

VIETNAM

Decree No. 38/2026/NĐ-CP. Regulation on the Import of Rootballed Plants and Codes for Production Units and Packing Houses

(NGHỊ ĐỊNH QUY ĐỊNH VỀ NHẬP KHẨU CÂY MANG THEO BẦU ĐẤT VÀ MÃ SỐ VÙNG TRỒNG, MÃ SỐ CƠ SỞ ĐÓNG GÓI; 38/2026/NĐ-CP)

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Übersetzung und Wiedergabe erfolgen ohne Gewähr.

DECREE

REGULATION ON THE IMPORT OF ROOTBALLED PLANTS AND CODES FOR PRODUCTION UNITS AND PACKING HOUSES

Pursuant to the Law on Government Organization No. 63/2025/QH15;

Pursuant to the Law on Plant Protection and Quarantine No. 41/2013/QH13, as amended and supplemented by Law No. 146/2025/QH15;

At the request of the Minister of Agriculture and Environment;

The Government hereby promulgates the Decree regulating the import of rootballed plants and production unit codes, and packing house codes.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree stipulates:

1. Import of rootballed plants as prescribed in Clause 5a, Article 13 of the Law on Plant Protection and Quarantine, as amended and supplemented by Clause 2, Article 2 of the Law amending and supplementing a number of articles of 15 laws in the field of agriculture and environment (hereinafter referred to as the Law on Plant Protection and Quarantine).

2. Production unit codes and packing facility codes as prescribed in Article 64 of the Law on Crop Production, as amended and supplemented by Clause 6, Article 15 of the Law amending and supplementing a number of articles of 15 laws in the field of agriculture and environment (hereinafter referred to as the Law on Crop Production).

Article 2. Subjects of application

This Decree applies to organizations and individuals importing rootballed plants; organizations and individuals requesting the issuance of production unit codes and packing house codes for crop products; and relevant agencies and organizations.

Article 3. Interpretation of terms

1. Production unit: an area producing a specific crop following a uniform production process and maintaining consistency in natural conditions.
2. Packing house: a facility where activities of sorting, preliminary processing, packing, and storage of crop products are carried out.

Chapter II

PROVISIONS ON THE IMPORT OF ROOTBALLED PLANTS

Article 4. Phytosanitary import requirements for rootballed plants

1. A phytosanitary import permit must be obtained in accordance with Article 28 of the Law on Plant Protection and Quarantine.
2. For plant species imported into Viet Nam for the first time, a pest risk analysis (PRA) must be conducted in accordance with Article 27 of the Law on Plant Protection and Quarantine.
3. Plants must be produced in a place of production or production site that has been inspected and certified as a pest-free place of production or a pest-free production site for Viet Nam's quarantine pests by the plant protection authority of the exporting country, in coordination with the central plant protection and quarantine authority of Viet Nam, in accordance with relevant international phytosanitary standards. Alternatively, plants may be accepted if the rootballs have undergone treatment ensuring complete eradication of Viet Nam's quarantine pests, under the supervision and confirmation of the exporting country's national plant protection authority.
4. Plants may only be imported through international border gates announced from time to time by the Ministry of Agriculture and Environment on its official portal, and must undergo phytosanitary inspection in accordance with Article 33 of the Law on Plant Protection and Quarantine.
5. Imported rootballed plants must be brought to an isolation facility that meets the national standard for isolation facilities for imported plants into Vietnam, and post-entry surveillance of the plants must be carried out. Until a National Standard is established, the technical requirements for isolation facilities for imported rootballed plants, as specified in Appendix I attached to this Decree, shall be followed.

Article 5. Post-entry quarantine of plants in an isolation facility

1. Legal or natural persons shall bring consignments of rootballed plants to the isolation facility immediately after completing import procedures; they shall immediately notify the authority responsible to conduct post-entry quarantine to monitor the plants kept at the isolation facility.
2. Post-entry quarantine surveillance period is 03 months from the moment the plants are brought to the isolation facility.
3. The authority responsible to conduct post-entry plant quarantine shall inspect the isolation facility, monitor, and determine the pest status of the consignment of rootballed plants.

