REGULATION ON THE OFFICIAL INSPECTION AND CERTIFICATION OF FOOD HYGIENE AND SAFETY OF FISHERY COMMODITIES

(promulgated by the Decision No. 118/2008/QD-BNN dated 11 December 2008 by the Minister of Agriculture and Rural Development)

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Regulation prescribes the mode, procedure, subjects of the official inspection and certification of food hygiene and safety (hereafter abbreviated as FHS) of fishery commodities as foodstuffs as well as the powers and responsibilities of parties involved in the official inspection and certification of FHS of fishery commodities.

Article 2. Objects of application

1. This Regulation applies to fishery commodities manufactured for domestic consumption, export, imported including imported for further processing, recalled or rejected.

2. This Regulation shall not apply to:

a) Fishery products as foods for personal use, gift, samples for exhibitions and fairs; diplomatic bags, consular bags according to the regulations in force;

b) Fishery commodities in transit, stored for organoleptic tests;

c) Fishery commodities other than foodstuff.

3. For import/export fishery commodities subject to quarantine according to regulations in force, inspecting bodies shall conduct quarantine while inspecting.

Article 3. Definition

For the purpose of this Regulation, the following definitions shall apply:

1. *Fishery products* mean animals, plants living in aquatic habitat and amphibian, including their eggs and parts used as foods or mixed foods with fishery ingredient.

2. *Fresh fishery products* mean fish in whole or processed without any actions other than cold storage.

3. Live fishery products mean aquatic animals which are alive or kept in anabiosis.

4. *Fishery commodities* mean fishery products placed in market, consumed through exchanging, trading and marketing.

5. *Inspected consignment* means an amount of fishery products registered for one official inspection.

6. *Certified consignment* means an amount of fishery products extracted from an inspected consignment, registered for certification and granted a FHS certification.

7. *Recalled consignment* means exported consignment that the involved food business operators (FBO) initiatively returned to Vietnam.

8. *Rejected consignment* mean exported consignment that is re-exported to Vietnam by importing country or importers.

9. *Official inspection* means inspection, certification of quality and safety of fishery commodities to serve state management.

10. *Ordered inspection* means inspection, certification of quality and safety of fishery commodities as requested by the FBO.

11. *Designated inspecting bodies* mean proficient inspection and certification organizations designated by the Ministry of Agriculture and Rural Development to test and certify FHS of fishery commodities.

Article 4. Modes of inspection

1. Official inspection shall apply to:

a) Fishery commodities manufactured by FBO under control of the Ministry of Agriculture and Rural Development before being placed for domestic consumption;

b) Fishery commodities intended for export to markets requiring FHS inspection and certification conducted by Vietnamese Competent Authorities;

c) Fishery commodities intended for export to specific markets that the Ministry of Agriculture and Rural Development requires inspection for purpose of management of the industry in specific term;

d) Fishery commodities imported for further processing;

e) Fishery commodities being recalled or rejected.

2. Ordered inspection shall apply to:

a) Fishery commodities beyond official inspection as stated in Clause 1 of this Article.

b) Fishery commodities stated in Clause 2, Article 2 of this Regulation as requested by FBO.

c) Optional assessments regarding to objects stated in the Clause 1 of this Article as requested by FBO.

Article 5. Inspecting bodies

1. The units under Provincial Departments of Agriculture and Rural Development in charge of agriculture, forestry and fisheries quality assurance conduct FHS inspection and certification of fishery commodities prior to being placed in the market for domestic consumption.

2. The units under the National Agro-Forestry-Fisheries Quality Assurance Department conduct FHS inspection and certification of fishery commodities intended for export; imported for further processing, recalled and rejected (hereafter referred to as "import fishery commodities").

3. Inspecting bodies designated according to the law in force and the inspecting bodies described in the Clauses 1 and 2 of this Article conduct FHS inspection and certification as requested.

Article 6. Bases for the inspection and certification

1. Bases for inspection and certification of fishery commodities produced for domestic consumption are technical regulations on FHS issued by the Ministry of Agriculture and Rural Development and related Ministries and Branches; FBO's quality declaration.

