

Law no: 41/2013/QH13

LAW
PLANT PROTECTION AND QUARANTINE

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, of which some articles are amended and added in accordance with Resolution no. 51/2001/QH10;

National Assembly hereby promulgates the Law on plant protection and quarantine.

Chapter I
GENERAL PROVISIONS

Article 1. Scope of regulation.

This Law provides for plant protection and quarantine activities, state management over plant protection and quarantine.

Article 2. Subjects of application.

This Law applies to state agencies, organizations, family households, domestic individuals, Vietnamese residing overseas and foreign organizations, individuals relating to plant protection and quarantine activities in Vietnam.

Article 3. Interpretation of terms

In this Law, the following terms shall be construed as follows:

1. *Plant protection* means the activity, which aims at restricting the generation, accumulation, spreading or control, extermination of the harmful organisms in order to protect the plant resources.

2. *Plant quarantine* means activities, which aim at preventing and controlling the harmful organisms subject to quarantine, and exotic harmful organisms from entry or being spread.

3. *Plant owners* mean any organizations and/or individuals, who have the right to possess or the right to use, or directly manage such useful plant and useful plant products.

4. *Useful organisms* mean any organisms which are directly or indirectly useful to the plant or plant products, including all biological preventable factors.

5. *Harmful organisms* mean any biological kinds or species of plant, animals or micro-organisms, which cause damage to plant or plant products.

6. *Exotic harmful organisms* mean the harmful organisms whose scientific names have not been determined and which have not been discovered in the country.

7. *Organisms harmful to plant quarantine* mean the harmful organisms, which are at risk of causing serious damage to the plant resources, where harmful organisms have not been presented or have been presented but within limited area in Vietnam and must be subject to strict control.

8. *Dangerous harmful organisms* mean the harmful organisms, whose presence on plant to be planted shall affect the use purposes with unacceptable economic impacts, and must be put under control in Vietnam's territory or harmful organisms, which have the possibility of causing serious damage to plant resources and easily spreading into epidemic outbreak and being difficult to be exterminated.

9. *Objects subject to plant quarantine* include plant, plant products, means used for production, preservation and transport, useful organisms used for plant protection or other objects possibly carrying harmful organisms.

10. *Owners of objects subject to plant quarantine (hereinafter referred to as owners of objects)* mean organizations and individuals, who have the ownership right of and the use right of or directly transport and manage such objects subject to quarantine.

11. *Pest risk analysis* means the process to assess biologically the scientific and economic bases to decide the plant quarantine measures applicable to a species of harmful organisms.

12. *Area not infected with harmful organisms* means the area where there is scientific evidence for non-presence of a certain species of harmful organisms and the conditions to ensure that no species of harmful organism in that [area] is maintained.

13. *Inspection of plant quarantine* means the observing, sampling and expertise of objects subject to plant quarantine to determine the status of infection of harmful organisms or compliance with the plant quarantine regulations.

14. *Treatment of quarantine objects* means application of measures to thoroughly prevent or exterminate organisms harmful to plant quarantine, dangerous harmful organisms and exotic harmful organisms.

15. *Pesticide* means a substance or mixture of substances or micro organisms, which have the effect to prevent, deter, repel, attract, kill or control organisms harmful to the plant resources; regulate the growth of plant or insects; preserve the plant resources; substances which increase the safety and efficiency when using drugs.

16. *Technical pesticides* (hereinafter referred to as technical drugs) mean products with high level of active elements, which are used to produce finished drugs.

17. *Finished pesticides* (hereinafter referred to as finished drugs) mean those products which are processed from technical drugs with solvents, additives in accordance with certain technological processes, with goods' labels and be allowed be circulated and used.

18. *Manufacture of pesticides* includes manufacture of active elements, technical drugs, processing finished drugs, packing of pesticides.

19. *Biological pesticides* mean the pesticides, which are created by the natural processes, including micro organisms, substances originated from plant, animals, micro organisms and minerals.

Article 4. Principles of plant protection and quarantine activities.

1. Plant protection and quarantine ensures the early detection, prompt and accurate conclusion in respect to harmful organisms; thoroughly treatment and promptly prevention of the entry and spread of harmful organisms; ensure the trade facilitation and satisfaction of the international integration requirements.

2. Preventing and fighting against harmful organisms is implemented in accordance with the guidelines, in which prevention is main and comprehensive measures are used for preventing and fighting harmful organisms, in which biological measures are given with priority.

3. To restrict the use of pesticides, step by step to eliminate the pesticides, which are highly toxic to humans and the environment; to use pesticides in accordance with the regulations on assurance of the safety of humans, animals, plant, the environment and food safety in respect to plant, plant products used as food and pharmaceutical products in the agriculture, forestry and aquaculture production.

4. To combine the application of advantages of modern science and technology with people's experience.

5. To prevent and fight against organisms harmful to the plant resources, shall be first and foremost the responsibility of the plant owners. The State supports and encourages the economic sectors, organizations and individuals to prevent and fight organisms harmful to plant in accordance with the law.

Article 5. State policies over plant protection and quarantine activities

1. To invest in and provide the funding supports for scientific researches, technology development and professional training to serve the State management over plant protection and quarantine; to build and improve the material-technical facilities for the system of plant protection and quarantine agencies; to build and develop the systems of pest information and supervision and alert for farmers.

2. To invest in researching and applying modern biotechnology to select, create and use plant varieties with high resistance to harmful organisms in the agriculture production to restrict the use of pesticides.

3. To encourage and facilitate organizations and individuals to invest, research and apply science and technology in manufacturing, trading and using less toxic biological pesticides and other preventing and fighting measures friendly to the environment and ensuring the food safety; to build areas free from harmful organisms; to build the systems for collecting and treating already-used pesticide packing; To encourage the use of pesticide packaging, which is made from easily recyclable materials to protect the environment.

4. To encourage pesticide manufacturers and traders, plant protection service organizations to provide farmers with technical services, training and guidance for safe and efficient use of pesticides .

5. To encourage organizations and individuals to actively implement the combined measures for preventing and fighting pests, good manufacturing practice in plant protection; to encourage service-providing activities for plant protection, crop insurance services in plant protection; to provide technical training support for producers.

6. To encourage and strengthen the international cooperation, recognition and mutual recognition in respect to plant protection and quarantine activities; To ensure resources for the implementation of international commitments in the field of plant protection and quarantine.

Article 6. Information and communication on plant protection and quarantine

1. Information and communication on plant protection and quarantine aims at providing knowledge on categories of harmful organisms, measures for preventing and fighting harmful organisms. Contents of information and communication on plant protection and quarantine must ensure the accuracy, promptness, understandability, consistence with the approached object and must be appraised by the competent agency for the content before its publication.

2. Information and communication may be implemented in various appropriate methods, including:

- a) Via mass media;
- b) To develop documents of special subjects, magazines and leaflets.
- c) To organize exhibitions, seminars and training [courses].

d) To organize forums to widely consult with others on policy, law, to share information and experience related to plant protection and quarantine.

3. State agency's responsibility in respect of information and communication on plant protection and quarantine

a) The Ministry of Agriculture and Rural Development shall direct and provide accurately and timely information on plant protection and quarantine.

b) The Ministry of Information and Communications shall direct and guide the information and communication on plant protection and quarantine.

c) The ministries, ministerial equivalent agencies and people's Committees of all levels shall, within their tasks and powers, organize information and communication on plant protection and quarantine;

4. Organizations and individuals having activities of information and communication on plant protection and quarantine shall have to comply with this law and other relevant laws.

Article 7. System of plant protection and quarantine agencies

1. Systems of plant protection and quarantine agencies shall be organized from the central level to local levels.

2. The Government shall provide for the organization of system of plant protection and quarantine agencies at the central and local levels.

Article 8. Contents of State management over plant protection and quarantine

1. To develop, direct the implementation of strategies, planning and plans on plant protection and quarantine.

2. To promulgate, organize the implementation of legal normative documents, standards, technical regulations on plant protection and quarantine.

3. To organize, monitor, detect, verify organisms harmful to the plant; direct the prevention of and stamping out epidemic harmful to the plant; decision on publicizing epidemic, revocation of decision on publicizing epidemic.

4. To organize the implementation of plant quarantine work.

5. To organize the implementation of management of pesticides.

6. To issue, revoke categories of permits, certificates in the field of plant protection and quarantine.

7. To organize basic investigations, scientific researches, training, professional training on plant protection and quarantine.

8. To propagate, disseminate knowledge and laws on plant protection and quarantine.

9. To take statistics and report on plant protection and quarantine.

10. To inspect, examine, handle breaches [of the regulations] and settle complaints and denunciations in the field of plant protection and quarantine.

