

**THE GOVERNMENT**

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No. 08/2018/ND-CP

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, January 15, 2018*

**DECREE**

**ON AMENDMENTS TO CERTAIN DECREES RELATED TO BUSINESS CONDITIONS  
UNDER STATE MANAGEMENT OF THE MINISTRY OF INDUSTRY AND TRADE**

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

*Pursuant to the Commercial Law dated June 14, 2005;*

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

*Pursuant to the Law on Chemicals dated November 21, 2007;*

*Pursuant to the Law on Food safety dated June 17, 2010;*

*Pursuant to the Law on Prevention and control of tobacco's harmful effects dated June 18, 2012;*

*Pursuant to the Law on Electricity dated December 03, 2004 and the Law on Amendments to certain articles of the Law on Electricity dated November 20, 2012;*

*Pursuant to the Ordinance on Management and use of weapons, explosives and combat gear dated June 30, 2011 and the Ordinance on Amendments to certain articles of the Ordinance on Management and use of weapons, explosives and combat gear dated July 12, 2013;*

*Pursuant to the Law on Investment dated November 26, 2014 and the Law on Amendments to Article 6 and Appendix No. 4 on the list of conditional business lines of the Law on Investment dated November 22, 2016;*

*At the request of the Minister of Industry and Trade,*

*The Government promulgates a Decree on amendments to certain Decrees related to business conditions under state management of the Ministry of Industry and Trade.*

**Chapter I**

**PETROL AND OIL**

**Article 1. Amendments to certain articles of the Government’s Decree No. 83/2014/ND-CP dated September 03, 2014 on trade in petrol and oil (hereinafter referred to as “Decree No. 83/2014/ND-CP”)**

1. Clause 1 Article 7 is amended as follows:

“1. Being established lawfully”.

2. Clause 2 Article 27 is amended as follows:

“2. Having special-use wharves within the system of seaports and inland ports and depots under enterprises’ ownership or co-ownership, which are built up to prescribed standards.”

3. Point i Clause 1 Article 40 is amended as follows:

“i) The Ministry of Industry and Trade shall take charge and cooperate with relevant ministries and industries in developing the national technical regulation on petrol and oil stations consistently throughout the country”.

**Article 2. Annulment of certain articles and clauses of the Government’s Decree No. 83/2014/ND-CP**

1. Article 5, Clause 6 Article 7, Article 10, Clause 1 Article 24 and Clauses 4 and 5 Article 41 are annulled.

2. The following contents of Article 7 are annulled:

a) The following content of Clause 3 is annulled: “Three (3) years after obtaining a license for petrol and oil import/export, the importer/exporter shall own or co-own (with the stake of at least fifty-one percent (51%)) the depot system, which is capable of meeting at least one-third (1/3) of the importer’s or exporter’s reserve demand mentioned in Clause 1 Article 31 herein”.

b) The following content of Clause 4 is annulled: “Two (2) years after obtaining a license for petrol and oil import/export, the importer/exporter shall own or co-own (with the stake of at least fifty-one percent (51%)) vehicles transporting domestic petrol and oil with the total load capacity of at least three thousand cubic meters (3,000 m<sup>3</sup>)”.

c) The following content of Clause 5 is annulled: “Every year, after obtaining the license for petrol and oil import/export, the importer/exporter shall own or co-own at least four (4) petrol and oil retail stations until its distribution system has at least one hundred (100) petrol and oil retail stations”.

**Chapter II**

**TOBACCO**

**Article 3. Amendments to certain articles and clauses of the Government's Decree No. 67/2013/ND-CP dated June 27, 2013 specifying certain articles and measures for implementation of the Law on Prevention and control of tobacco's harmful effects when trading in tobacco (hereinafter referred to as "Decree No. 67/2013/ND-CP")**

1. Clause 1 and Clause 4 Article 9 are amended as follows:

“1. The enterprise shall be established lawfully.

4. The enterprise has an agreement in principal or agreement to entrust import of tobacco ingredients concluded with a tobacco manufacturer or an enterprise that processes tobacco ingredients; or agreement in principal or agreement to entrust export of tobacco ingredients concluded with an enterprise eligible to invest in tobacco cultivation or enterprise that processes tobacco ingredients. The enterprise having the license for purchasing/selling tobacco ingredients shall only be entitled to import tobacco ingredients on behalf of an enterprise having the certificate of eligibility to invest in tobacco cultivation or the license for processing of tobacco ingredients”.

