provinces and central-affiliated cities shall have the responsibility to publish the list of appointed conformity assessment bodies, registered conformity assessment bodies, and conformity assessment bodies whose conformity assessment results are recognized as prescribed in Clause 2 Article 26 of the Law on Quality of Products and Goods.

“Article 18a. Requirements for eligibility for being appointed as the Conformity assessment body

1. Requirements for eligibility for appointment of a testing body

a) Have already been issued the certificate of registration of testing services, as prescribed in Decree No.107/2016/ND-CP, which covers the sector specified in its application for designation

b) Must carry out the proficiency testing or inter-laboratory comparison with respect to test methods applied to goods and products specified in its application for designation.

As regards tests in which there are no conditions for conducting either proficiency testing or inter-laboratory comparison, the requesting testing body must supplement its test method dossier, give confirmation of useful value of the test method and standard substance to control the testing quality.

2. Requirements for eligibility for designation of an assessment, inspection and certification body

Have already been issued the certificate of registration for assessment, inspection and certification services as prescribed in the Decree no.107/2016/ND-CP, which covers the sector in question.

Article 18b. Designation application

1. For the first designation, the application shall comprise

a) Application for designation as a conformity assessment body as prescribed in Form No.04 in the Appendix to this Decree;

b) Copy of the certificate of registration for testing, assessment, inspection and certification services;

c) List of testers, assessors, inspection authorities and assessment experts, as prescribed in Form No.05 in the Appendix enclosed with this Decree, and copies of their professional or training certificates;

d) List of technical documents, standards and respective testing, assessment, inspection, certification procedures and processes as prescribed in Form No.06 in the Appendix enclosed with this Decree, and copy of respective procedures and processes of testing, assessment, inspection, certification with goods, products, and environment:

dd) List of machinery and testing equipment appropriate to the sector in question (applicable to testing or inspecting organizations) as prescribed in Form No.07 in the Appendix enclosed with this Decree, with copy of the unexpired certificate of inspection and certificate of calibration.

e) Copy of The Certificate of recognition of competence in providing testing, verification, inspection, or certification services, issued by a legal accreditation organization (if any);

g) Copy of results of proficiency testing or inter-laboratory comparison with respect to tests applied to goods and products in question (in case of a testing organization).

Regarding testing methods not yet eligible for proficiency testing or inter-laboratory comparison, dossier of testing methods, value of use of testing methods and reference substances must be supplemented to control the quality of testing.

When a conformity assessment body submits both the application for registration of its operations (as prescribed in Decree No. 107/2016/ND-CP dated July 1, 2016 on conformity assessment service business requirements) and the application for designation, It shall not need to enclose documents prescribed in Point b, c, d, dd, e, of this Clause.

2. In case there is any change or supplementation of the scope and sector specified in the designation, the application shall include:

a) Registration form for change or supplementation of the appointed scope or field as prescribed in Form No.09 in the Appendix enclosed with this Decree;

e) Copy of the certificate of testing operation, verification, inspection, certification; copies of the Decision on designation as a conformity assessment body;

c) List of testers, assessors, inspection authority, assessment experts with respect to the scope or field specified in such application for change or supplementation as prescribed in Form No.05 in the Appendix enclosed with this Decree, and copy of their professional training certificates;

c) List of technical documents, standards and respective processes of testing, verifying, inspecting, certifying upon the change or supplementation of the appointed scope or field as prescribed in the Form 06 in the Appendix enclosed with this Decree, and copy of respective processes, procedures of testing, testing, verification, inspection, or certification;

dd) List of testing machinery and equipment

e) Copies of The Certificate of eligibility for testing, verification, inspection, or certification issued by an accreditation organization (if any);

g) Copies of results of proficiency testing or inter-laboratory comparison upon testing methods for goods, products that are registered (upon testing operations).

Regarding testing methods not yet eligible for proficiency testing or inter-laboratory comparison, dossiers of testing methods, value of use of testing methods and reference substances must be supplemented to control the quality of testing.

3. 3. In case where the conformity assessment body whose Designation Decision is still valid but damaged, lost, destroyed, or on which there is any change in name or address, or the designation scope is narrowed down, the application for such reissuance shall be composed of:

a) Application form for reissuance of designation as prescribed in Form No. 10 in the Appendix to this Decree;

b) The original of the damaged Decision of designation (in case the designation decision is damaged).

4. 4. Within 90 days before the expiry of the Decision of designation, in case of wishing to apply for designation, the conformity assessment body must prepare its application documentation the same as to the extent of application for the first designation as prescribed in Clause 1 of this Article Except for the already appointed testing body, its application documentation need to enclose documents proving their past participation in at least one proficiency testing or inter-laboratory comparison applied in the testing sector specified in the designation.

Article 18c. Application manner

When a conformity assessment body (hereinafter referred to as applicant) wishes to participate in the testing, verification, inspection, and certification activities serving state management in a particular field, it shall submit 01 set of application to Ministries or sectoral administrations or the People's Committee of central-affiliated cities and provinces (hereinafter referred to as designating body) in the following specific manners:

1. 1. With respect to direct submission of the application, if the required copies of degrees, documents referred to in Article 18b of this Decree are not yet authenticated, originals shall be needed for comparison.

2. With respect to submission of the application by post, the applicant needs to include authenticated copies or certified true copies (signature and stamp required if the applicant is an organization) of the certificates and documents stipulated in Article 18b of this Decree.