2. Bases for inspection and certification of fishery commodities mentioned at the Points c, d and e of Clause 1 of the Article 4 of this Regulation are technical regulations on FHS issued by the Ministry of Agriculture and Rural Development and related Ministries and Branches.

3. Bases for inspection and certification of fishery commodities mentioned at the Point b of Clause 1 of the Article 4 of this Regulation are FHS regulations issued or approved by

specific import countries or international treaties and arrangements that Vietnam has concluded or approved.

4. Bases for ordered inspection and certification are FBO's requirements and in compliance with Vietnamese technical regulations and requirements of import countries.

Article 7. Health Certificates and Notification of Non-compliance

1. FHS Certificate for fishery commodities, Analysis report of fresh or live fishery products (hereafter referred to as *Health Certificate*) is issued by inspecting bodies to a fishery consignment of which testing results are pass. Health Certificate is only valid to tested consignment providing that FHS thereof are unchanged during storage and transport.

2. For fishery commodities intended for export: One Health Certificate is only granted to one consignment with maximum quantity of 3 (three) containers 40 feet for catfish; 1 (one) container 40 feet for other products.

3. Notification of Non-compliance with FHS standards (hereafter referred to as *Notification of Non-compliance*) is issued by inspecting bodies to a fishery consignment of which testing result is fail.

4. Health Certificate and Notification of Non-compliance are:

a) issued by the models in the Appendix 2b (applied to fresh, live products) or Appendix 2a (applied to other products) or Appendix 2c applied to fishery commodities mentioned at the Points a, c, d and e of the Clause 1 of the Article 4 of this Regulation. For fishery commodities mentioned at the Point b of the Clause 1 of the Article 4 of this Regulation, Health Certificate is presented by the model and content in accordance with requirements of importing countries and printed with the national emblem;

b) issued by the model requested by FBO, without printed national emblem for fishery commodities as mentioned at the Point a of the Clause 2, Article 4 of this Regulation, possibly issued by the models in the Appendix 2a or Appendix 2b of this Regulation according to FBO's requirements but without printed national emblem;

c) numbered as described in Appendix 3a of this Regulation;

d) done in 2 (two) copies: 01 (one) original given to the FBO, duplicate kept in inspecting bodies; more duplicated copies could be issued in case of necessity and on request of FBO;

5. According to importers' or import countries' requirements, inspecting bodies are allowed to issue another Health Certificates, content thereof is not against issued ones. Identification number of supplementary Health Certificates must be the same as issued ones.

6. When FBO require to renew Health Certificate, inspecting bodies revoke the issued one and consider to issue another Health Certificate which declare that "*This Health Certificate replaces the Certificate No…, issued on…*". In the case that FBO do not return all issued Certificates, they must submit a written explanation of reason enclosed with evidences to prove. Identification number of renewed Health Certificates must be the same as issued ones.

Article 8. Laboratories supporting inspection and certification

Laboratories supporting FHS inspection and certification include:

a) Laboratories belonging to the inspecting bodies as stated at the Points 1 and 2 of the Article 5 of this Regulation;

b) Other laboratories meeting the requirements by the Ministry of Agriculture and Rural Development and being inspected, assessed and designated by the National Agro-Forestry-Fisheries Quality Assurance Department or other competent authorities.

Article 9. Indispensable information on package and labels of products

1. Fishery commodities produced for domestic consumption, imported for further processing must comply with Vietnamese regulations on labeling in force.

2. For fishery commodities for export, it is allowed to print information as required by importers provided that the information reflects nature of the product and comply with Vietnamese and importing countries' law. Fishery commodities for export as stated at the Points b and c, Clause 1, Article 4 of this Regulation must be printed with the following information:

a) Product of Vietnam;

b) FBO's code;

c) Identification number if the consignment;

d) Major ingredients of the product;

e) Other information as required by importing countries (if any).

Article 10. Conditions for fishery commodities to be imported, exported and domestically consumed.