2. Clause 6 Article 10 is amended as follows:

“6. A copy of the agreement in principal or agreement to entrust import of tobacco ingredients concluded with a tobacco manufacturer or an enterprise that processes tobacco ingredients; or agreement in principal or agreement to entrust export of tobacco ingredients concluded with an enterprise eligible to invest in tobacco cultivation or enterprise that processes tobacco ingredients”.

3. Clause 1 and Clause 6 Article 12 are amended as follows:

“1. The enterprise shall be established lawfully.

6. The tobacco factory shall be located in an area suitable for the tobacco manufacturing strategy and areas providing tobacco ingredients approved by a competent authority”.

4. Clause 1 Article 15 is amended as follows:

“1. The enterprise having the certificate of eligibility to invest in tobacco cultivation shall be entitled to decide on the tobacco cultivating area and tobacco cultivators. The enterprise shall conclude an agreement to invest in tobacco cultivation or purchase tobacco ingredients with the tobacco cultivator and sell tobacco ingredients to the enterprise having the license for tobacco manufacturing or tobacco ingredients processing”.

5. Point a and Point b Clause 2 Article 17 are amended as follows:

“a) The enterprise shall invest in tobacco cultivation directly or through associating with other enterprises having certificates of eligibility to invest in tobacco cultivation and in accordance with the scale of business operation of the enterprise;

b) The enterprise shall use domestic tobacco ingredients to manufacture tobacco. If the domestic ingredients are not adequate, the enterprise shall be entitled to import the inadequate ingredients in accordance with the annual imported plan published by the Ministry of Industry and Trade, except for manufacturing of tobacco products having foreign labels or tobacco products for export."

6. Point b Clause 1 Article 25 is amended as follows:

"Investment is made on the basis of association with enterprises having licenses for tobacco manufacturing. The state capital shall make up a predominant part in the charter capital of the enterprise (for joint-venture)".

7. Point b Clause 1, Point b Clause 2 and Point b Clause 3 Article 26 are amended as follows:

"Tobacco stores shall not violate regulations on locations that sale of tobacco is banned in accordance with the provision of Clause 2 Article 25 of the 2012 Law on Prevention and control of tobacco's harmful effects".

**Article 4. Annulment of certain articles and clauses of the Government's Decree No. 67/2013/ND-CP**

The following articles and clauses of the Decree No. 67/2013/ND-CP are annulled:

1. Clause 5 Article 4.
2. Clause 1 Article 5.
3. Points b, c and d Clause 2 Article 7.
4. Clauses 3, 4 and 5 Article 8.
5. Clauses 2 and 3 Article 9.
6. Clauses 4 and 5 Article 10.
7. Points a, b, d and e Clause 2 Article 12.
8. Clauses 3, 6 and 7 Article 13.
9. Points b, c and d Clause 3 Article 17.
10. Clause 7 Article 18.
11. Point a Clause 1 Article 24.
12. Points a and c Clause 1 Article 25.

13. Points dd, g and i Clause 1; Points dd, g and i Clause 2 and Point dd Clause 3 Article 26.

14. Points d, h and i Clause 1; Points d, h and i Clause 2 and Point d Clause 3 Article 27.

15. Clause 6 Article 29.

16. Clause 3, Point b Clause 4 and Point b Clause 5 Article 36.

**Article 5. Clause 7 Article 1 of the Decree No. 106/2017/ND-CP on amendments to certain articles of the Decree No. 67/2013/ND-CP is annulled.**

### **Chapter III**

#### **ELECTRICITY**

**Article 6. Amendments to certain articles and clauses of the Government's Decree No. 137/2013/ND-CP dated October 21, 2013 specifying implementation of certain articles of the Law on Electricity and the Law on Amendments to certain articles of the Law on Electricity (hereinafter referred to as "Decree No. 137/2013/ND-CP")**

1. Point a Clause 1; Points b and dd Clause 2 and Clause 5 Article 3 are amended as follows:

"1. The Ministry of Industry and Trade shall:

a) Carry out state management on power development planning; instruct or approve annual/medium-term plans for investment in power development (including plans for development of power sources and 500 kV/200 kV/100 kV grids) on the basis of approved national power development planning;

2. People's Committees of provinces/central-affiliated cities (hereinafter referred to as "People's Committees of provinces") shall:

b) Provide the land fund in land use planning in their provinces for power projects in power development planning;

dd) Assess annual results and impacts of implementation of power development planning in their provinces and report them to the Ministry of Industry and Trade.