Article 18d. Designation processes and procedures

1. Initial designation, change and supplementation of the designation scope and sector:

a) Within 03 days of receipt of the application, if the application documentation are incomplete or invalid as per law, the designation body informs the applicant in writing to submit a complete application.

a) Within 20 days of receipt of the valid application, the designation body shall carry out an on-site assessment at the conformity assessment body's office with experts or an inspection team. The subject matters of the on-site inspection shall be subject to regulations laid down in the Article c of this Clause.

If the required application for change or supplementation of the designation is valid and complete, the designation body shall proceed to verify the submitted documentation and skip the on-site assessment. If the application is complete but invalid, or there is the competent authority's request or there is any information about violations related to that application, the designation body shall carry out an on-site assessment at the applicant's workplace.

This on-site assessment needs to be informed in writing to the applicant. Experts or members of the on-site assessment team must be trained in the quality management system corresponding to each structure of organization of conformity assessment activities specified in the designation application. After the on-site assessment, experts or members of the assessment team must sign in the on-site assessment report.

In case the designation conformity assessment body is required to correct the issues shown in the on-site assessment report, within 30 days, the conformity assessment body must send the results of their corrective actions to the designation body. In case an extension is needed, the conformity assessment body must send the competent authority a written notification of this clearly stating the official deadline for completion of these actions.

Within 05 working days of receipt of the report on results of corrective actions against issues shown in the on-site assessment report, if the applicant satisfies all requirements, the designation body shall issue the designation decision to the applicant as per the regulations in the Form No. 08 in the Appendix to this Decree. Depending on the actual capacity of the applicant, the designation body shall determine the effective duration of the designation decision which is not meant to exceed 05 years from the date of signing of such decision.

In case of refusal of the designation, the designation body must notify the reasons in writing to the applicant.

c) The on-site assessment shall focus on:

- Compliance of the conformity assessment body with law in the registered field;
- Authenticity of the application;
- Other activities related to the registered field.

Costs of the site inspection for experts or the team shall be covered by the applicant.

2. In case of reissuance of Decision of designation:

Within the effective duration of the Decision of designation, the applicant applying for the reissuance of the Decision of designation shall make an application of reissuance as prescribed in Article 18b of this Decree and send it to the designation body.

a) Within 05 days of receipt of the full and valid application, the designating body shall consider reissuing the designation decision. In case of unsatisfactory, the designating body replies in writing and clearly state the reason.

Article 18dd. Responsibility of Ministries, Sectoral Administrations and People's Committee of central-affiliated cities and provinces

1. Direct and administer the conformity assessment body as prescribed in this Decree.

2. Receive, handle the designation application and send out decision appointing suitable conformity assessment bodies to serve inspection and examination of products and goods as prescribed in the respective technical specifications issued by Ministries or related legislative documents.

3. Within 05 days from the date the Decision of designation takes effect, publish the list of the appointed conformity assessment bodies on their website for the convenience of inspection and verification bodies, organizations or individuals and then inform the Ministry of Science and Technology for its monitoring or information consolidation.

4. Inspect or audit conformity assessment services rendered by appointed conformity assessment bodies as per law.

5. Send periodical reports in every December, or ad-hoc ones upon request, on the current state of designation of the conformity assessment body to the Ministry of Science and Technology for its preparation of a consolidated report to the Prime Minister.

Article 18e. Responsibility of the Conformity assessment body

1. Implement the rights and obligations as prescribed in Article 19 and Article 20 of the Law on Quality of Products and Goods. In case of any violation against this Decree or regulations as prescribed in Article 20 of the Law on Quality of Products and Goods, depending on the level or seriousness of that violation, it shall be subject to penalties by law.

Regarding a testing body appointed as a conformity assessment body, within the effective duration of the designation decision, it must take part in the proficiency testing or inter-laboratory comparison applied to the testing fields or the products and goods specified in the designation at least one time.

2. Send periodical reports every December 15, or ad-hoc ones upon request, on the result of operation of the appointed conformity assessment body as prescribed in Form No.11 in the Appendix to this Decree to appointed agency for synthesis.

3. Inform the designating body about any change that may affect the capacity of carrying out testing, verification, inspection, or certification activities within 15 days, from the date of change.

Article 18g. Revocation of the Decision of designation of a conformity assessment body

Ministries or sectoral administrations shall consider issuing a decision to revoke the designation decision in case the conformity assessment body:

1. repeatedly violates the regulations as prescribed in Clause 6 Article 8, Article 20 of the Law on quality of products and goods and other regulations in this Decree.

2. fails to fulfill respective responsibility as prescribed in the Article 18e of this Decree within in 02 previous consecutive years.

3. fails to fulfill one of respective requirements applied to conformity assessment bodies as prescribed in Article 18a of this Decree.

4. forges or falsifies documents included in the application for designation; grant false conformity assessment results.

5. erases or repairs contents of the designation decision, falsely making them changed.

6. fails to correct violations as requested by the inspecting or auditing agency”.

9. Supplementing Chapter II with Section 7. "State management of codes and barcodes" and supplementing Section 7 with the Article 19a, 19b, 19c, 19d in Section 7 as follows:

“Section 7

CODES AND BARCODES, AND MANAGEMENT OF CODES AND BARCODES

Article 19a. Assignment of tasks of state management of codes and barcodes

1. The Ministry of Science and Technology assisting the Government in exercising the uniform state management of codes, barcodes, and related technologies by means of the code and barcode system shall have the following rights and responsibilities:

- a) Create strategies, programs, projects, standards and regulations, and legislative documents on codes and barcodes;
- b) Instruct Ministries and People’s Committees of provinces and central-affiliated cities, organizations and individuals to use codes and barcodes.