11. International cooperation in the field of plant protection and quarantine.

Article 9. State management responsibilities in respect to plant protection and quarantine

1. The Government shall unify the State management over plant protection and quarantine in the whole country.

2. The Ministry of Agriculture and Rural Development is responsible to the Government for implementation of state management over plant protection and quarantine.

3. The ministries, ministerial-level agencies, the agencies attached to the Government shall, within their duties and powers, perform the state management over plant protection and quarantine.

a) The Ministry of Health shall coordinate with the Ministry of Agriculture and Rural Development to implement precaution and preventive measures for food safety incidents in respect to pesticides used in producing agricultural products and food.

b) The Ministry of Industry and Trade shall coordinate with the Ministry of Agriculture and Rural Development in managing the production, trading, export, import of objects subject to plant quarantine, pesticides; in presiding over preventing and fighting the smuggling of pesticides and objects subject to plant quarantine.

c) The Ministry of Science and Technology shall coordinate with the Ministry of Agriculture and Rural Development to submit the competent agency to promulgate the policy on research, development and application of technology in the field of plant protection and quarantine.

d) The Ministry of Natural Resources and Environment shall promulgate under its competence or submit to the competent agency to issue the regulations on environment protection, biodiversity conservation.

dd) The Ministry of Finance shall stipulate the coordination of the customs body with the plant protection and quarantine agencies in implementing the customs procedures and inspecting and supervising quarantine objects when being exported or imported; conditions to complete the customs procedures; guide the stipulation of the quarantine declaration content in the content declared by entry and exit passengers.

e) The Ministry of Transport and Communication shall coordinate with the Ministry of Agriculture and Rural Development to make detailed provisions for the transportation of plant protection chemicals by road, inland waterway, rail, aviation, maritime.

g) The Ministry of National Defense, the Ministry of Public Security shall coordinate with the Ministry of Agriculture and Rural Development to manage and facilitate quarantine officers to perform their tasks in order to meet the secret-keeping and plant quarantine requirements.

4. People's Committees of all levels

a) To promulgate according to its competence or submit to competent state agencies for promulgation of legal normative documents, local technical regulations; to develop and implement the planning of regions not infected with harmful organisms.

b) To be responsible for the management of plant protection and quarantine in the area.

c) To regularly and irregularly report the management of plant protection and quarantine in the area.

d) To allocate resources, to organize the training [courses] to improve the quality of human resources for the plant protection and quarantine in the area.

dd) To organize the dissemination, education, communication, raising the sense of complying the law on plant protection and quarantine; sense, responsibility of plant owners in actively preventing and fighting harmful organisms and sense, responsibility of the pesticide users to the community.

e) To inspect, examine and handle breaches of the law on plant protection and quarantine in the management area.

Article 10. Role of political unions, social organizations

1. Socio-political organizations, social organizations, social-professional organizations shall be responsible for implementing the provisions of this Law.

2. Committee of the Vietnam Fatherland Front and the Front's member organizations shall, within the scope of its duties and powers, propagate and mobilize people to implement and supervise the implementation of the law on plant protection and quarantine.

3. The State encourages socio-professional organizations, which are established and operate in accordance with the law on associations, shall engage in activities related to plant protection and quarantine.

4. Political unions, social organizations shall contribute opinions to making laws, standards, technical regulations on plant protection and quarantine; shall propagate and guide the law on plant protection and quarantine to promote the roles of community in participating in activities of preventing and fighting harmful organisms and supervision of safe and efficient use of pesticides.

Article 11. International cooperation in plant protection and quarantine activities

1. International cooperation in the plant protection and quarantine activities shall conform to the international treaties, of which the Socialist Republic of Vietnam is a member.

2. To give priority to international cooperation activities in scientific research, technology transfer, technical training, experience sharing and exchange of information on preventing and fighting harmful organisms, plant quarantine, pesticides.

3. The competent plant protection and quarantine agencies of Vietnam shall be the focal point for the exchange of information on plant protection and quarantine in international cooperation activities.

Article 12. Fees and charges in the field of plant protection and quarantine

Relevant organizations and individuals shall have to pay plant protection and quarantine fees, charges in accordance with the law on charges and fees.

Article 13. Strictly prohibited behavior

1. To use plant protection and quarantine measures contrary to the provisions of this Law and other provisions of the relevant laws, which cause danger to people, useful organisms or adversely affect the environment.

2. Deliberately not to apply preventive measures to let harmful organisms spread, causing serious consequences.

3. To import, export, produce, transport, store, trade, use plant varieties, which are infected with harmful organisms in the list stipulated at Points c and d, Clause 2, Article 25 of this Law.

4. To import, multiply, accept to bring up harmful organisms.

5. To send/carry soil containing harmful organisms into Vietnam.

6. To manufacture, import, trade and use the prohibited pesticides; pesticides not in the List of those permitted for use in Vietnam; counterfeit pesticides, pesticides of unknown origin, pesticides of poor quality, expired pesticides, except for pesticides imported with under permit specified in Clause 2, Article 65 of this Law.

7. To advertise pesticides, which are prohibited from being used, or which are not in the list of those permitted for use or to advertise pesticides not in accordance with the registered contents.

8. To use pesticides contrary to the provisions of this Law; to discard pesticide packaging, drugs, which are redundant after being used, not in the stipulated places.

Chapter II PREVENTING AND FIGHTING ORGANISM HARMFUL TO PLANT

Article 14. Requirements of preventing and fighting organisms harmful plant

1. To actively implement integrated measures, including: use of resistant varieties, field hygiene, arrangement of seasons, reasonable density and other environmentally friendly measures to facilitate plants to grow and develop, increase its resistance, restricting the generation and development of harmful organisms.

2. To regularly monitor, early detect, apply the preventive measures timely and efficiently, not let harmful organisms spread, to give importance to the biological measures, mechanical physics and experiences of the people. To actively carry out good manufacturing practice (GAP) in plant protection.

3. Chemical measures shall be used only when measures in Clauses 1 and 2 of this Article have been adopted, but the harmful organism density increases at the risk of causing damages to the productivity and quality of crops.

4. Measures for preventing and fighting organisms harmful to plant must be disseminated, propagated and trained intensively and extensively in the people, must ensure the safety of humans, plant, animals and the environment.

Article 15. Rights and obligations of plant owners

1. Rights of plant owners

a) To be entitled to be provided by the competent state agencies with information on the situation of harmful organisms and guidelines on implementation of the preventing and fighting measures.

b) To actively apply measures for preventing and fighting harmful organisms in accordance with his or her ability and conditions and the provisions of Article 14 of this Law.

c) To be entitled to support policy of the State in accordance with the provisions of the Prime Minister.

2. Obligations of plant owners

a) To monitor and timely detect harmful organisms and apply appropriate measures to prevent and fight harmful organisms effectively, safely, not to let it spread.

b) To immediately report to the local authorities or the nearest plant protection and quarantine agency when detecting exotic harmful organisms or harmful organisms at risk of causing serious damages.

c) To provide information on the harmful organism situation and facilitate the plant protection and quarantine agencies to perform their tasks when required.

d) To strictly implement measures for preventing and fighting epidemic at the request of plant protection and quarantine agencies.

dd) To use pesticides strictly in accordance with Article 70 of this Law.

e) To overcome the consequences or compensate damages in accordance with the law for failure to perform or improper performance of measures preventing and fighting harmful organisms.

Article 16. Responsibilities of plant protection and quarantine agencies

1. To investigate, detect harmful organisms; to determine time of its generation, distribution area and level of damages. To promptly notify the harmful organism situation and to guide measures for preventing and fighting organisms harmful to the plant.

2. To receive and process information and guide measures for treatment of harmful organisms that plant owners, organizations and individuals notify.

3. To develop, maintain the supervising and alerting systems, and build database of harmful organisms, measures for preventing and fighting organisms harmful to plant.

4. To transfer of science and technology advantages for preventing and fighting organisms harmful to the plant.

5. To train to improve knowledge for officer, plant protection technicians and producers.

6. To advise the local authorities and management agencies on preventing and fighting organisms harmful to the plant; to inspect, verify, propose the publication of epidemic and publication of end of epidemic harmful to the plant; to propose to provide national reserve pesticides, support policies on fighting the epidemic and restoration, development of production.

7. To guide measures for preventing and fighting epidemic, to monitor, collate and assess the epidemic-fighting efficiency and to report the management agencies and plant protection agencies of direct higher level; to assess and determine damages caused by plant epidemic and to propose support and compensation levels and remedies.