5. The Ministry of Finance shall take charge or cooperate with the Ministry of Industry and Trade in imposing annual funding for fulfillment of the responsibilities mentioned in Points d and dd Clause 1 and Point dd Clause 2 this Article.

2. Certain contents of Article 29 are amended as follows:

**"Article 29. Requirements for licensing electricity generation**

a) The terms: “The organization registering for electricity generation, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for electricity generation shall satisfy the following conditions:”.

b) Clause 1 Article 29 is amended as follows:

“1. Have projects on construction of power stations in compliance with approved power development planning. Construction works of power stations are built or installed under approved designs, tested or commissioned”.

3. Certain contents of Article 30 are amended as follows:

a) The terms: “The organization registering for electricity transmission, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for electricity transmission shall satisfy the following conditions:”.

b) Clause 1 Article 30 is amended as follows:

“1. Have technological equipment, power lines and substations that are built or installed in accordance with approved technical designs; tested or commissioned; have fire safety systems satisfying requirements”.

4. Certain contents of Article 31 are amended as follows:

a) The terms: “The organization registering for electricity distribution, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for electricity distribution shall satisfy the following conditions:”.

b) Clause 1 and Clause 2 Article 31 are amended as follows:

“1. The organization has technological equipment, power lines and substations that are built or installed, tested or commissioned; has fire safety systems satisfying requirements.

2. Technicians have at least bachelor's degrees in electrical engineering and at least 3-year experience of working in the field of electricity distribution. Operators are trained in electricity engineering or have certificates of training therein issued by vocational training centers, have operating procedures and safety regulations tested.”

5. Article 32 is amended as follows:

“Organizations established under regulations of law and registering for electricity wholesaling shall satisfy the following conditions: Electricity wholesalers have at least bachelor’s degrees in

electricity engineering, economics, finance or equivalent majors and at least 5-year experience of working in the field of electricity sale and purchase.

Organizations satisfying conditions for electricity wholesaling shall be entitled to import and/or export electricity”.

6. Certain contents of Article 33 are amended as follows:

a) The terms: “Organizations and individuals registering for electricity retailing, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “Organizations established under regulations of law and individuals registering for electricity retailing shall satisfy the following conditions:”.

b) Clause 1 Article 33 is amended as follows:

“1. Electricity retailers have at least intermediate degrees in electrical engineering, economics, finance or equivalent majors and at least 3-year experience of working in the field of electricity sale and purchase”.

7. Article 38 is amended as follows:

**"Article 38. Electricity-related consulting services**

1. Electricity-related consulting services include: Consulting on investment in electrical construction works (excluding planning projects or electrical works bidding) and consulting on supervision of electrical works (including hydroelectric power stations, thermal power stations, power lines and substations).

2. Provision of electricity-related consulting services shall only apply to construction works directly related to electricity or construction works applied under regulations of law on construction.

3. Ranking of scales of electricity sources and grids serving electricity-related consulting services shall be stated in the following table:

	<b>Hydroelectric power station</b>	<b>Thermal power station</b>	<b>Power line and substation</b>
1 <sup>st</sup> rank	Over 300 MW	Over 300 MW	Over 220 kV
2 <sup>nd</sup> rank	Up to 300 MW	Up to 300 MW	Up to 220 kV
3 <sup>rd</sup> rank	Up to 100 MW		Up to 110 kv
4 <sup>th</sup> rank	Up to 30 MW		Up to 35 kv

4. Power stations using renewable energy in the principle of using water energy, wind energy and solar energy shall be ranked and be entitled to apply to licensing conditions for electricity-related consulting services same as those for hydroelectric power stations.

5. Power stations using renewable energy in the principle of conversion from thermal energy shall be ranked and be entitled to apply to licensing conditions for electricity-related consulting services same as those for thermal power stations”.