2. The General Department of Standardization, Metrology and Quality Control, which is the standing agency who assists the Ministry of Science and Technology with the state management of codes and barcodes, shall have the following missions and powers:

- a) Give instructions for use of codes and barcodes, and disseminate and initiate use of codes and barcodes in conformity with standards issued by the international organization for codes and barcodes (hereinafter referred to as GS1);
- b) Issue and manage GS1 codes and barcodes; manage and render services authorized by GS1; exploit resources, and national code and barcode database;
- c) Act as a representative of Vietnam at GS1 and carry out activities involved in international cooperation in codes and barcodes;
- d) Collect, manage and use code and barcode fees as per the law;
- dd) Research and develop for the application, provide services and solutions of codes and barcodes, and other relevant technologies;
- e) Preside over the inspection or verification or handle complaints, denunciations on codes and barcodes.

3. Ministries and People’s Committees of provinces and central-affiliated cities collaborates with the Ministry of Science and Technology to apply codes and barcodes within their appointed range of management.

4. The Ministry of Finance takes prime responsibility and collaborates with the Ministry of Science and Technology and other relevant agencies to issue regulations and guidance on collecting, managing, and using fees of codes and barcodes.

Article 19b. Responsibility of organizations using codes and barcodes

1. Organizations using codes and barcodes compliant with GS1 standards and prefixed with “893” defined by GS1 as the country code of Vietnam shall assume the following responsibilities

- a) Register codes and barcodes with competent state agencies;
- b) Create codes and barcodes and attach them to objects in their possession as per regulations in force;
- c) Provide competent authorities and other related parties involved in the supply chain with updated information about organizations and any entity using codes and barcodes;
- d) Ensure codes and barcodes currently in use are unique, and products and goods failing to meet code and barcode quality standards are not being traded.
- dd) Avoid trading and transferring the right to use codes and barcodes to other organizations;
- e) In case of authorizing a joint venture or outsourced processing partner to use codes and barcodes, hold a written document stating such authorization
- g) Pay fees for issue and maintenance of codes and barcodes as per the law;
- h) Apply for issue or renewal of the Certificate of code and barcode use right;
- i) Send written notification and return the Certificate of code and barcode use right to the competent agencies when they have no demand for codes and barcodes or their business is closed.

2. Organizations’ foreign codes compliant with GS1 standards shall assume the following responsibilities:

- a) Ensure that their codes or barcodes are issued by foreign competent authorities or used according to a foreign code owner’s authorization;
- b) In case of being authorized by an owner of a foreign code, these organization using foreign codes must inform competent regulatory authority to get confirmation of use of the foreign codes.

3. Regarding organizations not using codes or barcodes in accordance with GS1 standards:

- a) Follow standards and technical specifications on the codes and barcodes currently in use;

b) When bringing objects using codes or barcodes into the market or outside their premises, these organizations must ensure that these codes or barcodes are not the same as and pose a risk of confusion with other GS1-compliant codes or barcodes; must give warnings and instructions for distinguishing between them, or remove those codes or barcodes before launching them to market.

4. Organizations distributing, circulating and trading goods or products shall assume the following responsibilities:

a) Inspect and control the quality and legality of the codes or barcodes before the goods are put into free circulation;

b) Avoid distributing, circulating, and trading products, goods or objects with codes or barcodes in contravention of regulations.

5. Organizations or individuals developing and providing services, solutions and applications based on the codes or barcodes platform shall assume the following responsibilities:

a) Ensure the source of data on objects using codes or barcodes match the source of data on codes or barcodes under the management of competent state management agencies or GS1;

b) Not to disclose wrong information about owners of codes or barcodes or objects using codes or barcodes already compliant with applicable regulations;

c) Pay fees for usage of the national code and barcode data source.

6. The Ministry of Science and Technology shall provide detailed guidance on the use of codes or barcodes as prescribed in this Article.

Article 19c. Procedures for issue of the Certificate of code or barcode use right

1. Application requirements:

a) For issue of the certificate of code and barcode use right, the application must comprise:

- Application form for use of codes or barcodes as per the regulations in the Form 12 in the Appendix to this Decree;

- Copy of the enterprise registration Certificate, investment registration Certificate, or the Establishment Decision.

b) For reissue of the Certificate of Establishment Decision, the application must comprise:

- Application for reissuance of Certificate as prescribed in Form No. 13 in the Appendix to this Decree;

- Copy of enterprise registration Certificates, investment registration Certificates, or the Decision of Establishment bearing changes of name or address;

- Original Certificate (except if it is lost).

2. Application manner

Organizations or individuals wishing to implementing code and barcode procedures shall make a relevant set of application documents prescribed in Clause 1 of this Article, then send by post or directly to the standing agency in charge of codes or barcodes. Original documents are needed for verification purposes in case of applying directly. In case of applying by post, the certified true copy bearing signature and stamp or the authenticated copy shall be required.

3. Application processing steps

a) Application for issue of the certificate...:

Within 05 days of receipt of the application, if all required documents are incomplete as per the law, the standing agency in charge of codes or barcodes shall inform requesting organizations or individuals of this and request them to submit amended or supplemented documents.

Within 05 days from the receipt date of the application, if the required dossier is complete and valid as per the law and organizations or individuals have submitted the required fee as per the regulations, then within 20 days from the receipt date of the application, the designating body on codes or barcodes is responsible to issue the Certificate as prescribed in the Form No. 14 in the Appendix to this Decree.