8. Plant protection agency of lower level shall notify, regularly or irregularly report to the direct management agency and plant protection agency of higher level the situation and results of plant protection work in the locality in accordance with the plant protection branch's regulations; the plant protection agency of higher level shall be responsible for providing information and guidelines on the measures for preventing and fighting organism harmful to the plant to the plant protection agency of lower level, organizations and individuals providing plant protection services, plant owners.

Article 17. Publicizing epidemic harmful to plant

1. To publicize epidemic in the following cases:

a) When organisms harmful to plant spread into outbreak and have risk of spreading rapidly on a large scale and causing serious damages to the plant.

b) When detecting exotic harmful organisms, dangerous harmful organisms at risk of causing serious damages to the plant.

c) When detecting that organisms harmful to plant quarantine penetrate into Vietnam's territory, at risk of spreading.

2. Competence to publicize epidemic

a) Chairmen of People's Committees of centrally-run provinces and cities shall decide to publicize epidemic in the locality in the cases specified at Point a, Clause 1 of this Article and shall report to the Minister of Agriculture and Rural Development.

b) The Minister of Agriculture and Rural Development shall decide to publicize epidemic in the cases specified in Point a, Clause 1 of this Article, when epidemic occurs at risk of spreading and causing serious damages to two or more provinces, the cases specified in Points b and c Clause 1 of this Article, and shall report to the Prime Minister.

3. The Government shall specify the conditions, order and procedures for epidemic publication.

Article 18. Organization of fighting epidemic

1. Minister of Agriculture and Rural Development shall bear the following responsibilities:

a) To guide and direct the Chairmen of People's Committees of the provinces, where there is epidemic, to mobilize resources at the locality to rapidly implement measures to control and stamp out the epidemic, prevent spreading to other areas; to inspect epidemic declaration and organization of fighting epidemic by the Chairmen of People's Committees of the provinces where there is epidemic; to issue technical regulations on epidemic fighting

b) To assuming the prime responsibility and coordinate with the Ministry of Finance and other relevant ministries and branches to submit the Prime Minister support policies and mechanisms for preventing and fighting epidemic;

c) To report the Prime Minister the epidemic-fighting results and implement support policies of the locality.

2. Chairmen of provincial-level People's Committees shall bear the following responsibilities:

a) To direct and organize the mobilization of local resources in the area, where there is epidemic, to implement measures to quickly control and stamp out the epidemic.

b) To direct the propagation and dissemination of measures for preventing and fighting epidemic in the area.

c) To propose the Prime Minister to provide funding, material and resource supports when the epidemic-fighting requirements exceed the capability of the locality.

d) To implement support policies for preventing and fighting epidemic and overcoming the consequences caused by epidemic.

dd) To report to the Prime Minister and the Minister of Agriculture and Rural Development epidemic-fighting results.

3. Chairmen of district-level and commune-level People's Committees shall bear the following responsibility:

a) To mobilize resources locally to implement anti-epidemic measures as directed by chairmen of People's Committees of higher level.

b) To propagate and disseminate measures for preventing and fighting epidemic in the area.

c) To implement support policies for preventing and fighting epidemic and overcoming consequences caused by epidemic in the area.

d) To propose chairmen of People's Committees of higher level to provide funding, materials and resource supports when epidemic-fighting requirements exceed the capability of the locality

dd) To report chairmen of People's Committee of higher level epidemic-fighting results.

4. Plant protection and quarantine agency is responsible for advising and guiding the epidemic preventing and fighting measures; determining damages caused by epidemic, monitoring, collating, assessing the efficiency of epidemic fighting [activities] and reporting the management agencies and plant protection agency of direct higher level.

5. Plant owners, relevant organizations and individuals in the area, where there is epidemic, must strictly implement measures for preventing and fighting epidemic at the request of chairmen of commune-level People's Committees and plant protection and quarantine agencies.

Article 19. Publicizing the end of epidemic

When epidemic has been controlled and there has not been risk of causing serious damage, the person, who has the competence to publicize epidemic in accordance with the provisions of Clause 2, Article 17, shall decide to publicize the end of epidemic.

Article 20. Reservation and use of the national reserve pesticides

1. National Reserve of pesticides:

a) Pesticides fall within the list of national reserves, which is managed and used in accordance with the law on national reserves.

b) The Minister of Agriculture and Rural Development shall propose the Prime Minister on quantity, list of national reserve pesticides.

2. Use of national reserve pesticides for fighting epidemic.

a) In extraordinary, urgent cases when there is epidemic and basing on the proposal of the locality, the Minister of Agriculture and Rural Development shall decide to deliver and provide national reserve pesticides with the value corresponding to the competence of budget expenditure decision of the Minister of Finance prescribed in the Law on the State budget for timely fighting epidemic; report to the Prime Minister and inform the Ministry of Finance on delivery of the national reserve goods.

b) Chairmen of provincial-level People's Committees shall direct the receipt, storage and use of national reserve pesticides, which are provided as supports for preventing and fighting epidemic timely and efficiently.

Article 21. The funding for preventing and fighting epidemic

1. Sources of funding:

a) Plant owners must take responsibility for the funding for preventing and fighting epidemic in respect to their plant.

b) State budget support

c) Other lawful funding.

2. Use of budget

a) The Government shall decentralize the competence to make decision on use of the central budget and local budget in preventing and fighting epidemic.

b) Chairmen of People's Committees of centrally-run provinces and cities shall actively arrange and decide the use of the funding for preventing and fighting epidemic in accordance with the Law on budget .

Article 22. Content of plant protection service-providing activities

1. To investigate, forecast and provide information on harmful organisms; to advise plant owners the measures for preventing and fighting harmful organisms.

2. To implement measures for preventing and fighting organisms harmful to the plant, except for cases provided for in Article 34 of this Law.

Article 23. Conditions for plant protection service-providing activities

1. Organizations and individuals conducting plant protection activities must meet the following requirements:

a) Persons directly providing services must have an intermediate level of agriculture and forestry (planting, plant protection, biology, agriculture pedagogy) or higher level, or [have been issued with] a certificate of professional training on plant protection in accordance with the provisions of the Minister of Agriculture and Rural Development.

b) There is enough equipment for providing plant protection services accordingly.

c) Having lawful, clearly address for transactions.

2. Plant protection and quarantine agency shall inspect the operating conditions of plant protect and quarantine organizations and individuals.

Article 24. Rights and obligations of organizations and individuals providing plant protection services

1. Rights of organizations and individuals are as follows:

a) To be entitled to payment of expenses on implementation of plant protection services under contracts signed with plant owners.

b) To be entitled to the right to complain the conclusion and decision of the inspection agencies and State management agencies in accordance with the laws of complaints.

2. Obligations of organizations and individuals are as follows:

a) To comply with the provisions of the law on plant protection and quarantine;

b) To comply with the provisions of the law on contract, labor and other obligations;

c) To compensate for damages in accordance with the law due to damages caused to owners of the plant resources.

Chapter III PLANT QUARANTINE

Article 25. Regulations on plant quarantine

1 Quarantine shall be conducted in respect to objects subject to quarantine of plant being imported, exported, temporary imported for re-export, temporary exported for re-import, transported from border-gate to border-gate, stored in the bonded warehouses and domestic quarantine as prescribed in this Law.

2. In each period, the Minister of Agriculture and Rural Development shall stipulate the followings:

a) A list of objects subject to plant quarantine;

b) A list of objects subject to plant quarantine must be analyzed for pest risk before being imported into Vietnam;

c) A list of organisms harmful to plant quarantine;

d) A list of dangerous harmful organisms;

dd) Cases where plant quarantine is exempted.

Article 26. Requirements for import quarantine objects

1. When being imported, objects subject to quarantine in the list specified at Point a, Clause 2, Article 25 of this Law must be quarantined and meet the following requirements:

a) Having quarantine certificate issued by the plant quarantine authorities of the exporting country.

b) There are no harmful organisms falling within the list specified at Points c, d, Clause 2, Article 25 of this Law or exotic harmful organisms.

c) Packaging of objects subject to quarantine of import plant must be treated for quarantine in accordance with the national technical regulations of Vietnam.

2. When being imported, objects subject to quarantine in the list specified at Point b, Clause 2 of Article 25 of this Law, which are imported in accordance with Clause 4, Article 27 of this Law, must meet the following requirements:

a) Must have an import plant quarantine permit;

b) To meet the requirements in Clauses a, b and c of Clause 1 of this Article.

Article 27. Pest risk analysis

1. Objects in the list specified in Point b, Clause 2, Article 25 of this Law must be analyzed for pest risk.

2. Competent plant quarantine agencies of the Vietnam is responsible for organization of the implementation of pest risk analysis on the basis of information provided by the competent plant quarantine authorities of the exporting countries.