Upon completion of the post-entry quarantine period as stipulated in Clause 2 of this Article, if no pests that are quarantine pests of Viet Nam or unknown harmful organisms are detected, the post-entry surveillance shall end, and the authority responsible to conduct post-entry quarantine of the plants shall notify the legal of natural person.

If any pest identified as a Viet Nam quarantine pest or any unknown harmful organism is detected, the authority responsible to conduct post-entry quarantine of the plants shall report to the central plant protection and quarantine authority to decide on the application of eradication measures in accordance with Article 34 of the Law on Plant Protection and Quarantine.

Chapter III

PROVISIONS ON PRODUCTION UNIT CODES AND PACKING HOUSE CODES

Article 6. Technical requirements for production units

1. A production unit for perennial crops must have a minimum area of 10 hectares. For annual crops, the area shall be appropriate to local conditions. Where an importing country imposes different requirements on area or technical specifications, such requirements shall prevail.

2. A production unit must have a crop production process consistent with the guidelines issued by the central or local specialized authority.

3. A production unit must maintain records and documentation related to the crop production process and harvesting activities.

4. Production units intended for export that meet the requirements set out in Clauses 1, 2, and 3 of this Article must comply with the phytosanitary and food safety requirements of the importing country.

Article 7. Technical requirements for packing houses

1. A packing house must have an exact location and an area appropriate to its operational scale; be arranged in a one-way flow design with clearly separated functional zones; and have access to electricity, clean water, and a drainage system.

2. A packing house must be equipped with facilities and tools necessary for receiving, sorting, preliminary processing, packing, and storing crop products; have packing procedures in place; and have measures for controlling pests.

3. A packing house must maintain records and documentation related to the origin of plant products, the packing processes, export or domestic movement, pest control activities, hygiene monitoring, personnel, internal training, and the use of chemicals.

4. Packing houses intended for export that meet the requirements set out in Clauses 1, 2, and 3 of this Article must comply with the phytosanitary and food safety requirements of the importing country.

Article 8. Dossiers and procedures for issuance of production unit codes and packing house codes

1. Production unit codes and packing house codes shall be granted upon request of legal or natural persons.

2. Dossier for issuance of a production unit code (PUC) includes:

a) An application form for issuance of a production unit code, using Form 1.1 in Appendix II to

this Decree;

b) A production unit description dossier, using the form in Appendix III to this Decree.

3. Dossier for issuance of a packing house code (PHC) includes:

a) An application for issuance of a packing house code, using the Form in Appendix II to this Decree;

b) A packing house description dossier, using the form in Appendix IV to this Decree.

4. Procedures for issuance of production unit codes and packing house codes

a) Organizations and individuals shall submit 01 dossier requesting issuance of a production unit code or packing house code to the provincial Department of Agriculture and Environment, either directly, online, or via postal services.

b) The Department of Agriculture and Environment shall immediately confirm dossier completeness for dossiers submitted directly; and within 02 days for dossiers submitted online or by post.

c) Within 12 days from receipt of a complete and valid dossier, the Department of Agriculture and Environment shall evaluate the dossier, conduct a field inspection, and prepare an inspection report using Form IV or Form V in Appendix IV and Appendix V to this Decree.

d) Within 02 days from the date the production unit or packing house meets all requirements in the field inspection, the Department of Agriculture and Environment shall issue the production unit code or packing house code. If the code is not issued, the Department must provide a written notification stating the reasons.

If the field inspection identifies non-compliances, the production unit or packing house shall rectify the non-compliances identified in the inspection report and submit a corrective action report to the Department. Within 04 days from receipt of a satisfactory corrective action report, the Department of Agriculture and Environment shall issue the production unit code or packing house code. If the code is not issued, the Department must provide a written notification stating the reasons.

The issuance of production unit codes and packing house codes shall follow Form 4.1 in Appendix VI to this Decree.

5. Where there are changes to the information regarding the name of the legal or natural person holding the code of the production unit or packing house or changes due to administrative boundary adjustments, the legal or natural person shall submit a request for reissuance using Form 1.2 in Appendix VIII. Within 02 days from receipt of the request, the Department of Agriculture and Environment shall issue a revised decision using Form in Appendix IX; if the re-issuance is not granted a written refusal with reasons.