The duration of the certificate shall not exceed 03 years from the date of issue.

b) For reissue:

Reissuance of the certificate to requesting organizations or individuals is allowed if their certificate which remains valid is stolen, lost, damaged, or they change their name or address

Within 05 days from the day of receipt of the full and valid application, the standing agency in charge of codes or barcodes shall be responsible to reissue the Certificate to these requesting organizations or individuals. In case of refusal, the designating body on codes or barcodes sends a written notification clearly stating the reasons for such refusal.

The duration of the certificate shall be the same as that of the previously issued certificate.

Article 19d. Procedures for application for confirmation of use of foreign codes or confirmation of authorization for use of codes or barcodes use rights

1. The application shall comprise:

a) Application form for confirmation of use of foreign codes or authorization to use codes or barcodes as per the regulations in the Form No.15 and Form No.16 in the Appendix to this Decree;

b) Regarding confirmation of use of foreign codes, the application must include copy of the evidence that the foreign partner authorizes the applicant to use a code or barcode in the form of a letter or authorization contract, and copy of the evidence indicating that the authorizing agency legally owns the authorized code, and the list of products assigned the respective authorized code, etc;

b) Regarding confirmation of authorization to use codes or barcodes: the application must include copy of the contract or letter of authorization to use the code or barcode and the list of products assigned the authorized codes;

2. Application manner

Organizations or individuals wishing to apply for confirmation of use of foreign codes or confirmation of authorization for use of codes and barcodes shall make a set of application documents as per Clause 1 of this Article, and then send directly or by post to the standing agency in charge of codes and barcodes. Originals are needed for comparison when sending directly. When sending by post, certified true copy or notarized copies of original documents with signature and stamp of organizations and individuals must be included.

3. Processes for issue of the letter of confirmation of the use of foreign codes and confirmation of the authorization for use of codes or barcodes

Within 05 working days from the receipt date of the application, if the required application is incomplete as per the law, the standing agency in charge of codes and barcodes shall inform requesting organizations or individuals and request them to submit complete amended or supplemented application.

Within 20 working days from the receipt date of the application, if the required application is complete and the applicant already paid all the fees as per law, the standing agency in charge of codes and barcodes shall have the responsibility to issue Certificate of foreign codes or authorization to use the code or barcode to organizations as per Form No.17 and Form No.18 in the Appendix to this Decree.

10. Point b Clause 1 Article 21 shall be amended as follows:

b) imports, exports, goods currently in free circulation, goods in use as prescribed in Clause 2 Article 70 of the Law on Quality of Products and Goods, Clause 3 Article 32 of this Decree, and goods belonging in the list referred to in Article 15 of this Decree and the Law on Food Safety”.

11. Clause 2 Article 22 shall be amended and Clause 3 Article 22 providing for quality control officers shall be annulled as follows:

“2. Professional titles, rank codes and professional qualification requirements applied to specific ranks of public servants specializing in control of quality of products and goods shall be issued by the Ministry of Science and Technology after it enters into an agreement on these matters with the Ministry of Home Affairs”.

12. Article 25, 27, 28, 29, 30 are amended and Article 27a, 27b, 27c, 30a, 18a, Article 18b, Article 18c, Article 18d, Article 18dd, Article 18e, Article 18g are supplemented on awards of national quality as follows:

“Article 25. Award forms

1. National quality awards shall comprise:

- a) National quality gold awards;
- b) National quality awards.

2. Winning organizations or enterprises shall be awarded a Cup and the Certificate of the Ministry of Science and Technology.

3. The Ministry of Science and Technology shall consider recommending the Prime Minister to confer Merit Certificates for their excellence in improving productivity and product quality on the maximum number of 20 best enterprises winning the national quality Gold award

Article 27. Award consideration criteria

1. The national quality award shall be granted to winners according to the following assessment criteria:

- a) Leadership roles;
- b) Operational strategies;
- c) Customer-oriented and market-oriented policies;
- d) Knowledge measurement, analysis and management;
- dd) Human resource management;
- e) Operations management;
- g) Business outcomes.

2. The total score of these seven criteria is 1,000 points,

3. The national quality award shall be given organizations, enterprises scoring 600 points and more. The national quality gold awards shall be given organizations, enterprises scoring 800 points and more.

Article 27a. Award management and administration agency

1. The Ministry of Science and Technology assisting the Government in performing the uniform state management of quality rewards shall have the following rights and responsibilities:

- a) Hold the National quality award;
- b) report to the Prime Minister on organization and implementation of the annual national quality award's activities;
- c) ensure an adequate budget for organization and implementation of the annual national quality award's activities which is derived from the state budget's allocations for science and technology affairs;
- d) inspect, examine and resolve complaints or denunciations arising from nominee assessment and conferment of the national quality award;
- dd) request the Prime Minister to revoke national quality awards given organizations, enterprises due to their commission of violations against law during or after processing of application for and grant of awards;
- e) Collaborate with Ministries, sectoral administrations and People's Committees of central-affiliated cities and provinces in obtaining the consent to conferring awards to eligible organizations or enterprises, launching the National quality award and linking the National quality award with other national programs under the Prime Minister's approval decision to assist both attending and winning organizations or enterprises;
- g) host the international cooperation activities on quality awards; to represent Vietnam at regional and international quality award organizations
- h) host or cooperate with Vietnam Television, Radio Voice of Vietnam, Vietnam News Agency, Electronic Information Portal of the Government, Vietnam Chamber of Commerce and Industry and central and local mass media agencies to in running communications programs for the National quality awards;
- i) carry out other missions, powers relating to the National quality award as per the law.