3. Competent plant quarantine authorities of exporting country shall provide information to the competent plant quarantine agencies of Vietnam to analyze pest risks.

4. Based on the results of the pest risk analysis, the competent plant quarantine agencies of Vietnam may permit or may not permit the import of objects subject to plant quarantine and shall notify the competent plant quarantine authorities of the exporting countries and relevant organizations and individuals for knowledge.

5. The Minister of Agriculture and Rural Development shall stipulate information content necessary to be provided for pest risk analysis; process of analyzing pest risks.

Article 28. Order and procedures for issuance of import plant quarantine permit

1. When being imported, objects subject to import plant quarantine in accordance with Clause 4, Article 27 of this Law must have an import plant quarantine permit.

2. Application dossiers for issuance of import plant quarantine permit shall include the followings:

- a) An application for issuance of import plant quarantine permit;
- b) Commercial contract;
- c) A copy of the business registration certificate of the organization or individual;

3. Order and procedures for issuance of import plant quarantine permit

a) Organizations and individuals may submit the application dossiers for issuance of import plant quarantine permit to the competent plant quarantine agency of Vietnam.

b) Within 15 working days from date of receipt of the complete and valid application dossiers, the competent plant quarantine agency shall consider and issue import plant quarantine permit. If not, it must reply in writing, clearly stating the reasons therefore.

Article 29. Import plant quarantine

1. The quarantine shall be implemented for all objects subject to plant quarantine when they are imported, temporarily imported for re-export, transported from border-gate to border-gate, stored in bonded warehouses. Location of quarantine shall be at the first border-gate or places from which the objects are brought into Vietnam;

2. The competent plant quarantine agency shall stipulate the import border-gate for objects with high risk of carrying quarantine harmful organisms of Vietnam.

3. Quarantine objects carried in hand luggage or luggage sent by means of transport must be declared in accordance with the regulations of the Ministry of Agriculture and Rural Development so that the plant quarantine agency inspects.

4. For objects subject to plant quarantine, the customs clearance shall only be conducted after the completion of the plant quarantine.

5. Order and procedures for plant quarantine at the quarantine location shall be implemented in accordance with the provisions of Article 33 of this Law.

Article 30. Plant quarantine after import

1. For plant varieties not included in the List of varieties permitted to be produced and traded in Vietnam in accordance with the law on plant varieties and useful organisms used in plant protection, their import must be implemented in accordance with the provisions of Article 26, and must be subject to post-import quarantine in the isolated quarantine area.

2. Plant varieties under the provisions of Clause 1 of this Article shall only be cultivated outside the isolated area after the competent plant quarantine agency concludes that [these plant varieties] are not infected with harmful organisms in the list specified at Points c and d, Clause 2, Article 25 or exotic harmful organisms.

3. Useful organisms shall be multiplied and brought up only after the competent plant quarantine agency concludes that [the plant varieties] ensure plant quarantine requirements after being quarantined at the isolated quarantine zones.

4. Ministry of Agriculture and Rural Development shall specify the number of samples of plant varieties, useful organisms in accordance with Clauses 1 and 2 of this Article, which are permitted to be imported; conditions of isolated zones, order, procedures and content of plant quarantine at the isolated plant quarantine zone.

Article 31. Export plant quarantine

1. When being exported, objects subject to quarantine in the list, which are specified at Point a, Clause 2, Article 25 must be quarantined and issued with a plant quarantine Certificate.

2. The competent plant quarantine agency of Vietnam shall quarantine in accordance with the law of Vietnam and of the importing country.

3. Order and procedures for export plant quarantine shall be implemented in accordance with Article 33 of this Law. Where quarantine is conducted at manufacturing establishments or place of origin or place of preservation in inland, owners of objects must present plant quarantine Certificate when arriving at the final border-gate for export.

Article 32. Transit plant quarantine

1. Objects subject to quarantine when being in transit in Vietnam must be quarantined at the first border-gate where objects are brought into Vietnam.

2. The order and procedures for transit plant quarantine shall be implemented in accordance with Article 33 of this Law.

Article 33. Order and procedures for quarantine of import, export and transit plant

1. Registration of plant quarantine:

a) Organizations and individuals, before importing, temporary importing, re-importing, transiting, importing, transporting from border-gate to border-gate and storing in bonded warehouses in respect to object subject to plant quarantine, shall have to register and submit the application dossiers to the competent plant quarantine agency at the first border-gate where the objects are brought into the territory of Vietnam.

b) Organizations and individuals, before exporting, temporary exporting and re-exporting objects subject to plant quarantine must register and submit the application dossiers to the nearest competent plant quarantine agency.

c) Application dossier for registration of plant quarantine shall include documents used for declaration and documentation in respect to plant quarantine

objects, of which the import, export or transit plant quarantine procedure is conducted.

2. Plant quarantine inspection:

a) Within 01 working day after receiving complete and valid application dossiers, the competent plant quarantine agency shall decide and notify the owner of quarantine objects of the location and time of quarantine .

b) During the period of 24 hours from the beginning of the inspection, if they meet plant quarantine requirements, the competent plant quarantine agency shall have to issue plant quarantine certificate(s).

c) In case where [it is] longer than 24 hours due to technical professional requirements, [the competent agency] must notify in writing and clearly stating the reasons for the owners of objects to know.

d) In case of failing to issue plant quarantine certificates, [the competent agency] shall reply in writing, clearly stating the reason for the owners of objects to know.

3. The Minister of Agriculture and Rural Development shall make detailed provisions for this Article.

Article 34. Treatment of objects subject to plant quarantine

1. Objects subject to plant quarantine must be treated when:

a) Imported object infected with organisms harmful to plant quarantine of Vietnam or exotic harmful organisms; objects are at high risk of carrying organisms harmful to plant quarantine of Vietnam.

b) Exported object must be treated in order to meet the plant quarantine regulations of the importing country.

c) Discarded objects of unknown origin which go into Vietnam.

2. Treatment measures include: fumigation, disinfection; heat treatment; hot steam treatment; irradiation; re-export; destruction; suspended export and import; prohibition of export and import [of objects] and other measures.

3. The competent plant quarantine agencies may decide to apply the treatment measures prescribed in Clause 2 of this Article, except for measures to suspend the export, import [of the objects], to prohibit the import, export [of the objects].

Article 35. Suspension of exports and imports; prohibition of export and import of objects subject to plant quarantine

1. Plant quarantine objects are suspended from export, import or prohibited from export, import in the following circumstances:

a) Import objects are determined to have high risks of carrying organisms harmful to plant quarantine and penetrating, spreading and threatening the

domestic agricultural production, national food security and seriously affecting to the export of Vietnam.

b) Export objects fail to ensure the plant quarantine requirements of the importing country and have risks of losing the export market of Vietnam.

2. When the risks specified in Clause 1 of this Article has been overcome, the objects will continue to be exported, imported

3. The Minister of Agriculture and Rural Development shall stipulate the suspension or prohibition of import, export, or allowance to continue exporting or importing the specific objects subject to plant quarantine from or to the countries, territories, which have been identified.

Article 36. Practicing treatment of plant quarantine objects

1. Practicing the plant quarantine treatment includes:

a) Fumigation, disinfection

b) Heat treatment

c) Other treatment measures in the field of plant quarantine.

2. Organization practicing the plant quarantine treatment must obtain certificate of practice eligibility in accordance with Clause 1, Article 38 of this Law.

Article 37. Conditions for practicing plant quarantine treatment

1. Material-technical facility requirements are as follows:

a) Having location for treating objects subject to plant quarantine, workshop, equipment storing warehouses and means, which are suitable to the scale of the practice;

b) Having sufficiently equipment and technical processes;

c) Meeting the regulations on labor safety, environment and fire fighting and prevention.

2. Human resources requirements are as follows:

a) Persons who are directly engaged in the management and administration must have appropriate professional qualifications from university or higher; health assurance in accordance with the regulations of the Ministry of Health;

b) Persons directly treating objects subject to plant quarantine must be trained, and the competent plant quarantine agencies have examined their professional qualifications and skills and [such persons] has been issued with a practice card; [these persons] must have health assurance in accordance with the regulations of the Ministry of Health.

3. The Minister of Agriculture and Rural Development shall promulgate national technical regulations and shall provide for the specific conditions of each type of plant quarantine treatment practice.

Article 38. Dossiers, order and procedures for issuance of certificate of eligibility to practice the treatment of plant quarantine objects.

1. Organizations eligible in accordance with Article 37 of this Law are issued with certificate of eligibility to practice the treatment of plant quarantine objects.