8. Certain contents of Article 39 are amended as follows:

a) The terms: “The organization registering for providing consulting services for construction of hydroelectric power stations, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for providing consulting services for construction of hydroelectric power stations shall satisfy the following conditions:”.

b) Clause 3 and Clause 6 Article 39 are amended as follows:

“3. The organization has the staff of consulting experts with primary consulting experts having at least bachelor's degrees in electrical engineering, hydroelectric engineering, irrigation engineering, geological engineering, environmental engineering or equivalent majors, at least 5-year experience of working in the field of consulting and designing at least one project on hydroelectric power station with equivalent capacity and having suitable construction certificates.

6. The organization has the number of primary consulting experts under the following ranking of hydroelectric works:

1<sup>st</sup> rank: at least 25 experts;

2<sup>nd</sup> rank: at least 20 experts;

3<sup>rd</sup> rank: at least 15 experts;

4<sup>th</sup> rank: at least 10 experts”.

9. Certain contents of Article 40 are amended as follows:

a) The terms: “The organization registering for providing consulting services for construction of thermal power stations, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for providing consulting services for construction of thermal power stations shall satisfy the following conditions:”.

b) Clause 3 and Clause 6 Article 40 are amended as follows:



“3. The organization has the staff of consulting experts with primary consulting experts having at least bachelor's degrees in electrical engineering, thermal power engineering, geological engineering, environmental engineering or equivalent majors, at least 5-year experience of working in the field of consulting and designing at least one project on the thermal power station with equivalent capacity and having suitable construction certificates.

6. The organization has the number of primary consulting experts under the following ranking of thermal works:

1<sup>st</sup> rank: at least 20 experts;

2<sup>nd</sup> rank: at least 10 experts”.

10. Certain contents of Article 41 are amended as follows:

a) The terms: “The organization registering for providing consulting services for construction of power lines and substations, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for providing consulting services for construction of power lines and substations shall satisfy the following conditions:”.

b) Clause 3 and Clause 6 Article 41 are amended as follows:

“3. The organization has the staff of consulting experts with primary consulting experts having at least bachelor's degrees in electrical engineering, electrical system, electrical equipment, automation, environmental engineering or equivalent majors, at least 5-year experience of working in the field of consulting and designing at least one project on power lines and substation with equivalent voltage and having suitable construction certificates.

6. The organization has the number of primary consulting experts under the following ranking of power lines and substation works:

1<sup>st</sup> rank: at least 20 experts;

2<sup>nd</sup> rank: at least 15 experts;

3<sup>rd</sup> rank: at least 10 experts;

4<sup>th</sup> rank: at least 05 experts”.

11. Certain contents of Article 42 are amended as follows:

a) The terms: “The organization registering for providing consulting services for construction supervision of hydroelectric power stations, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for providing consulting

services for construction supervision of hydroelectric power stations shall satisfy the following conditions:”.

b) Clause 3 and Clause 6 Article 42 are amended as follows:

“3. The organization has the staff of consulting experts with primary consulting experts having at least bachelor's degrees in electrical engineering or equivalent majors, at least 5-year experience of working in the field of consulting and designing at least one project on the hydroelectric power station with equivalent capacity and having suitable construction certificates.

6. The organization has the number of primary consulting experts under the following ranking of hydroelectric works:

1<sup>st</sup> rank: at least 20 experts;

2<sup>nd</sup> rank: at least 17 experts;

3<sup>rd</sup> rank: at least 12 experts;

4<sup>th</sup> rank: at least 8 experts”.

12. Certain contents of Article 43 are amended as follows:

a) The terms: “The organization registering for providing consulting services for construction supervision of hydroelectric power stations, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for providing consulting services for construction supervision of hydroelectric power stations shall satisfy the following conditions:”.

b) Clause 3 and Clause 6 Article 43 are amended as follows:

“3. The organization has the staff of consulting experts with primary consulting experts having at least bachelor's degrees in electrical engineering, geological engineering, economics, finance or equivalent majors, at least 5-year experience of working in the field of consulting and designing at least one project on the thermal power station with equivalent capacity and having suitable construction certificates.

6. The organization has the number of primary consulting experts under the following ranking of thermal works:

1<sup>st</sup> rank: at least 20 experts;

2<sup>nd</sup> rank: at least 15 experts”.