Article 9. Coding rules for production units and packing houses

1. Each production unit shall be identified by a unique code structured as follows:

Province Code – PUC – Crop – YYYYY

2. Each packing house shall be identified by a unique code structured as follows:

Province Code – PHC – Crop – YYYYY

where:

- PUC is the symbol for production unit codes;
 - PHC is the symbol for packing house codes;
 - Crop refers to crop names listed in the statistical catalogue published and periodically updated on the official portal of the central specialized authority;
 - Province Code shall follow the administrative codes issued under Decision No. 19/2025/QĐ-TTg dated 30 June 2025 of the Prime Minister on promulgation of the List and Codes of Administrative Units of Viet Nam and subsequent amendments or supplements;
 - YYYYY is the sequential number of the production unit or packing house (e.g., 00001, 00002...).
3. Where a production unit or packing house is approved by an importing country, its code shall be supplemented with 03 characters corresponding to that market, in accordance with ISO 3166 coding standards.

Article 10. Inspection and supervision of production unit codes and packing house codes

1. Production units and packing houses that have been issued codes must conduct self-supervision, at least once per year for packing houses and prior to each harvest season for production units, and must maintain self-supervision records.

2. The competent authority shall conduct periodic or ad hoc inspections and supervision of coded production units and packing houses, based on the requirements of the importing country or management needs. Inspection and supervision records shall follow the templates in Appendix IV and Appendix V to this Decree.

3. Handling of inspection and supervision results

If a coded production unit or packing house fails to comply with any of the technical requirements set out in Article 5 or Article 6 of this Decree, the specialized authority shall issue a written notice of suspension of the code and require corrective measures. If the production unit or packing house fails to take corrective actions or the corrective actions are ineffective, the code shall be revoked.

Article 11. Suspension of production unit codes and packing house codes

1. A production unit code or packing house code shall be suspended in the following cases:
- a) Failure to maintain any of the technical conditions prescribed in Article 5 or Article 7 of this Decree;
 - b) Failure to cooperate with the specialized authority during supervision activities or failure to conduct self-supervision as required under Article 10;
 - c) Violations of phytosanitary or food safety requirements as notified by the specialized authority;
 - d) At the request of the organization or individual holding the code, specifying the desired suspension period.
2. For cases stipulated in points a, b, and c of Clause 1 of this Article, within 3 working days from

the date of detection of the violation, the responsible authority must issue a Notice of Temporary Suspension of Operation of the production unit code or packing house code according to Appendix X issued with this Decree.

3. Investigation of causes and corrective actions

a) The legal or natural person whose production unit code or packing house code is suspended under Points a, b, or c Clause 1 of this Article must conduct investigations to identify the causes of non-compliance, implement corrective measures, and submit a report to the Department of Agriculture and Environment within 60 days from receiving the suspension notice.

b) Within 04 working days from the date of receiving of the corrective action report, the Department of Agriculture and Environment shall evaluate the results of the corrective action for the production unit code and packing house code. The responsible authority must issue a Decision to revoke the issued production unit codes or packing house codes according to Appendix XI of this Decree or notify the resumption of operation of the production unit code/packing house code according to Appendix XII of this Decree.

Article 12. Suspension of production unit codes and packing house codes

1. A production unit code or packing house code shall be suspended in the following cases:

a) Use of banned chemicals or plant protection products not included in the List of Permitted Plant Protection Products for use in Viet Nam (except in cases of approved pesticide trials);

b) Falsification of documents used in the application for issuance of production unit codes or packing house codes;

c) At the request of the organization or individual holding the code;

d) The production unit or packing house has ceased production or has changed its use purpose contrary to the registered information;

e) Failure to submit a corrective action report within 60 days or submission of a corrective action report that does not meet requirements.

2. The Department of Agriculture and Environment shall issue the Decision on Revocation of production unit codes or packing house codes using the template in Appendix VIII to this Decree.

