

No: 48 /2007/QD-BNN

Ha Noi, 29 May 2007

DECISION

Regulation on Procedure for the issuance of the phytosanitary import permit for articles subject to pest risk analysis before importing into Vietnam

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

Pursuant to Decree 86/2003/ND-CP dated 18 July 2003 of the Government providing functions, duties, power and structure of the Ministry of Agriculture and Rural Development (MARD);

Referring to the Ordinance on Plant Protection and Quarantine (2001)

Referring to Decree 02/2007/ ND-CP dated 05 January 2007 of the Government on Plant Quarantine;

At the proposal of the Director General of the Plant Protection Department,

DECIDES:

Article 1: Publish this Decision which is attached with “the regulation on procedure for the issuance of the phytosanitary import permit for articles subject to pest risk analysis before importing into Vietnam”

Article 2: This decision takes effect in 15 days from the date of registering in the Official Gazette. All previous provisions contrary to this regulation shall be annulled.

Article 3: Head of MARD Office, Director General of the Plant Protection Department, heads of relevant agencies and organizations/individuals concerned take responsibility to implement this Decision./.

Sent to:

- As of Article 3;
- Office of the Prime Minister;
- Ministries, ministerial level agencies;
- Supreme People’s Procuracy;
- Central agencies and mass organizations;
- People’s Committees of provinces and cities;
- General Department of Customs;
- Ministry of Justice;
- Government’s Official Gazette;
- MARD Office, Departments;
- For file.

**FOR THE MINISTER
VICE MINISTER**

Bui Ba Bong

REGULATION

Procedure for the issuance of the phytosanitary import permit for articles subject to pest risk analysis before importing into Vietnam

*(Attached to Decision 48 /2007/QĐ-BNN dated 29 May 2007
By the Minister of Agriculture and Rural Development)*

Article 1. Scope of application

This regulation provides the procedure and basis for the issuance of the phytosanitary import permit for those articles which are subject to pest risk analysis (PRA) before import into Vietnam.

This regulation shall apply to any foreign and domestic organizations/individuals who are involved in the importation of the regulated articles of which PRA must be conducted before import into Vietnam.

Article 2. Definitions

For the purpose of this regulation, the following terms shall have the meanings hereunder assigned to them:

1. *Pest Risk Analysis (PRA)*: the process of evaluating biological or other scientific evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it.

2. *List of regulated articles subject to PRA*: regulated articles as appeared in the list of regulated articles which must undergo PRA as prescribed by the Ministry of Agriculture and Rural Development.

3. *Plant quarantine pest*: a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

4. *Regulated pest*: a quarantine pest or a regulated non-quarantine pest.

5. *Regulated non-quarantine pest*: a non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing country.

Article 3. Documents submitted for phytosanitary import permit

1. Application form for issuing the phytosanitary import permit (Annex 1).
2. Provision of information in writing as required for PRA (Annex 2)

Article 4. PRA process and response timing

The plant quarantine authority undertakes PRA upon the receipt of relevant information. The PRA process is conducted in accordance with Decision 4096 QĐ/BNN-KHCN dated 29 December 2006 of the Minister of MARD providing Phytosanitary Standard No 10 TCN 995: 2006 – Procedures for Conducting PRA for imported plants and plant products

Time for delivery of results is given in Annex 3.

Article 5. Basis for granting the phytosanitary import permit

Based on the findings of PRA, the plant quarantine authority will:

1. Issue the phytosanitary import permit for articles free from pest risk;
2. Issue the phytosanitary import permit in which import conditions and phytosanitary measures are specified for those articles with certain risk, provided risk mitigation measures are available.
3. Reject to issue the phytosanitary import permit for any articles at high risk which may threaten domestic agricultural production and that management measures are not available, and notify the importer of this situation.

Article 6. Validity and format of the phytosanitary import permit

The phytosanitary import permit remains valid for one year; PRA shall not be repeated for similar consignments with the same origin and PRA results will be applied to the following applications.

The format of phytosanitary import permit is provided in Annex 4.

Article 7. Fees

Importers shall pay fees for granting the phytosanitary import permit as prescribed in the existing provisions.

Article 8. Implementation provision

During the course of implementation, organizations/individuals will inform the Plant Protection Department of any problems or issues arising so that the MARD could make necessary adjustments.

**FOR THE MINISTER
VICE MINISTER**

(signed)

Bui Ba Bong

Annex 1

(Attached to Decision 48 /2007/QĐ-BNN dated 29 May 2007
By the Minister of Agriculture and Rural Development)

THE SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom - Happiness

APPLICATION FORM FOR ISSUING
PHYTOSANITARY IMPORT PERMIT

No :

To:.....

Name of applicant.....

Address:..... Telephone:.....

This is to request the issuance of phytosanitary import permit for the consignment as described below:

Name of commodity:

Scientific name:

Weight:

Quantity:.....

Mean of packaging:

Production area:

Exporting country:

Mean of conveyance:

Port of entry:.....

Place of intended use or destination:

.....