13. Certain contents of Article 44 are amended as follows:

a) The terms: “The organization registering for providing consulting services for construction supervision of power lines and substations, apart from the general conditions mentioned in Article 28 herein shall satisfy the following conditions:” is amended as follows: “The organization established under regulations of law and registering for providing consulting services for construction supervision of power lines and substations shall satisfy the following conditions:”.

b) Clause 3 and Clause 6 Article 44 are amended as follows:

“3. The organization has the staff of consulting experts with primary consulting experts having at least bachelor's degrees in electrical engineering, automation or equivalent majors, at least 5-year experience of working in the field of consulting and supervising construction of at least one work of the power lines and substation with equivalent voltage and having suitable construction certificates.

6. The organization has the number of primary consulting experts under the following ranking of power lines and substation works:

1<sup>st</sup> rank: at least 20 experts;

2<sup>nd</sup> rank: at least 15 experts;

3<sup>rd</sup> rank: at least 10 experts;

4<sup>th</sup> rank: at least 5 experts”.

#### **Article 7. Annulment of certain articles and clauses of the Decree No. 137/2013/ND-CP**

The following articles and clauses of the Decree No. 137/2013/ND-CP are annulled:

1. Clause 3 Article 2.
2. Points a and d Clause 2 Article 3.
3. Article 28.
4. Clause 3 Article 31.
5. Clauses 2, 3 and 4 Article 32.
6. Clauses 2 and 3 Article 33.
7. Articles 34, 35, 36 and 37.
8. Clauses 1, 2 and 4 Article 39.

9. Clauses 1, 2 and 4 Article 40.
10. Clauses 1, 2 and 4 Article 41.
11. Clauses 1, 2 and 4 Article 42.
12. Clauses 1, 2 and 4 Article 43.
13. Clauses 1, 2 and 4 Article 44.

## **Chapter IV**

### **FRANCHISING**

**Article 8. Amendments to Article 5 of the Government’s Decree No. 35/2006/ND-CP dated March 31, 2006 specifying the Commercial Law on franchising (hereinafter referred to as “Decree No. 35/2006/ND-CP”)**

**“Article 5. Conditions applied to franchisors**

The franchisor shall be entitled to franchise a business if it has been operating for at least 1 year”.

**Article 9. Article 6 and Article 7 of the Government’s Decree No. 35/2006/ND-CP are annulled.**

## **Chapter V**

### **E-COMMERCE**

**Article 10. Amendments to certain articles of the Government’s Decree No. 52/2013/ND-CP dated May 16, 2013 on e-commerce (hereinafter referred to as “Decree No. 52/2013/ND-CP”)**

1. Clause 1 Article 52 is amended as follows:

“1. The trader, organization or individual that is issued with personal tax identification number”.

2. Clause 1 Article 54 is amended as follows:

“1. The trader or organization shall be established under regulations of law”.

3. Point a Clause 1 Article 61 is amended as follows:

“a) The trader or organization shall be established under regulations of Vietnam law”.

4. Point dd Clause 1 Article 62 is amended as follows:

“dd) Have criteria and procedures for assessing the policy on personal information protection ensuring publicity, transparency and consistency;”.

**Article 11. Clause 2 Article 52; Clause 2, Point b Clause 3 Article 54; Points b, c and d Clause 1 Article 62; Point b Clause 1 Article 63 of the Decree No. 52/2013/ND-CP are annulled.**

## **Chapter VI**

### **CHEMICALS**

**Article 12. Annulment of certain articles and clauses of the Government’s Decree No. 38/2014/ND-CP dated May 06, 2014 on management of chemicals under control of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter referred to as “Decree No. 38/2014/ND-CP”)**

1. Points c and d Clause 1 Article 15 and their amendments in Article 9 of the Government's Decree No. 77/2016/ND-CP are annulled.

2. Point c Clause 1 Article 16 is annulled.

**Article 13. Amendments to Point d Clause 1 Article 17 of the Decree No. 38/2014/ND-CP**

“d) Documents satisfying the conditions mentioned in Points dd, e, g, h and i Clause 1 Article 15 herein”.