2. Application dossiers for issuance of certificate of eligibility to practice the treatment of plant quarantine objects shall include the followings:

a) An application for issuance of a certificate of eligibility to practice the treatment of plant quarantine objects;

b) A copy of the business registration certificate;

c) A written explanation of the material-technical facilities and professional qualifications to ensure the conditions for practicing the treatment of plant quarantine in accordance with Article 37 of this Law and the guidelines provided by the Ministry of Agriculture and Rural Development;

d) Certificate of professional qualifications of management and administration persons, certificate of training knowledge of plant quarantine treatment or practice cards of persons directly conducting the treatment in accordance with Article 37 of this Law;

dd) Certificate of health sufficiency of the managing, administrating persons and persons directly implementing the plant quarantine treatment, which are issued by the health facility of district level or higher;

e) Papers ensure that the practicing organizations comply with the regulations on environment and fire fighting and prevention in accordance with the law.

3. Order and procedures for issuance of certificate of eligibility to practice the plant quarantine treatment.

a) Organizations, which have the demand for practicing the plant quarantine treatment, shall submit the competent plant quarantine agency their application dossiers for issuance of certificate of eligibility to practice the treatment of plant quarantine.

b) Within 15 working days from the time of receipt of sufficient and valid application dossiers, the competent plant quarantine agency shall actually inspect the practice conditions of that organization; if eligible, [the competent agency shall] issue certificate of eligibility to practice plant quarantine treatment. If not, it must reply in writing, clearly stating the reasons therefore.

Article 39. Effect of certificate of eligibility to practice the plant quarantine treatment

1. Certificate of eligibility to practice the treatment of plant quarantine objects shall be valid for 5 (five) years.

2. Before 03 (three) months prior to the date on which the certificate of eligibility to practice the treatment of plant quarantine expires, practicing organization must submit to the competent certificate-issuing agency the written proposal for re-issuance of the certificate in case where [the practicing organization] continues to practice.

3. The Minister of Agriculture and Rural Development shall specify the order, procedures and competence to issue certificates of eligibility to practice the plant quarantine treatment.

Article 40. Rights and obligations of organizations practicing plant quarantine treatment

1. Rights of practicing organizations are as follows:

a) Being entitled to sign and perform economic contracts with the owners of objects in accordance with the law;

b) Being entitled to issuance of certificate of treatment for objects subject to plant quarantine;

c) Proposing handling measures with the plant quarantine agencies;

d) Having the right to complain the conclusion and decision of the inspection agencies, competent state management agencies.

2. Obligations of practicing organizations are as follows:

a) To be only permitted to practice when the competent agency has issued certificate of eligibility to practice and shall comply with the conditions stipulated in Article 37 of this Law during the course of operation;

b) To be entitled to provide the plant quarantine treatment only within the right scope specified in the certificate of eligibility to practice;

c) To be responsible for the results of the treatment of objects subject to plant quarantine;

d) To ensure not to affect the quality of objects subject to plant quarantine as treated and community's health;

dd) To carry out the treatment as designated by and under the supervision of the plant quarantine agency when treating plant quarantine objects, which are infected with organisms harmful to plant quarantine, dangerous harmful organisms, exotic harmful organisms, or when treating[plant quarantine objects] in accordance with the plant quarantine requirements of the importing country.

e) Periodically report on the situation of plant quarantine treatment activities to the agencies, which issue certificates of eligibility to practice.

g) To comply with the provisions of the law on economic contract, labor and other obligations.

Article 41. Domestic plant quarantine

1. Objects subject to plant quarantine, when being transported from the epidemic region to another, must be quarantined and issued with a plant quarantine certificate.

2. Objects infected with organisms harmful to plant quarantine, which have been treated, must be checked, monitored in the locality when they are used.

3. Agriculture, forestry products which are preserved in the warehouses, imported plant varieties, especially for new plant varieties are taken to be locally grown shall have to be monitored for the situation of harmful organisms.

4. Useful organisms imported in the country shall, in the process of use, have to be monitored and evaluated for its efficiency, and at the same time, the adverse effects caused by them must be timely detected and treated.

5. Regions not infected with harmful organisms must be monitored frequently to maintain the conditions of this regions.

6. The Minister of Agriculture and Rural Development shall provide detailed guidelines for domestic quarantine.

Article 42. Responsibilities of plant quarantine agencies

1. Contents of the plant quarantine include the followings:

a) To quarantine plants which are imported, exported, temporary imported for re-export or temporarily exported for re-import, transported from border-gate to border-gate, in transit, in export processing zones and bonded warehouses;

b) Domestic plant quarantine;

c) To quarantine after import in the areas isolated for plant quarantine;

d) To supervise quarantine objects, which are imported, exported, temporary imported for re-export or temporarily exported for re-import, transported from border-gate to border-gate, in transit and stored in bonded warehouses;

dd) To decide on treatment measures, to appoint treatment practice organizations and to guide the owners of objects to implement measures of blocking, destroying, dealing with quarantine objects, which are infected with harmful organisms in accordance with Points c, and d, Clause 2, Article 25 of this Law and exotic harmful organisms. In case of emergency or owners of quarantine objects are not able to perform [quarantine], the plant quarantine agencies shall directly handle objects infected with organisms harmful to plant quarantine;

e) To supervise and certify the implementation of the measures for treatment of the objects subject to import and export plant quarantine;

g) To manage plant quarantine treatment activities.

h) To disseminate, guide methods for detecting and identifying harmful organisms in accordance with Points c and d, Clause 2, Article 25 of this Law and plant quarantine measures;

i) To coordinate with the local authorities to handle objects subject to plant quarantine, which are discarded, of unknown origin from abroad into Vietnam.

2. To develop and guide the implementation of plant quarantine measures.

3. To coordinate with the competent plant quarantine authorities of countries to carry out the quarantine in the exporting country or quarantine requirements in accordance with the provisions of the importing country in Vietnam.

4. To provide information on plant quarantine for countries when requested.

Article 43. Duties and powers of quarantine State officers

1. To implement plant quarantine in accordance with this Law.

2. To require owners of quarantine objects to provide records, related documents, facilities, human resources necessary for quarantine.

3. To guide and supervise the implementation of measures to treat quarantine objects.

4. To be entitled to enter into places, where there are objects subject to plant quarantine, for inspection, sampling during quarantine; temporarily keeping means of transport which carry objects infected with organisms harmful to plant quarantine or exotic harmful organisms.

5. For areas of national secrets, national defense and security and other special cases, [they] are facilitated to implement their tasks to ensure the secret requirements and plant quarantine.

6. To strictly observe the law and quarantine business processes and to be responsible for the performance of their duties and powers.

Article 44. Regulations on costume for quarantine State officers

1. When performing tasks of plant quarantine, plant quarantine officers must wear uniforms, badges, insignia, signboard and plant quarantine cards.

2. The Prime Minister stipulates uniforms, badges, insignia, signboard and plant quarantine cards.

Article 45. The rights and obligations of owners of objects subject to plant quarantine

1. Rights of object owners are as follows:

a) To be entitled to provide information on plant quarantine;

b) To be guided by the plant quarantine agency to detect, identify harmful organisms and harmful organism control measures, treatment of objects infected with epidemic and to maintain the condition of the regions not infected with harmful organisms;

c) To be entitled to request the competent plant quarantine agencies to provide information on objects subject to pest risk analysis for importing countries;

d) To be entitled to complain about the results of plant quarantine and the competent plant quarantine agencies' decisions.

2.Obligations of object owners are as follows::

a) To implement the requirements of quarantine officers when perform their duties such as open, close means of transport, warehouses, goods package, arrangement of human resources and facilities for inspection of, sampling objects, responsible for preservation of objects while being in custody and guide quarantine officers to enter the place, where there are quarantine objects, for inspection;

b) To provide information necessary to serve quarantine when the plant quarantine agency requires;

c) To monitor and inspect objects subject to plant quarantine, which are imported,or in the courses of transportation, storage and use. When detecting or suspecting that quarantine objects are infected with harmful organisms specified in Points b, c, Clause 2, Article 25 of this Law, or exotic harmful organisms, [object owners] must immediately notify the plant quarantine agency or the nearest local authorities;

d) To implement strictly, promptly the treatment of quarantine objects according to the decisions and guidelines of the plant quarantine agency;

dd) To fully implement the measures specified in the certificate of plant quarantine during transport, storage and use of objects subject to plant quarantine.

Chapter IV

PESTICIDES

Article 46. Registration of pesticides onto the List

1. Pesticides fall within the category of goods, the trading of which is subject to conditions.

Organizations and individuals may import, produce, trade and use drugs having been registered onto the List of pesticides permitted for use in Vietnam, except for the cases specified in Points a, c, d, Clause 2, Article 65 of this Law.