3. In case of production unit codes or packing house codes that have been revoked the responsible authority will consider accepting applications for re-issuance of codes for the revoked market after a period of 12 months from the date of issuance of the revocation decision for that market.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 13. Responsibilities of the Ministry of Agriculture and Environment

1. Develop training materials and organize training for the implementation, issuance, and management of production unit codes (PUCs) and packing house codes (PHCs).

2. Conduct inspections of the issuance and management of PUCs and PHCs by local authorities, or upon request of importing countries.

3. Update and notify provincial Departments of Agriculture and Environment of relevant phytosanitary and food safety regulations.

4. Notify the responsible authority of violations regarding production unit codes, packing house codes based on information from the importing country, violations during plant quarantine, or food safety violations.

5. Receive and consolidate PUCs and PHCs from local specialized authorities for submission to importing countries upon request for export purposes.

6. Establish a national database on PUCs and PHCs.

Article 14. Responsibilities of the People's Committees of provinces and centrally-administered cities

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Article 15. Responsibilities of legal and natural persons holding production unit codes

1. Maintain the technical requirements stipulated in Article 6 of this Decree.

2. Conduct self-monitoring as prescribed in Clause 1, Article 10 of this Decree.

3. Cooperate with the responsible authority to conduct inspections as prescribed in Clause 2, Article 10 of this Decree.

4. Organize training and guidance for workers directly involved in production activities within the production unit.

5. Notify the responsible authority in cases of changes in ownership, crop conversion, or discontinuation of the use of the PUC.

6. Store records related to the production unit.

Article 16. Responsibilities of legal or natural persons holding packing house codes

1. Maintain compliance with the technical requirements specified in Article 7 of this Decree.

2. Develop and implement self-supervision plans as stipulated in Clause 1, Article 10 of this Decree.

3. Cooperate with the responsible authorities to conduct inspections and supervision as required in Clause 2, Article 10 of this Decree.

4. Pack only crop products originating from production units for export as required by the importing country.

5. Organize training and guidance for workers on phytosanitary requirements, food safety and hygiene regulations, and packing procedures.

6. Notify the responsible authority in cases of temporary suspension of operation, dissolution, changes of scale, changes in ownership, changes in use purpose inconsistent with the original registration, or no longer using the packing house code.

7. Store records related to the packing house.

Article 17. Responsibilities of legal or natural persons importing rootballed trees

1. Provide information about the production unit when applying for a plant quarantine import permit.

2. Cooperate with the responsible plant quarantine authority to monitor the imported

consignment of rootballed plants in the isolation facility. Be responsible for managing the consignment, monitoring it, and applying necessary measures to detect and prevent the spread of pests and diseases carried by the consignment. Plants may only be removed from the isolation facility after a conclusion has been reached that they are free from plant quarantine pests or alien pests to Viet Nam.

3. Ensure that records are kept and maintained regarding the monitoring, inspection, detection, and handling of pests and diseases, and the completion of post-entry surveillance at the post-entry production unit for rootballed plants.

4. Cover all related costs incurred during the import process and post-entry surveillance based on reasonable actual expenses.

Chapter V

IMPLEMENTING PROVISIONS

Article 18. Coming into effect

This Decree shall take effect from the date of its signing and promulgation.

Article 19. Transitional provisions

1. The production unit codes and packing house codes that have been issued shall continue to be used for a period of one year from the effective date of this Decree, except in cases of temporary suspension or revocation. Legal and natural persons granted production unit codes and packing house codes are responsible for cooperating with the authority responsible to handle administrative procedures to complete the conversion to the new code as prescribed in Article 9 of this Decree.

2. Documents of the Minister of Agriculture and Environment, and import permits for the import of rootballed plants, issued before the effective date of this Decree, as prescribed in Clause 5, Article 13 of the Law on Plant Protection and Quarantine of 2013, shall continue to be used for the period stated on those documents and permits until their expiration, and shall not be subject to the provisions of this Decree.

Article 20. Responsibilities for implementation

Ministers, heads of ministerial-level agencies, heads of government agencies, and chairpersons of People's Committees of provinces and centrally-administered cities shall, within the scope of their assigned functions and duties, be responsible for the implementation of this Decree.

FOR THE GOVERNMENT
THE PRIME MINISTER
DEPUTY PRIME MINISTER

Trần Hồng Hà