## **Chapter VII**

### **INDUSTRIAL EXPLOSIVES**

**Article 14. Amendments to certain articles and clauses of the Government’s Decree No. 39/2009/ND-CP dated April 23, 2009 on industrial explosives (hereinafter referred to as “Decree No. 39/2009/ND-CP”)**

1. Clause 1 Article 4 is amended as follows:

“1. The State shall hold monopoly on industrial explosives production and trade. The number, scope and scale of industrial explosives producers or traders shall be decided by the Prime Minister in compliance with specific socio-economic conditions in each period in order to prevent abuse of monopoly, ensure national interests and legitimate interests of producers or traders”.

2. Clause 3 Article 17 is amended as follows:

“3. Products have been tested and satisfy applicable safety and quality standards”.

3. Clause 1 Article 41 is amended as follows:

“1. Promulgate within its competence, take charge or cooperate with the Ministry of National Defense, the Ministry of Public Security and relevant ministries or industries in requesting the Government to promulgate legislative documents, strategies, industrial explosives or explosives precursors development plans”.

**Article 15. Point b Clause 1; Points b and c Clause 2 Article 20a of the Decree No. 39/2009/ND-CP, which have been amended by Article 13 of the Decree No. 77/2016/ND-CP, are annulled.**

**Article 16. Point b Clause 4 Article 11 of the Government’s Decree No. 76/2014/ND-CP date July 29, 2014 specifying certain articles of the Ordinance on amendments to certain articles of the Ordinance on management and use of weapons, industrial explosives and combat gear, which has been amended by Article 11 of the Decree No. 77/2016/ND-CP, is annulled.**

## **Chapter VIII**

### **TRADE IN FOOD UNDER MANAGEMENT OF THE MINISTRY OF INDUSTRY AND TRADE**

**Article 17. Amendments to certain articles and clauses of the Decree No. 77/2016/ND-CP**

1. Clause 1 Article 27 is amended as follows:

“1. Equipment and devices in direct contact with the food shall ensure safety, avoid food contamination and make it easy to clean, sterilize and maintain. Mobile equipment and device shall be durable, easy to move, disassemble and clean”.

2. Clause 11 Article 30 is amended as follows:

“Wind direction of the ventilation shall ensure not to blow from the area having risks of contamination to the area where clean is required”.

3. Clause 3 Article 31 is amended as follows:

“3. Equipment for preventing the penetration of insects and harmful animals must be stainless, easy to disassemble for maintenance and cleaning, and must ensure effective operation in preventing the penetration of insects and harmful animals”.

4. Point g Clause 5 Article 34 is amended as follows:

“g) After being treated up to standards applicable to milk production, water shall be stored and preserved in dedicated containers so as to avoid the contamination from other sources of pollution.

5. Clause 10 Article 34 is amended as follows:

“10. The milk producer must have internal transport system to ensure that processed milk products may not be transported in the same tanks or vehicles with supplies, raw materials and chemicals as this might cause cross contamination affecting the quality and safety of the products.

**Article 18. Annulment of certain articles and clauses of the Decree No. 77/2016/ND-CP**

The following articles and clauses of the Decree No. 77/2016/ND-CP are annulled:

1. Point a Clause 1 Article 24.

2. Points c and d Clause 1; Point a Clause 2; Points a, b and e Clause 3; Point a Clause 4; Point b Clause 5; Point b Clause 6; Point b Clause 8 and Clause 10 Article 26.

3. Point c Clause 2; Point a and d Clause 3; Point b Clause 4; Point b Clause 5 and Point a Clause 6 Article 27.

4. Clauses 1, 2, 3 and 6 Article 29.

5. Clauses 3, 4, 6, 9, 10, 14, 15 and 16 Article 30.

6. Clause 2 Article 31.

7. Points b, d and dd Clause 2 Article 33.

8. The following contents of Article 34:

a) Clause 1; Clause 2; Clause 3; Point a Clause 4; Points a, b, c, d and e Clause 5; Clause 6; Clause 7; Point b Clause 8; Point a Clause 9; Clause 12 and Clause 13 Article 34.

b) The following contents of Point a Clause 8:

“Raw material and additive warehouses shall be separate from production areas; Raw materials and additives shall be placed on shelves or racks and kept away from direct sunlight; Raw material and additive warehouses must satisfy temperature, moisture, storage duration requirements and other storage requirements as instructed or required by producers; Raw materials and additives whose sacks are opened but have not yet been used up shall be securely closed after each use and stored according to regulations; Raw materials and additives stored in warehouses must have information on their names and use duration; Raw material and additive warehouses shall be regularly maintained and cleaned according to internal regulations.