1. Fishery commodities as stated at the Point a, Clause 1, Article 4 of this Regulation are permitted for sale when meeting one of the following conditions:

a) To be manufactured by FBO approved for FHS or certified for sustainable aquaculture (regarding to aquaculture sites);

b) To be printed with standard conformity stamps in package, label;

c) To be accompanied by Health Certificate in the models as described in the Appendix 2a and 2b of this Regulation in compliance with the procedure as stated in the Article 12 of this Regulation.

d) To be accompanied by Certificates of origin and FHS as result of the National Monitoring Programs by the organizer in compliance with procedure described in Regulations of these Programs.

2. Fishery commodities as stated at the Point b of the Clause 1 of the Article 4 of this Regulation are permitted to get through customs for export only when involved FBO are in the list of FBO approved for export to specific countries, the list is updated and provided by Vietnamese competent authorities.

3. Fishery commodities as stated at the Points c, d and e of the Clause 1 of the Article 4 of this Regulation are permitted for import / export only when they are granted one of the following documents:

a) FHS Certificate in the models as described in the Appendix 2a or 2b of this Regulation.

b) Notification of FHS inspection exemption in the model as described in Appendix 2d of this Regulation.

4. Fishery commodities as stated at the Point a, Clause 2, Article 4 of this Regulation are not compulsory to be accompanied by a Health Certificate or a Notification on FHS inspection exemption.

Chapter II

INSPECTION AND CERTIFICATION PROCEDURES AND CONTENTS

Article 11. Inspection registration

1. An inspection registration consists: The registration for FHS inspection by the model in the Appendix 1a, packing-list, specific requirements on FHS (if any).

2. For fishery commodities intended for import, besides the subjects as laid down by the Clause 1 of this Article, inspection registration must include:

a) Regarding to fishery commodities imported for further processing: Business contract (duplicated copy), Health Certificate (certified copy), Certificate of Origin (certified copy).

b) Regarding to recalled/rejected fishery commodities: Health Certificate (duplicated copy) if any, Order of recall or Notification of rejection declaring reasons of recall or rejection.

3. FBO could send inspection registration to inspecting bodies in person, via postal, email, fax (confirmed by telephone), then submit the dossier on inspection visit.

4. Upon the receipt of the inspection registration, the inspecting body shall have to examine the dossier, instruct FBO to supplement or correct the dossier and confirm the inspection registration, notify the FBO of inspection regime, time and place.

Article 12. Inspection items of fishery commodities produced for domestic consumption.

1. For fresh and live fishery products:

a) Conduct document checks of production and quality control records of the consignment;

b) Perform inspection of storage conditions, packaging, labeling; visual and organoleptic tests;

c) Take sample, if necessary, to analyze for microbiological and chemical criteria for verification.

2. For other fishery products:

a) Perform inspection as described at Points a and b of the Clause 1 of this Article;

b) Perform inspection of labeling;

c) Take sample to analyze in the laboratories mentioned at the Article 8 of this Regulation for microbiological and chemical criteria in compliance with specific requirements for different types of products when the checks mentioned at the Points a and b of this Clause are pass according to regulations in force.

Article 13. Inspection items of fishery commodities intended for export

1. For live and fresh fishery products:

a) Conduct document checks of production and quality control records of the consignment;

b) Perform inspection of storage conditions, packaging, labeling; visual and organoleptic tests;

c) Take sample, if necessary for microbiological and chemical criteria for verification.

2. For other fishery products:

a) Perform inspections as laid down by the Points a and b, Clause 1 of this Article;

b) Take sample to analyze in the laboratories mentioned in the Article 8 of this Regulation for microbiological and chemical criteria in compliance with specific requirements for

different types of products when the checks mentioned at the Point of this Clause are pass according to regulations in force.

Article 14. Inspection items of fishery commodities intended for import

1. For fishery commodities to be imported for further processing:

a) Certify the Registration for customs clearance;

b) Check documents, storage conditions, packaging, labeling and perform visual and organoleptic tests at landing sites stated in the Registration;

c) Take sample to analyze in the laboratories mentioned in the Article 8 of this Regulation for microbiological and chemical criteria in compliance with specific requirements for different types of products when the checks mentioned at the Point a and point b of this Clause are pass according to regulations in force.