2. Annually, the Minister of Agriculture and Rural Development promulgates the List of pesticides permitted for use in Vietnam and the List of pesticides prohibited from being used in Vietnam.

Article 47. Pesticides are not registered onto or excluded from the List of pesticides permitted for use in Vietnam.

1. Pesticides,which are not registered onto the List of pesticides permitted for use in Vietnam, shall be the followings:

a) Pesticides falling within the List of pesticides prohibited from being used in Vietnam;

b) Pesticides are at risk of causing adverse effect to the health of humans, animals and the environment;

c) Pesticides containing active substances of toxic group I under the Global Harmonized System of classification and labeling of chemicals except for drugs used for fumigation, disinfection; preservation of forest products not being used as food and pharmaceutical products; elimination of termite causing damages to construction works, dikes; rat poison;

d) Pesticides have the same trade names with other drugs in the list of drugs permitted to be used;

dd) Pesticides containing active substance of methyl bromide.

2. Pesticides which are excluded from the list of [of drugs] permitted to be used shall be the followings:

a) Pesticides which are at high risk of causing adverse effect on the health of humans, animals and the environment or reduce the biological effect and the exclusion of which from the list is decided by the Ministry of Agriculture and Rural Development;

b) Pesticides of organizations and individuals, who register to voluntarily withdraw from the list.

3. The Ministry of Agriculture and Rural Development shall provide detailed guidelines for this Article.

Article 48. Organizations and individuals are permitted to register pesticides in Vietnam

1. Domestic organizations and individuals manufacturing technical drugs.

2. Foreign organizations and individuals manufacturing technical drugs and having its pesticide-trading representative office, company and company's branch, which are currently permitted to operate in Vietnam.

3. Domestic and foreign organizations and individuals having its pesticide-trading representative office, company, company's and branch, which are currently permitted to operate in Vietnam and authorized by the organizations and individuals specified in Clauses 1, 2 this Article.

Article 49. Order and procedures for issuance of certificate of registration of pesticides

1. Application dossiers for issuance of certificate of registration of pesticides include the followings:

a) An application for issuance of a certificate of registration of pesticides;

b) Copy of pesticide-testing Permit

c) Specimen of pesticides' label;

d) Results of testing in Vietnam;

2. Order and procedures for issuance of certificate of registration of pesticides shall be as follows:

a) Organizations and individuals submit the application dossiers for issuance of certificate of registration of pesticides to the competent pesticide registration agency;

b) Within 06 (six) months from the date of receipt of complete and valid dossiers, the competent pesticide registration agency shall organize appraisal and propose the Minister of Agriculture and Rural Development to issue the List; issue a certificate of registration of pesticides, in case of failing to issue the certificate, there must be a written reply, clearly stating the reasons therefore.

3. Certificates of registration of pesticides are valid for a period of 05 (five) years and may be extended.

4. The Minister of Agriculture and Rural Development shall provide detailed guidelines for this Article and shall provide for the organization of implementation as well as competent pesticide registration agencies.

Article 50. Order and procedures for extension of Certificate of registration of pesticides

Before a period of 03 (three) months prior to the expiry date of the certificate of registration of pesticides, if having the demand for extension [the certificate], organizations and individuals registering [pesticides] must submit the application dossiers for extension [the certificate].

1. Application dossiers for extension of certificate of registration of pesticides include the followings:

- a) An application for extension of certificate of registration of pesticides;
- b) Certificate of registration of pesticides has already been issued;
- c) Label of pesticides subject to extension of its certificate of registration.

2. Order and procedures for extension of certificate of registration of pesticides shall be as follows:

a) Organizations and individuals submit Application dossiers for extension of certificate of registration of pesticides to the competent pesticide registration agency;

b) Within 15 (fifteen) working days after receipt of complete and valid dossiers, the competent pesticide registration agency shall issue certificate of registration of pesticides; in case of failing to issue the certificate, there must be a written reply, clearly stating the reasons therefore.

Article 51. Order and procedures for re-issuance of certificate of registration of pesticides

1. Cases in which the certificate of registration of pesticides are re-issued, as follows:

- a) [It is] lost, mistaken, damaged,
- b) Trade names of drugs, information related to organizations and individuals registering [their pesticides] are changed.

2. Application dossiers for re-issuance of a certificate of registration of pesticides include the followings:

- a) An application for re-issuance of the certificate of registration of pesticides;
- b) The written confirmation of the changed content;
- c) Certificate of registration of pesticides (unless the paper is lost or misplaced).

2. Order and procedures for re-issuance of certificate of registration of pesticides shall be as follows:

- a) The case specified in Point a, Clause 1 of this Article shall be implemented in accordance with Clause 2, Article 49 of this Law.
- b) The case specified in Point b, Clause 1 of this Article shall be implemented in accordance with Clause 2 of Article 50 of this Law.

Article 52. Revocation of certificate of registration of pesticides

1. The case where the certificate must be revoked:

- a) Certificate of registration of pesticides is erased, repaired in respect to its content;
- b) Use of counterfeit documents, provision of untruthful information in the application dossiers for registration;
- c) Having other breaches, for which, the law stipulates that the certificate of registration of pesticide must be revoked;
- d) There is a decision of the Minister of Agriculture and Rural Development, which excludes these pesticides from the List of pesticides permitted for use.

2. The competent pesticide registration agencies shall have the competence to revoke certificate of registration of pesticides and propose the Ministry of Agriculture and Rural Development to exclude [the pesticides] from the List of pesticides permitted for use.

Article 53. Pesticide testing

1. Pesticide testing shall be done with all kinds of pesticides before being registered onto the List of pesticides permitted for use in Vietnam.

2. Pesticide testing shall be carried out only after obtaining testing permit of the competent pesticide registration agency and shall be conducted by testing organizations, which are eligible under the provisions of Article 57 of this Law.

3. Minister of Agriculture and Rural Development shall provide detailed guidelines for test content, shall provide for test quantity and time for biological pesticides and shall provide for testing of pesticides.

Article 54. Order and procedures for issuance of pesticide testing Permit

1. Application dossiers for issuance of testing permit include the followings:

a) An application for issuance of a testing permit;

b) Documents evidence the satisfaction of the requirements specified in Article 48 of this Law;

c) Technical documents of chemical pesticides; biological pesticides;

2. Order and procedures for issuance of testing permit shall be as follows:

a) Organizations and individuals may submit the application dossiers for issuance of testing permit to the competent pesticide registration agency;

b) Within 15 (fifteen) working days after receipt of complete and valid application dossiers, the competent pesticide registration agency issues the testing permits; in case of failing to issue [the permit], there must be a written reply, clearly stating the reasons therefore.

3. Testing permits are valid for 05 years.

4. Minister of Agriculture and Rural Development shall provide detailed guidelines for this Article.

Article 55. Re-issuance of pesticide testing permit

1. Testing permits may be re-issued in case of loss, errors, damage or change of trade names and information of organization, individual registering the testing.

2. Application dossiers for re-issuance of pesticide testing permit include the followings:

a) An application for re-issuance of pesticide testing permit;

b) Pesticide testing permit has already been issued;

3. Order and procedures for re-issuance of pesticide testing permit shall be as follows:

a) Organizations and individuals submit the application dossiers for re-issuance of testing permit to the competent pesticide registration agency;

b) Within 10 (ten) working days after receipt of complete and valid dossiers, the competent pesticide registration agency shall issue the testing Permit; in case of failing to issue [the permit], there must be a written reply, clearly stating the reasons therefore.

Article 56. Revocation of pesticide testing permit

1. Testing Permits shall be revoked in the following cases:
 - a) Pesticide testing Permits are erased, repaired in respect of its content;
 - b) Use of counterfeit documents, provision of untruthful information in the application dossiers for issuance of testing Permit;
 - c) Pesticides are at risk of causing adverse effects to the health of humans, animals and the environment in accordance with decision of the Minister of Agriculture and Rural Development.
2. Competent pesticide registration agency shall have the competence to revoke the pesticide testing Permit.

Article 57. Conditions for organizations to test pesticides

1. Organizations conducting the testing of pesticides must satisfy the following conditions:
 - a) The head of organizations must have a university degree or higher with professional specialized in plant protection or cultivation, biology, and chemistry, and have a training certificate of pesticide testing;
 - b) Staff has appropriate professional qualifications and has been trained in respect to pesticide testing;
 - c) Having material-technical facilities to ensure the pesticide testing;
 - d) Do not directly register pesticide products under their name, do not authorize other to register use their pesticide products in Vietnam.
2. The Minister of Agriculture and Rural Development shall provide detailed guidelines for implementation of this Article and shall publish a List of organizations eligible to perform pesticide testing.