c) The following contents of Point c Clause 8:

“Finished product warehouse shall be located separately from production areas and shall be convenient for warehousing and ex- warehousing activities; Finished product warehouse shall always be kept at a certain temperature as required, be dry, clean and well-ventilated and stored products shall be kept away from direct sunlight so as to avoid changes in their quality, appearance and safety; There must be a separate space for keeping substandard quality products pending disposal; Finished product warehouse shall be regularly maintained and cleaned according to internal regulations”.

d) The following contents of Point b Clause 9:

“The processing area shall be cleaned every day or after each production cycle of each type of product”.

dd) The following contents of Point c Clause 9:

“Filling equipment shall be cleaned every day or after each production cycle of each type of product; Only responsible or authorized persons shall be entitled to enter the filling and packaging area to avoid cross-contamination”.

9. Clauses 1, 6, 7 and 9 Article 35.

10. The following contents of Article 36:

a) Clause 1; Points a, c and d of Clause 2; Clause 4; Points a, b, c, d and e Clause 5; Clause 6; Points b, c and d of Clause 7; Points a and b Clause 10; Points a and b Clause 11 and Clause 12 of Article 36.

d) The following contents of Point d Clause 3:

“The ground of the area shall be built of durable, anti-slip and difficult-to-peel-off materials and have a suitable slope to ensure complete drainage”.

c) The following contents of Point dd Clause 3:

“The ground of the area shall be built of durable, anti-slip and difficult-to-peel-off materials and shall ensure complete drainage. Water drainage systems must have covers”.

d) The following contents of Point a Clause 7:

“Solid wastes shall be collected in suitable tanks or containers put in places convenient for waste collection and treatment without causing adverse impacts to the production process; Scrap containers shall be clearly labeled or have signs for distinction from containers of raw materials, semi-finished products and finished products; be made of waterproof and corrosion-resistant materials; be tight and easy to clean (for reusable containers) or easy to destroy (for disposable containers); Solid wastes shall be treated by organizations or individuals licensed to operate in the field of environmental treatment by competent state authorities”.



dd) The following contents of Point a Clause 8:

“Warehouses are periodically maintained and cleaned according to internal regulations; meet preservation conditions according to instructions or regulations of producers; are capable of preventing the penetration of insects, rodents and other harmful elements; have information about identifying each type of raw material, additive, processing aid, supplies, packaging and finished product; have warehousing and ex-warehousing records;

e) The following contents of Point c Clause 8:

“The warehouses shall always be kept at a certain temperature and moisture as required in internal regulations for each type of beer; Products stored in finished product warehouses must have information about their names, batch numbers, dates of manufacturing, production shifts and other information according to internal regulations; There must be a separate space for keeping substandard quality products pending disposal”.

11. Clause 1, Clause 2, Clause 3, Point b Clause 6, Clause 9, Clause 11 and Clause 12 of Article 37.

12. The following contents of Article 38:

a) Clause 1; Points a, b, c, d and dd Clause 2; Points a and b Clause 3; Points a and d Clause 4; Clause 5; Points b, c and d Clause 6; Points a and b Clause 7; Points b, c and d Clause 8; Point a Clause 9; Clause 10; Clause 12 and Clause 13 Article 38.

b) The following contents of Point a Clause 6:

“Solid wastes must be treated by organizations or individuals licensed to operate in the field of environmental treatment by competent state authorities”.

c) The following contents of Point c Clause 7:

“The finished product warehouse shall ensure humidity and temperature suitable for each type of vegetable oil, avoidance of direct exposure of products to sunlight; have all information about names of products, production batches, dates of manufacturing, production shifts and other information regulated by the producer”.

13. Clauses 1, 6, 8, 9 and 10 Article 39.

14. Article 40, Article 41, Article 42, Article 43, Article 44, Article 45 and Article 46.

## **Chapter IX**

### **IMPLEMENTATION**

#### **Article 19. Effect and implementation**

1. This Decree comes into force from the signing date.
2. Ministers, heads of ministerial or governmental authorities and Chairpersons of People's Committees of provinces shall provide guidelines for and implement this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**