2. The General Department of Standardization, Metrology and Quality Control shall be the standing agency in charge of the national quality award and shall have the following powers and responsibilities:

- a) recommend domestic and international programs, projects and cooperation activities related to the National quality award to the Ministry of Science and Technology;
- b) cooperate with relevant organizations in carrying out the National quality reward's activities;
- c) Provide detailed requirements of each criterion and scoring method relevant to each criterion requirement as prescribed in Article 27 of this Decree; to develop and guide the implementation of documents and materials specially designed for the National quality award;
- d) recommend the list of members of the national council to the Ministry of Science and Technology to seek its decision;
- dd) cooperate with the national council to carry out missions as prescribed in Clause 2 Article 27c of this Decree; consult with Ministries and People's Committee of central-affiliated cities and provinces to agree on conferment of national quality awards;
- e) establish the local prequalification council;
- g) provide members of the prequalification council, evaluators, organizations and enterprises taking part in the national quality award with training opportunities.
- h) carry out communications activities for the National quality reward;
- i) hold the annual award ceremony attended by winning organizations or enterprises;
- K) cooperate internationally on the quality award; to represent Vietnam to participate in regional and international quality award organizations as per the regulations of competent government agencies; to nominate organizations or enterprises winning the national quality Gold awards to compete in regional and international quality awards;
- l) resolve complaints or denunciations relating to the National quality award; report to and request the Ministry of Science and Technology to impose sanctions for violations arising from the National quality award committed by organizations, enterprises and other individuals concerned.

3. Supervisory Ministries shall have missions and powers as follows:

- c) To host the annual National quality reward under their scope of management based on the plan of the Ministry of Science and Technology;
- a) To recommend missions, plans and programs related to the National quality award and send the annual activity report to the Ministry of Science and Technology;
- c) establish the ministry or sectoral administration-level prequalification council after obtaining an approval from the Ministry of Science and Technology;

d) Direct the ministry or sectoral administration-level prequalification council to consider assessing organizations and enterprises taking part in the national quality award, and recommend to the national council the list of organizations or enterprises eligible to win the award;

dd) Stimulate and guide organizations or enterprises under their management to apply for the National quality award at the ministry or sectoral administration-level prequalification council.

4. People's Committee of central-affiliated cities and provinces holding and running the National quality award within their local jurisdictions shall implement the following duties and powers:

a) Carry out annual activities in the framework of the National quality reward within these local jurisdictions according to the plan of the Ministry of Science and Technology;

b) Manage the expenditure used for organizing and holding the National quality rewards activities annually from the local funds for science and technology career;

a) Recommend missions, plans, programs for the local National quality awards to Ministries and to report annual activities to the Ministry of Science and Technology;

d) Guide local short-listing councils to consider and assess organizations and enterprises taking part in the national quality awards, and to recommend to the national council the list of organizations or enterprises eligible to be awarded;

dd) Provide information and instructions for organizations or enterprises under scope of management to apply for the local National quality award.

Article 27b. Prequalification council

1. Prequalification council shall comprise:

a) Local-level Prequalification council shall be established by the standing agency in charge of the National quality award upon the request of the Ministry of Science and Technology of provinces and central-affiliated cities.

b) Ministry or sectoral administration-level prequalification council shall be established by Ministries upon receipt of the consent from the Ministry of Science and Technology.

Prequalification council shall be composed of from 07 to 11 members, including one Chairperson, one Deputy Chairperson and other Commissioners. Members of local Prequalification councils shall act as representatives of regulatory departments, divisions and other organizations operating within local jurisdictions. Members of ministerial Prequalification council shall act as representatives of related ministerial specialized bodies and organizations. Members of Prequalification council must have expertise in the sector where they perform quality management activities and have a good command of criteria and requirements of the National quality award.

2. Prequalification council shall be assigned the following duties:

- a) receive registration forms and documents submitted to apply for the National quality award from organizations and enterprises;
- b) conduct verification and review of application documents or on-site inspection and evaluation at the office of participating organization or enterprise;
- c) make an evaluation dossier and recommend to the national council the list of organizations and enterprises nominated for the award;
- d) inform in writing the evaluation results and other feedbacks to organizations and enterprises after obtaining the evaluation results.

Article 27c. National council

1. National council shall be established according to the decision of the Minister of Science and Technology at the request of the standing agency in charge of the National quality award. National council shall be composed of from 15 to 19 members, including one Chairman, one Deputy Chairman and Commissioners. Members of the National council shall act as representatives of related Ministries, sectoral administrations, and organizations. Members of national council must have expertise in the sector where they perform quality management activities and have a good command of criteria and requirements of the National quality award.

2. The national council shall be assigned the following duties:

- a) recommend to the Ministry of Science and Technology programs or activities necessary for organization of the National quality award;
- b) verify and assess documents sent by the prequalification council;
- b) carry out on-site assessment at the office of participating enterprise or organization if necessary;
- d) recommend the list of organizations and enterprises that are eligible to request the Ministry of Science and Technology to apply for the Prime Minister's approval of grant of national quality awards and the Prime Minister's Certificate of Merit.

Article 28. Application requirements and procedures for award consideration

1. Registration of participation in the award

Organizations and enterprises shall register participation in the National quality award with the prequalification council at the locality where their business has been registered. Organizations and enterprises under the specialized management of ministries or sectoral administrations can

register participation in the National quality award with the prequalification council.
Application documents shall comprise:

Application form participation in the National quality award as prescribed in the Form No. 19 in the Appendix to this Decree;

b) Report providing general information about organizations or enterprises;

Self-assessment report prepared according to 07 criteria of the National quality award;

d) Certified true copy of the document proving the application of the advanced quality management system (including the applicant's signature and stamp), and other relevant degrees or documents;

dd) Certified true copy of the document proving the conformity of products or goods with respective standards and technical specifications (including the applicant's signature and stamp);

e) Certified true copy of the environmental impact assessment report or approved environment protection plan and annual environmental monitoring results or periodical environmental monitoring reports as per the law, all of which have been prepared for the past 03 years (including the applicant's signature and stamp);

g) Certified true copy of the confirmation of fulfillment of tax obligations to the state and care for employee's social insurance benefits on an annual basis, given for the past 3 years (bearing signature and stamp of organizations and enterprises);

h) Certified true copy (including signature and stamp of organizations and enterprises) of other documents proving business results, prepared for the past 03 years (if any).