2. For recalled or rejected fishery commodities:

a) Certify the Registration for customs clearance;

b) Check documents, storage conditions, packaging, labeling and perform visual tests at landing sites;

c) According to risk assessments, take samples to analyze in the laboratories mentioned in the Article 8 of this Regulation for microbiological and chemical criteria in compliance with specific requirements for different types of products.

3. Post-import control:

a) FBO must make report to inspecting bodies on measures applied to the imported consignment and destination country.

b) Inspecting bodies verify the FBO's report i) by inspection of FHS conditions of FBO or ii) by inspection of consignments manufactured by imported raw materials or iii) by unexpected inspections (if need be).

Article 15. Issuance of health certificate

1. Following in-site inspection, deadlines for inspecting bodies to grant *Health Certificate* to compliant consignment are as below:

a) No later than 01 (one) working day for live and fresh products for export or domestic consumption;

b) No later than 10 (ten) working days for canned products;

c) No later than 07 (seven) working days for other products;

d) No later than 01 (one) working day since the date of receiving testing result from contract laboratories in case that inspecting bodies must send samples to the contract laboratories for analysis.

2. Certified items must be in accordance with inspected items; items which have not been inspected or fail testing result shall not be certified.

3. For export fishery commodities: Based on mutual recognition of inspection and certification capability, an inspecting body is allowed to grant health certificate for a consignment which has been inspected by another inspecting body. The health certificate shall be dated on the same day of receiving inspection result of consignment. The content of the health certificate is the same as the inspected items.

Article 16. Actions to non-compliant products

1. When non-compliance is detected, the inspecting bodies shall:

a) Deliver testing results to FBO no later than 01 (one) working day on receipt of testing results. Methods of delivery: direct or fax, email, then post service;

b) 3 (three) working days after delivering testing results directly or by fax, email, if there are no complaints on testing results, inspecting bodies deliver *Notification of non-compliance* as model in Appendix 2c to relevant FBO and require relevant competent authorities for coordination in corrective actions.

2. Inspecting bodies shall deliver *Notification of non-compliance* to FBO within 01 (one) working day since receipt of "fail" testing result. Methods of delivery: fax, email, then post service.

3. Following the *Notification of non-compliance*, FBO shall investigate contamination cause; establish appropriate corrective actions; assess effectiveness of corrective actions and make report to competent authorities according to assignment and decentralization.

4. Competent authorities conduct verification of report made by FBO. If necessary, competent authorities perform in-site verification.

Chapter III

EXEMPTION, RELAXATION AND INTENSIFICATION OF INSPECTION

Article 17. Conditions to be applied

1. Fishery commodities as stated at the Points a and e, Clause 1, Article 4 of this Regulation will be exempt from inspection in case of meeting requirements as laid down in the Article 18 of this Regulation.

2. Fishery commodities as stated at the Points b and d, Clause 1, Article 4 of this Regulation will be entitled to relaxed inspection in case of meeting requirements as laid down in the Article 20 of this Regulation.

3. Fishery commodities as stated at the Points a, b and d, Clause 1, Article 4 of this Regulation will be entitled to intensified inspection in case of violating provisions as stated in the Article 23 of this Regulation.

4. Fishery commodities as stated at the Point c, Clause 1, Article 4 of this Regulation shall comply with inspection scope and regime as laid down by specific Regulations of the Ministry of Agriculture and Rural Development.

Article 18. Conditions of inspection exemption

1. Fishery commodities manufactured by FBO in the list entitled to inspection exemption published and updated by the National Agro-Forestry-Fisheries Quality Assurance Department or;

2. Fishery commodities undergone inspection and certification prior to export.

Article 19. Procedure, content of inspection exemption

1. FBO submit Letter of Request for Inspection Exemption by model in the Appendix 1b.

2. No later than 01 (one) working day on receipt of the Letter of Request for Inspection Exemption, inspecting bodies shall check and verify relevant subjects and:

a) Deliver *Notification of Inspection Exemption* by model in the Appendix 2d of this Regulation if conditions laid down in the Article 18 of this Regulation are pass or;

b) Specify in the Letter of Request reasons of refusal and send back to FBO if conditions laid down in the Article 18 of this Regulation are fail.