Article 58. Rights and obligations of the organization conducting the tests of pesticides

1. Rights of the organizations conducting the pesticide test:
 - a) Be entitled to sign contracts on pesticide tests;
 - b) To be entitled to provide information on issues related to pesticide tests;
 - c) To make complaints about decisions of competent pesticide registration agencies.
2. Obligations of the organization conducting the pesticide tests
 - a) Testing must be objective and accurate;
 - b) To comply with technical regulations, national standards and testing procedures and requirements;
 - c) To bear responsibility before law for results of tests;
 - d) To keep all the raw data of the tests at least 05 (five) years from the date on which the tests are ended;

dd) To be subject to inspection and supervision of testing activities by the competent pesticide registration agencies;

e) To make compensation for damages in accordance with the law.

Article 59. Conditions of pesticide manufacturing establishments

Organizations and individuals manufacturing pesticides must meet the requirements of the material-technical facilities and human resources requirements in compliant with the scale of operation, including:

1. Requirements for material - technical facilities:

a) Drug manufacturing establishments have an area, location, factory, drug warehouse in accordance with the regulations, consistent with the scale of production;

b) Machinery, equipment and technological processes must be in accordance with the categories of manufactured pesticides;

c) Having a waste treatment system in accordance with the competent State environment agencies;

d) Having sufficient equipment to check the quality of pesticides they produce. In case there is not enough equipment, there must be a quality control contract with an organization, which is assigned to inspect the quality of pesticides for each lot of products delivered from the workshop.

2. Human resource requirements:

a) The direct persons who directly manage and administrate pesticide manufacturing establishments must have qualifications in chemistry, plant protection, biology from university or higher level;

b) The laborers who directly produce pesticides must be trained, drilled with appropriate professional.

3. The Minister of Agriculture and Rural Development shall issue national technical regulations and shall specify the conditions of pesticide-manufacturing establishments.

Article 60. The rights and obligations of pesticide manufacturing establishments

1. Rights of manufacturing establishments:

a) To be entitled to manufacture drugs in the List of pesticides permitted for use in Vietnam;

b) To be titled to import pesticides to produce [pesticides] and re-export under contracts signed with foreign countries;

c) Pesticide information, advertising and seminars shall comply with the law on advertisement and Article 68 of this Law;

d) Other rights prescribed by the law.

2. Obligations of manufacturing establishments:

a) Production of drugs must be comply the technical regulation; drug standards published by the manufacturing establishments;

b) The laborers directly manufacturing pesticides must ensure their health in accordance with the regulations of the Ministry of Health and must be trained and drilled with appropriate professional.

c) To be responsible for the quality and only drugs, which are produced by the manufacturing establishments and have met the quality requirements, shall be delivered out of workshop and circulated in the market;

d) To provide necessary documents for the inspection and assessment of the entire drug manufacturing operation in accordance with the law;

dd) To make compensation for damages due to fault of the manufacturing establishments in accordance with the law;

e) When discovering that drugs of the manufacturing establishments do not satisfy the requirements in accordance with the regulations, the manufacturing establishments shall immediately notify and withdraw all drugs on the market;

g) Owners of drug-manufacturing establishments shall have to organize the training, guiding the use of drug, prevention of incidents, which are caused by pesticides when they are used;

h) To comply with the laws on preventing and fighting fire, explosion, chemicals, labor, environment and other obligations as prescribed by the law.

Article 61. Conditions for organizations and individuals to trade pesticides

Organizations and individuals trading pesticides must ensure the following conditions:

1. Having lawful sites in accordance with the regulations, ensuring the safe distance for people, animals and the environment;

2. Having drugs warehouse in accordance with the regulations, with appropriate equipment for storage and treatment of pesticides when incident occurs;

3. Owners of drug trading establishments and the direct pesticide salespersons must have an intermediate level of agriculture and forestry (planting, plant protection, biology, agriculture pedagogy) or more or have obtained a pesticide professional training certificate in accordance with the law.

4. The Minister of Agriculture and Rural Development shall issue national technical regulations and shall specify the conditions for pesticide-trading establishments.

Article 62. The rights and obligations of pesticide trading establishments

1. Rights of organizations and individuals are as follows:

a) To be entitled to trade in finished drugs in the List of pesticides permitted for use in Vietnam;

b) To be entitled to provide information and guidelines related to plant protection;

c) To be entitled to complain the conclusion and decision in accordance with the law on complaints and denunciation.

2. Obligations of organisms and individuals are as follows:

a) To comply with the regulations on trade and storage of pesticides;

b) To list sale price and formulate a monitoring book to keep track of the purchase and sale of drugs;

c) To give instructions to use of drugs for the buyers in accordance with the contents of the drug label;

d) Upon detection of a incident, drug-trading establishments shall have to apply remedies measures and report to the local authorities;

dd) To sell pesticides only to persons holding of the training certificate of drug use for fumigation, disinfection;

e) To provide information related to pesticide trade to the competent authority when requested;

g) To make compensation for damage in accordance with the law;

h) When discovering that drug trading establishments do not satisfy the requirements of the law, drug trading establishments shall be responsible for notifying and withdraw back all these drugs on the market;

i) Owners of [drug trading establishments] and persons directly trading pesticides must participate in training on use, prevention of incidents caused by pesticides;

k) To comply with the laws on preventing and fighting fire, explosion, chemicals, environment, labor and other obligations.

Article 63. Order and procedures for issuance of certificates of eligibility to manufacture, trade pesticides

1. Application dossiers for issuance of certificate of eligibility to manufacture, trade pesticides include the followings:

a) An application for issuance of a certificate of eligibility to manufacture, trade pesticides;

b) A copy of the business registration certificate;

c) A written explanation of the material –technical facilities, professional knowledge to ensure the conditions for manufacturing and trade pesticides in accordance with Article 59, Article 61 of this Law and the guidelines provided by the Ministry of Agriculture and rural Development;

d) Professional certificates, pesticide knowledge training certificates of owner of establishment and persons directly manufacturing, trading pesticides in accordance with Article 59, Article 61 of this Law;

dd) Certificate of sufficient health of the owner of establishment and persons directly manufacturing, trading pesticides, which are issued by the health facility of district level or higher.

2. Order and procedures for issuance of Certificates of eligibility to manufacture pesticides, Certificates of eligibility to trade pesticides, as follows:

a) Organizations and individuals manufacturing and trading pesticides may submit the application dossiers for issuance of a Certificates of eligibility to manufacture, trade pesticides to competent State agencies in accordance with Article 64 of this Law;

b) From the date of receipt of complete and valid dossiers, the competent agencies shall actually check the conditions of manufacturing and trading pesticides at pesticide manufacturing and trading establishment, if [the establishment is] eligible, within 15 (fifteen) working days, Certificate of eligibility to manufacture, trade pesticides shall be issued; in case of failing to issue [the certificate], there must be a written reply, clearly stating the reasons therefore.

Article 64. Validity of certificate and competence to issue Certificates of eligibility to manufacture, trade pesticides |

1. Certificates of eligibility to manufacture, trade pesticides are valid for a period of 05 (five) years.

2. 03 (three) months before the expiry date of Certificate of eligibility to manufacture pesticides or Certificate of eligibility to trade pesticides, organizations and individuals manufacturing and trading pesticides shall have to submit the application dossiers for re-issuance of the certificates if [these organizations and individuals] continue to manufacture and trade [pesticides]. Application dossiers, order and procedure for re-issuance shall be conducted in accordance with Article 63 of this Law.

3. Certificates of eligibility to manufacture, trade pesticides shall be revoked in the following cases:

a) no longer meet the conditions of manufacturing and trading pesticides in accordance with Articles 59 and 61 of this Law;

b) Having a breach that the law requires the revocation of the certificate.

4. The competent plant protection and quarantine agency at the central level issues or re-issue Certificate of eligibility to manufacture pesticides, the competent plant protection and quarantine agencies at the local levels issues or re-issue Certificate of eligibility to trade pesticides.

Article 65. Import and export of pesticides

1. Pesticides falling within the List of permitted to be used in Vietnam shall be allowed to be imported and exported.

Organizations and individuals may register to import in their name or may authorize other organizations and individuals to import finished drugs, technical drugs in the List of pesticides permitted to used in Vietnam.