2. Processes for pre-award evaluation at the prequalification council

Prequalification council must assess organizations and enterprises taking part in the National quality awards according to two steps: Application assessment and on-site assessment. Based upon the result, the prequalification council determines the list of organizations and enterprises eligible for the National quality awards and sends related documents to the National council through the standing agency of the National quality awards.

Documents held by the prequalification council shall comprise:

a) Application of organizations and enterprises as prescribed in Clause 1 Article 28 of this Decree;

b) Results of the assessment of each organization or enterprise carried out by the prequalification council;

c) Written request and the list of organizations and enterprises nominated for the award, prepared by the prequalification council;

3. Processes for award consideration by the national council

a) The national council considers and assesses application documents submitted by participating organizations and enterprises that are recommended for the award by the prequalification council and other relating documents submitted by the prequalification council. If necessary, the national council sends a team to pay an inspection visit at the workplace of organizations and enterprises to get more information necessary for award consideration and conferment. Based upon the results of the document-based and on-site inspection or assessment, the national council makes a decision on the list of organizations and enterprises nominated for the award;

b) Based upon the recommendation of the national council, the standing agency of the National quality awards consults with Ministries, sectoral administrations, and People's Committee of central-affiliated cities and provinces to reach the consent to nominating qualified organizations and enterprises for the award; Within 15 days from the receipt date of the recommendation, Ministries, branches and People's Committee of central-affiliated cities and provinces have reply in writing;

c) The national council and standing agency of the National quality awards complete their dossier and send it to the Ministry of Science and Technology for assessment and requesting the Prime Minister to confer the National quality award and the Prime Minister's Certificate of Merit. The dossier submitted to the Ministry of Science and Technology shall comprise:

- Report on the activities of the National quality awards in the year, reports of dossier assessment and site assessment, if any;

- The national council's meeting minutes;

- Letter of consent to conferring the award of Ministries, line Ministries and People's Committee of central-affiliated cities and provinces;

- List of organizations and enterprises nominated for the award;

- Other related documents, if any.

4. Awarding recommendations;

The Ministry of Science and Technology completes a dossier submitted to the Prime Minister to request grant of the national quality award and Certificates of Merit of the Prime Minister for qualified organizations and enterprises.

5. Announcement of awarding decisions

The standing agency of the National quality awards shall be responsible to inform the award consideration results to the prequalification council, award-winning organizations and enterprises and other relating organizations and enterprises after receiving the Decision on grant of the National quality award and the Prime Minister's Certificate of Merit.

6. Awarding ceremony organization

The standing agency of the National quality awards shall be responsible to hold a ceremony to confer the National quality award and the Prime Minister's Certificate of Merit on winning organizations or enterprises. .

Article 29. Awarding budget

1. The budget of the National quality award shall be derived from:

- a) The state budget's allocations for science and technology affairs;
- b) Grants or aids received from domestic and international organizations, enterprises and individuals;
- c) Income generated from the activities in the framework of the National quality award.

2. The management and use of the budget for the activities of the National quality awards are in accordance with the national budget and guidance documents on finance management.

Article 30. Benefits of award-winning organizations and enterprises

1. Organizations and enterprises who have already received the National quality awards may advertise and promote their business through mass media and other means of communications using the National quality award's logo on their products and publications.

2. Organizations and enterprises winning the national quality gold award shall be recommended by the Ministry of Science and Technology to take part in the regional and international quality award.

3. Award-winning organizations and enterprises shall be given priority to borrow funds from the National Foundation for Science and Technology Development, National Technology Innovation Fund, Ministerial and local foundation for science and technology development and other funds as per the law; shall be entitled to priority to participate in national programs and projects on development, technology exchange, and improvement of productivity and quality.

4. Award-winning organizations and enterprises shall be awarded as per law by Ministries and line Ministries and provinces and central-affiliated cities from the annual award funds.

Article 30a. Violation resolution

1. Within 03 years from the date that organizations and enterprises get the awards, if any fraud is detected in the application during the participation in the national quality prize or if any provision of the law on photography is violated, the standing agency of the National Quality Awards shall base on the seriousness of the violation of the winning organization or enterprise to consider and recommend withdrawal or termination of the award and other related benefits.

2. The act of withdrawal or termination of the prizes of winning organizations or enterprises must be announced publicly via mass media.

13. Article 31 shall be amended as follows:

“Article 31. Responsibilities of the Ministry of Science and Technology for state management of quality of goods and products.

1. assist the Government in performing the uniform state management of products and goods quality and the conformity assessment throughout the country; to implement the management of products and goods as per the regulations in Article 69 of the Law on Quality of Products and Goods; host the inspection of products and goods quality; to check and speed up the implementation of law on technical standards, products and goods quality, and the conformity assessment.

2. Within its scope of tasks and powers, the Ministry of Science and Technology shall be responsible:

perform the state management 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) To perform the state management of quality of imports and exports, goods sold in the market, or potentially unsafe products under its assigned domains as prescribed in Clause 4 Article 69 of the Law on Quality of Products and Goods.