Time of importation:

Documents enclosed:

File No :dd ___/___mm___/___yy___

At....., dd..... mm.....yy.....

Received by

(signature)

Submitted by

(signature)

Annex 2.

(Attached to Decision 48 /2007/QĐ-BNN dated 29 May 2007
By the Minister of Agriculture and Rural Development)

DATA REQUIREMENT FOR FOR PRA

Information must be updated and validated and provided by National Plant protection Organization (NPPO) of the exporting country.

1. Plant and plant product

- 1.1 Scientific name;
- 1.2 Common name;
- 1.3 Resistant or non-resistant varieties;
- 1.4 Countries that have already imported.

2. Production area

- 2.1 Site of production: commune, district, province;
- 2.2 Place of production on map (country and province);
- 2.3 Export capacity (ton/year).

3 Cultivation practices

- 3.1 General pest surveillance and management programs;
- 3.2 Information on pest free areas;
- 3.3 Harvest method and time;
- 3.4 Plant protection measures (to eradicate pests in the site).

4 Pest list

- 4.1 Scientific name;
- 4.2 Taxonomic position;
- 4.3 Synonyms;
- 4.4 Common name;
- 4.5 Host range;
- 4.6 Plant parts affected;
- 4.7 Symptoms;

- 4.8** Distribution;
- 4.9** Pest status (prevalance);
- 4.10** Managememnt practices;
 - 4.10.1** Cultivation (removal of affected plants, crop rotation, hygiene method, trapping, etc.);
 - 4.10.2** Biological (use of biological control agents, resistant varieties, crop skipping...);
 - 4.10.3** Physical practices;
 - 4.10.4** Chemical (type, method, time and number of pesticide use...);
- 4.11** Pest biology;
- 4.12** Database and reference.

5. Packaging

- 5.1** Method of packaging;
- 5.2** Inspection procedure;
- 5.3** Post harvest treatment;
- 5.4** Conditions and security of storage place.

6. Export program (policy/activity)

- 6.1** Trading partners;
- 6.2** Existing procedure for issuing phytosanitary certificates (including additional declaration).

7. Copies of relevant documents

Annex 3

(Attached to Decision 48 /2007/QĐ-BNN dated 29 May 2007
By the Minister of Agriculture and Rural Development)

TIME NEEDED FOR PRA

No	Articles	Duration
1	Plant varieties with	
	- Availability of PRA results and pest monitoring results	3- 10 days
	- New commodity	1-3 years
	- New origin	1-3 years
	- Evidence of quarantine pest outbreaks in the exporting country	30 days
	- Interception of regulated pests.	30 days
2	Fresh fruit with	
	- Availability of PRA results and pest monitoring results	3- 10 days
	- New commodity	1-3 years
	- New origin	1-3 years
	- Evidence of quarantine pest outbreaks in the exporting country	90 days
	- Interception of regulated pests.	60 days
3	Biological control agents	30 days
4	Other living organisms	30 days
5	Other articles of high risk	60 days

Annex 4

(Attached to Decision 48 /2007/QĐ-BNN dated 29 May 2007
By the Minister of Agriculture and Rural Development)

MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT
PLANT PROTECTION DEPARTMENT

THE SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

No: /BVTV-KD

PHYTOSANITARY IMPORT PERMIT

According to plant protection and quarantine legislation of the Socialist Republic of Viet Nam and with reference to:

- Application for the phytosanitary import permit by.....
.....
- Report of PRA no datemonthyear.....

The Plant Protection Department hereby accepts for the below organization/individual:

.....
.....

to import into Viet Nam from country:

.....

the regulated articles as follows:

.....
.....
.....

Scientific name :.....
.....

Provided that following phytosanitary requirements must be satisfied:

1/ Application of phytosanitary measures at the exporting country:

- Fumigation: Type of chemical..... Dosage:.....Exposure time:.....
- Irradiation: Source:..... Dosage:.....Exposure time:.....
- From the production place which is free from regulated pests of Vietnam;
- Other measures:

2/ Accompanied with the Phytosanitary Certificate issued by the competent plant quarantine authority of the exporting country;

3/ The above articles shall be:

Entered through the designated port(s) of entry as below:

.....

Plant quarantine procedure shall be completed at.....

4/ Transportation schedule:

5/ Place of destination:.....

.....

6/ Once reaching designated place, the owner of the consignment shall comply with the following requirements:

- Register with the local Plant Protection Subdepartments for further monitoring of pest status;
- Register with the Center for Post Entry Quarantine No ...;
- Release for growing is allowed with the permission of the Plant Quarantine Authority.
- Other phytosanitary measures:

.....

.....

.....

.....

7/ This permit remains valid until dd/mm/yy/

Ha Noi, date month ... year..

DIRECTOR GENERAL

(signed and stamped)

Note :

1. This phytosanitary import permit is made in 4 copies and sent to:

- The applicant;
- The importer;
- The regional Plant Quarantine Authority responsible for the control of the imported consignment;
- Head office of the Plant Protection Department.

2. The Plant Quarantine Authority shall keep all phytosanitary import permit for filing