2. Pesticides, the import of which is subject to import license:

a) Pesticides, which not fall within the List of pesticides permitted to used in Vietnam, are temporarily imported, re-exported or imported for manufacturing in Vietnam in order to be exported in accordance with contract already signed with foreign country.

b) Pesticides used for fumigation, which contain methyl bromide and other substances in the toxic group I under the Global Harmonized System of classification and labeling of chemicals;

c) Pesticides which are not in the List of pesticides permitted for use in Vietnam, are imported for testing in order to register pesticides;

d) Pesticides, which are not in the List of pesticides permitted for use in Vietnam, are imported for testing, experimentation, research; used in foreign projects in Vietnam; drugs are used as samples, for exhibitions, fairs and used in some special cases as decided by the Minister of Agriculture and rural Development;

dd) Pesticides, which are in the List of pesticides prohibited from use in Vietnam, but imported to be used as a standard.

3. Pesticides, which are imported in accordance with Clause 1 and Point B, Clause 2 of this Article shall be inspected by the competent plant protection and quarantine agency for the quality of drug when imported.

4. Organizations and individuals producing and trading pesticides may export finished drugs and technical drugs in accordance with the trade law of Vietnam and importing countries.

5. Application dossiers for issuance of import license

a) An application for issuance of import license;

b) Copies of the business registration certificate of organization and individual applying for issuance of import license (first submittal) for Points a, b and c, Clause 2 of this Article;

c) Documents prove to meet the provisions of Clause 2 of this Article.

6. Order and procedures for issuance of import licenses

a) Organizations and individuals may submit the Application dossiers for issuance of import licenses to the competent license issuing agency;

b) Within 05 (five) working days from the date of receipt of complete and valid dossiers, the competent agency shall consider and issuance of import

license; in case of failing to issue [license], there must be a written reply, clearly stating the reason therefore;

7. The Minister of Agriculture and Rural Development shall provide detailed guidelines for Clause 4 of this Article and the provisions of the competent agencies in respect to issuance, re-issuance and revocation of import licenses.

Article 66. Transport of pesticides

1. Transport of pesticides must comply with the regulations on transport of dangerous goods of the law on road traffic, inland waterway traffic, rail, aviation, maritime, and other provisions of concerned laws and the international treaties to which Vietnam is a member.

Where only microbial drugs are transported, it is not required to comply with the regulations on the transport of dangerous goods, but must comply with the relevant law and the international treaties to which Vietnam is a member.

2. In case where an accident of drug leakage during transport occurs, vehicle drivers, owners of the goods, owners of vehicles shall be responsible to take the necessary measures to limit the consequences, overcome the incident and at concurrently notify the nearest local authorities.

Article 67. Preservation of pesticides

1. The preservation of pesticides must comply with the guidelines on preservation that the manufacturing establishment specifies on the label, packaging. To ensure the safety for people, animals and environment;

2. Warehouse for preservation of pesticides must ensure a safe distance away from schools, hospitals; ensure technical requirements in storage; alert; have equipment and facilities appropriate to settle the accidents in compliance with dangerous nature of the drug; ensure the legal provisions on preventing and fighting fire, chemicals, labor protection.

3. Specialized warehouses for preservation of microbial drugs are not required to comply with the provisions of Clause 2 of this Article, but to ensure the quality of drugs and avoidance of causing pollution to the environment.

4. In case of drug leakage, diffusion, which is harmful to humans, animals and environment, organization, individual preserving drugs shall be responsible to immediately apply the necessary measures to limit the consequences, to overcome the incident. In case the incident is not overcome, [the organizations and individuals] shall have to notify the nearest local authorities for assistance to overcome the incident and shall bear all costs.

Article 68. Advertisement of pesticides

1. Only drugs in the List of pesticides permitted for use in Vietnam may be advertised.

2. Advertising content of pesticides must be consistent with the registered content, technical guidance of the competent plant protection and quarantine

agency, must included with warnings about the dangerous, toxicity properties, guidelines to prevent harmful effects of advertised pesticides.

3. The advertisement of pesticides must comply with the law on advertisement.

Article 69. Packaging and labeling pesticides

1. Packing of pesticides must meet the following requirements:

- a) Materials must be durable, no leakage, not spreading out drugs;
- b) Pesticides[contained in the packing] do not cause corrosion and destruction to [the pickings]; does not affect the quality of the drug;
- c) To meet the technical regulations of packing or the international standards publicized and applied by competent state agencies;
- d) Not dangerous to humans, animals and the environment.

2. Pesticides circulating in the market must be labeled to meet the following requirements:

- a) In Vietnamese
- b) Containing sufficient information, which guides the safe use of the drugs to users,
- c) Complying with the provisions of the law on goods' label and guidelines of the Global Harmonized System of classification and labeling of chemicals
- d) The label content must be in compliance with the content of the sample labels already registered with the plant protection and quarantine agency.

4. The Minister of Agriculture and Rural Development shall provide guidelines on specifications, materials, testing, inspection, packaging drugs and detailed guidelines on labeling of pesticides.

Article 70. Use of pesticides

1. Only pesticides in the List of pesticides permitted for use in Vietnam may be used. To use pesticides in accordance with instructions written on the label.

In case where it is necessary for timely prevention of harmful organisms, the Minister of Agriculture and Rural Development decides to use drugs which are not in the List of pesticides permitted for use in Vietnam.

2. Pesticide users must have knowledge of safe and efficient use of the drugs. Users of pesticides in the fumigation, disinfection shall have to obtain a training certificate in accordance with the law.

3. Users of pesticides must preserve drugs and collect packaging of drugs after being used and put it strictly in the stipulated place.

4. Organizations and individuals, who use pesticides may have the right to require the drug manufacturing and trading establishments to make compensation for damages caused by drugs in accordance with the law.

5. The Minister of Agriculture and Rural Development regulations shall provide for content of guidelines, training on the use of pesticides and issuance of certificates.

Article 71. Withdrawal of pesticides on the market

1. Pesticides must be withdrawn in the following cases:

- a) Drugs expire;
- b) Drugs do not meet the quality standards;
- c) Labels, packaging of the drugs have errors or not comply with the regulations in the process of circulation;

2. When discovering that drug manufacturing establishments and drug trading establishments are subject to withdrawal of the drugs, drug manufacturing establishments and drug trading establishments shall be responsible for notifying and withdrawing all these drugs from the market by themselves.

In the case where drug manufacturing establishments and drug trading establishments fail to not voluntary withdraw [the drugs] or drugs subject to withdrawal are detected, the competent agency may issue decision to force the drug manufacturing and drug trading establishments to withdraw [the drugs].

3. The competent plant protection and quarantine agencies may decide the form and duration of treatment of drugs subject to withdrawal; inspect the withdrawal and treatment of drugs by the drug manufacturing and drug trading establishments; deal with breaches of the drug manufacturing and drug trading establishments in accordance with the law.

4. Drug manufacturing and drug trading establishments, which have drugs withdrawn shall bear all the cost of withdrawal and treatment.

Article 72. Destruction of packing of pesticides

1. Pesticides which must be destroyed include the followings:

a) Pesticides prohibited from use in Vietnam, not in the List of pesticides permitted for use in Vietnam except for cases stipulated in Points a, c, and d, Clause 2 of Article 65 and Clause 1 off Article 70.

- b) Fake pesticides;
- c) Pesticides expire that there is no use value;
- d) Pesticides do not meet the stipulated quality standards that can not be recycled nor re-exported;
- dd) Pesticides withdrawn and forced to be destroyed.

2. Organizations and individuals having pesticides destroyed must conduct destruction in accordance with the law and pay all expenses.

3. In case where pesticides of unknown origin, unknown owners, the destruction expenses are taken from the local budget.

Article 73. Collection and treatment of pesticide packaging after being used

1. Treatment of packaging of pesticides after being used shall have to ensure the safety of people, the environment and compliance with the law on management of hazardous wastes and other provisions of the law on protection of the environment.

2. Chairmen of commune-level people's Committees shall stipulate places of collection, organization of collection, treatment of packaging of drugs after being used in the areas of the communes.

3. Expenses on collection and treatment of packaging of drugs after being used are taken from the local budget.

4. The Minister of Agriculture and Rural Development shall guide the collection, treatment of packaging of pesticides after being used.

**Chapter V
IMPLEMENTING PROVISIONS**

Article 74. Implementation effectiveness

This Law shall be of full force and effect from the date of, 2014.

The Ordinance No. 36/2001/PL-UBTVQH10 dated August 8, 2001 on plant protection and quarantine is revoked from the date on which this Law takes effect.

Article 75. Implementation guidelines

The Government, competent agencies shall make detailed provisions and shall guide the implementation of the terms as assigned to in the Law.

This Law was passed by Legislature XIII of the National Assembly at its Session on 2013./.

CHAIRMAN OF NATIONAL ASSEMBLY