14. Article 32 shall be amended as follows:

“Article 32. Responsibilities of ministries exercising the state management of quality of products and goods

1. 1. Perform the regulatory management of products and goods quality as per Clause 1 Article 70 of the Law on Quality of Products And Goods, and collaborate with the Ministry of Science and Technology in developing and implementing plans for inter-disciplinary inspection of the quality of products and goods subject to inspection by Ministries or sectoral administrations on an annual basis and handle violations within their jurisdiction.

2. Ministries and sectoral administrations shall perform the regulatory management of the quality of products in the production process as follows:

a) The Ministry of Health:

- Food safety with respect to functional foods, foods fortified with micronutrients, supplement food, food processing aids, food additives, drinking water, tap water, natural mineral water, instruments or materials used for packing or containing these foods (except those falling under the authority of the Ministry of Agriculture and Rural Development, and the Ministry of Industry and Trade); vaccines and medical biological; cigarettes; chemicals, pesticides and disinfectants for family and medical use;

- Machinery, equipment, materials and substances subject to strict occupational safety and hygiene requirements under its management as per Law on Occupational Safety and Hygiene;

- Medicines, pharmaceutical ingredients and cosmetics;

- Medical equipment and works.

b) The Ministry of Agriculture and Rural Development:

- Agricultural and forestry plant varieties; livestock breeds; aquaculture breeds;

- Fertilizers; pesticides; veterinary drugs; animal feeds and aqua feeds;

- Chemicals, biologicals and microbials used for aquacultural environment treatment and remediation;

- Other materials used in plant culture, livestock husbandry, aquaculture; forestry; salt industry;

- Machinery, equipment used in agriculture, forestry, livestock husbandry, aquaculture; fishing gear; machinery, equipment, materials, and substances subject to strict requirements for occupational safety and hygiene under its management as per Law on Occupational Safety and Hygiene;

- Food safety for cereals; meats and meat products; fishery and aquatic products; vegetables and vegetable products; eggs and egg products; raw milk; honey and honey products; genetically modified foods; salt, seasonings; sugar; tea; coffee; cocoa; peppers; cashews; and other agricultural products;

- Services, fertilizer making process, pesticides, veterinary drugs, animal and aquatic feeds; process of cultivation, livestock husbandry, aquaculture, forestry, salt-making; process of harvesting, butchering, and processing products from animals, plants, and aquaculture;

- Irrigation works and dykes;

- Services and manufacturing process in agriculture and rural development field.

c) The Ministry of Transport:

- Means of transport, equipment, loading and unloading equipment in transportation (excluding vehicles serving purposes of national defense, security and fishing boats); specialized equipment, tools for transportation; exploring and exploiting equipment on the seas;
- Machinery, equipment, materials and chemicals subject to strict requirements for occupational safety and hygiene under its management as per the law on occupational safety and hygiene;
- Land, rail, inland waterway, maritime and air transport infrastructure;
- Traffic and transport services.

d) The Ministry of Construction

- Civil construction works, residential and office buildings;
- Construction materials;
- Architecture and construction planning including: regional, urban, rural residential construction planning, industrial zone, economic zone, hi-tech park construction planning, important border gate construction planning;
- Technical infrastructure of urban centers, industrial parks, economic zones and hi-tech parks;
- Machinery, equipment, materials and chemicals subject to strict requirements for occupational safety and hygiene under its management as per the law on occupational safety and hygiene;
- Construction and engineering services.

dd) The Ministry of Industry and Trade:

- Industrial chemicals, explosive materials, substances or articles;
- Mechanic products, metallurgy, electronics, energy; consumer, food and other processing products defined as per the law; electrical and electronic equipment for industrial use;
- Machinery, equipment, materials and chemicals subject to strict requirements for occupational safety and hygiene under its management as per the law on occupational safety and hygiene;
- Food safety during the processes of manufacture, preservation, transport, export, import, and sales of alcohol, beer, soft drinks, raw milk, vegetable oil, processed flour and starch products, cakes, jam, candies and their packages;
- E-commerce

e) The Ministry of Labor, War Invalids and Social Affairs:

- Machinery, equipment, materials and chemicals subject to strict requirements for occupational safety and hygiene under its management as per the law on occupational safety and hygiene;
- Products bearing strict requirements of labor safety;
- Public amusement works;
- Services in the Labor, War Invalids and Social Affairs sector.

g) The Ministry of Information and Communications:

- News products; publication; post and delivery;
- Products advertised on news, network environment, publications and advertisements on products, postal and telecommunications services, IT services;
- Postal, telecommunications, information technology, electronic, radio and television broadcasting networks, works, equipment and products; information security;
- Radio frequencies, radio station, radio equipment and apparatus transmitting and receiving radio waves;
- Postal and communications services.

h) The Ministry of Natural Resources and Environment:

- Natural resources and minerals;
- Meteorology;
- Topographical surveying and mapping;
- Environment, climate change and remote sensing;
- Natural resources and environmental services.

i) The Ministry of Education and Training:

- Schoolbook, syllabus, reference books and teacher's guidance documents;
- Teaching aids, facilities, educational kids' toys under the management of the Ministry as per the law;
- Educational and training services.

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

l) The Ministry of Culture, Sports, and Tourism: Sports facilities; equipment and devices for sports training and competition of sports and physical training establishments under management of the Government as per the law;

m) Vietnam State Bank: Currency, bank services, dedicated banking equipment;

n) The Ministry of National Defense:

- Vehicles, military equipment, ammunitions, weapons, defense products and defense works not classified as subjects of state secrets.

- Special safety and security products used in the national defense sector, put under the management of the Ministry as per the law;

o) The Ministry of Public Security:

- Fire prevention and firefighting, rescue, technical equipment, weapons, ammunition, explosive materials, support tools, except for cases specified in Point n of this Clause and other products used for People's Police Force and not specified as national secrets;

- Services in security fields.

p) The Ministry of Science and Technology:

- Nuclear reactors, nuclear materials, source materials, radioactive substances and radiological equipment; measuring tools and equipment; petrol, diesel, bio-fuel; engine oil; gas (liquefied petroleum gas – LPG, liquefied natural gas - LNG, compressed natural gas - CNG); electric or electronic devices; kids' toys; motorcycle helmets, steel; and gold jewelry.

- When there are new products or goods not included in the list as prescribed in Point a, b, c, d, dd, e, g, h, i, k, l, m, n and o of this Clause and products and goods used in national defense, public security, or national secret, the Ministry of Science and Technology shall preside and collaborate with relating line ministries to unify the management duty; in cases beyond its power, the Ministry of Science and Technology shall report to the Government and the Prime Minister to check and assign the management duties to relating line ministries.

3. Ministries and sectoral administrations perform the state management of quality of imported and exported, circulated, or potentially unsafe products under its assigned field, especially as follows:

As per Clause 4 Article 69 of the Law on Quality of Product and Goods;

b) As per Clause 2 Article 70 of the Law on Quality of Product and Goods;

c) As per Article 15 on List and management process of products which need to be inspected, initially tested, periodically inspected during the use of this Decree;

d) The Ministry of Information and Communications:

- News products; publication; post and delivery;
- Products advertised on news, network environment, publications and advertisements on products, postal and telecommunications services, IT services;
- Postal, telecommunications, information technology, electronic, radio and television broadcasting networks, works, equipment and products; information security;
- Radio frequencies, radio stations, radio equipment, apparatus generating and receiving radio waves;
- Postal and telecommunications services.

dd) The Ministry of Natural Resources and Environment

- Natural resources and minerals;
- Meteorology;
- Topographical surveying and mapping;
- Environment, climate change and remote sensing;
- Natural resources and environment services.

e) The Ministry of Labor, War Invalids and Social Affairs:

- Machinery, equipment, materials and chemicals subject to strict requirements for occupational safety and hygiene under the Government's management as per law; tools, equipment in vocational education facilities; personal protective equipment;
- Particular labor safety products prescribed by law;

g) The Ministry of Culture, Sports, and Tourism: Sports facilities; equipment and devices for sports training and competition of sports and physical training establishments under management of the Government as per law;

4. Ministries and sectoral administrations inform the Ministry of Science and Technology about the regulatory bodies responsible to assist the Minister in performing the state management of

the quality of products and goods as per Clause 2 and Clause 3 of this Article for announcement on the web portals of the Ministry of Science and Technology.

Annually or on ad-hoc basis as per the request from the Ministry of Science and Technology, Ministries and sectoral administrations shall collect and report the situation and the results of the quality test upon products and goods under its management to the Ministry of Science and Technology before collecting and sending to the Prime Minister.

5. Where there is an overlap and duplication of assigned areas between Ministries and sectoral administrations or there are new fields as per Clause 2 and Clause 3 of this Article, the Ministry of Science and Technology shall collect and report to the Government and the Prime Minister for consideration and decision making”.

15. Clause 2 Article 33 shall be amended as follows:

“2. The Department of Science and Technology shall preside over and cooperate with other relating departments and bodies in assisting the People’s Committee of central-affiliated cities and provinces in playing central roles in uniform state management of the quality of products and goods within their local jurisdiction:

Preside over and cooperate with construction departments or agencies in, and put forward annual plans for, inspection within local jurisdictions of quality of products and goods at business facilities which manufacture a number of goods and products subject to the management of ministries or sectoral administrations;

b) Check and stimulate the state management by regulatory departments or agencies of the quality of products and goods under its domains assigned or decentralized to the Ministry for management; annually organize review and evaluation of implementation results of the state management of the local quality of products and goods;

c) Check and speed up the implementation of law on the technical standards, specifications, quality of products and goods within respective local jurisdictions;

d) Conduct a survey on quality of products and goods within local jurisdictions; give warnings to consumers and concerned local agencies;

dd) Prepare a consolidated report on quality management carried out within local jurisdictions and other quality issues that may arise to the People’s Committee of central-affiliated cities and provinces and the Ministry of Science and Technology.

Sub-Department of Standards, Metrology and Quality under the control of the Department of Science and Technology is an agency directly assisting the Department of Science and Technology in implementing the quality management function of goods and products at local jurisdictions; to conduct a quality survey within local jurisdictions and warn local specialized agencies of the quality of products and goods; perform such functions as specialized inspection and audit of the quality of products and goods within local jurisdictions”.

Article 3. Implementation provisions

1. This Decree comes into force from July 01, 2018.
2. Other regulations on the designation of conformity assessment bodies, the National quality award, codes and barcodes which are laid down in legislative documents on the same level as or lower level than this Decree shall terminate from this Decree's entry into force.
3. Transitional provisions

The Decision of designation for the conformity assessment bodies of Ministries and sectoral administrations which is still in effect shall be maintained till the expiry date stated on the Decision of designation.

Article 3. Implementation

Ministers, Heads of ministerial agencies, Heads of agencies under the Government, Chairmen of the People's Committee of provinces and central-affiliated cities shall be responsible to implement this Decree.

**PP. GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

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