Article 20. Conditions of inspection relaxation

1. For fishery commodities for export:

a) Within 12 months prior to request of relaxed inspection, FBO must have FHS condition constantly classed "A" and;

b) Conduct own-check of FHS conditions and submit the report to inspecting bodies in compliance with requirements of the National Agro-Forestry-Fisheries Quality Assurance Department and;

c) Within 12 months prior to request of relaxed inspection, FBO must:

- Have no consignments notified by competent authorities of importing countries as prescribed at the Point b, Clause 1, Article 4 of this Regulation regarding to violation of FHS requirements and;

- Have not been detected in violating regulations on anti-foreign bodies and/or abuse of additives implicated in weight gain, glazing percentage for purpose of trade fraud and;

- Have no consignments or products in domestic market detected to violate FHS standards relating to forbidden chemicals and antibiotics (pathogenic micro-organisms in ready-to-eat products) and;

d) Have laboratory capable to analyze biological parameters, conduct swab check and supervision of production chain, which are specified in the quality control programs of the FBO in compliance with requirements of the National Agro-Forestry-Fisheries Quality Assurance Department. For criteria that laboratories of the FBO are not capable to analyze, the FBO must send samples for analysis at laboratories designated by the Ministry of Agriculture and Rural Development.

e) For FBO entitled to relaxed inspection: FBO have not more than 2 (two) own check results of production records, quality control records, storage condition, visual and organoleptic tests, labeling or have own check results of biological and chemical analyses against testing results conducted by inspecting bodies in consignments under common inspection regime.

2. Fishery commodities imported for further processing must:

a) Have been certified for FHS by competent authorities which have signed arrangements of mutual recognition with Vietnam on inspection and certification of fishery commodities or have 5 (five) successive consignments of same products from same origin tested with satisfactory results within recent 6 (six) months and;

b) Originate from countries not having serious problem of FHS published by the Ministry of Agriculture and Rural Development in specific time.

3. During relaxed inspection regime, FBO shall not be entitled to relaxed inspection on violating provisions at Clauses 1 and 2 of this Article until they meet the following requirements:

a) Having report by FBO on contamination causes and appropriate corrective actions verified by inspecting bodies;

b) For export commodities: FBO must have 10 successive consignments to get through customs clearance in import countries as described at the Point b, Clause 1, Article 4 of this Regulation.

Article 21. Perform relaxed inspection to fishery commodities intended for export

1. Procedures for relaxed inspection:

a) FBO submit Letter of Request for fishery quality inspection relaxation by model in the Appendix 1c to inspecting bodies as described in the Article 5 of this Regulation;

b) No later than 20 (twenty) working days after receipt of the Letter of Request submitted by FBO, inspecting bodies conduct assessment of relevant dossiers, in-site verification at the FBO;

c) No later than 7 (seven) working days after in-site verification, inspecting bodies shall :

- Deliver Notification on FHS Inspection Relaxation by model in the Appendix 2e of this Regulation when results of dossier assessment and in-site inspection are pass;

- Deliver Refusal of FHS Inspection Relaxation by model in the Appendix 2f of this Regulation when results of dossier assessment and in-site inspection are fail.

2. Perform relaxed inspection:

a) Laboratories of FBO conduct own checks and keep all testing results in compliance with approved quality control program.

b) At least 5 (five) working days prior to expected day of health certificate receipt, FBO must submit Registration for FHS inspection and certification covering fishery consignment to inspecting bodies in compliance with provisions at the Article 11 of this Regulation. The Registration shall be enclosed with testing results of the consignments as described at the Point a, Clause 2 of this Article; declaration of all relevant information.

c) On assessing the Registration, inspecting bodies approve in the Registration, identify inspection regime (relaxed or common inspection) and deliver to the FBO. Inspecting bodies shall conduct common inspection for 01 (one) among 05 (five) successive consignments registered for inspection and certification as described at the Point b, Clause 2 of this Article. Conduct inspection and certification for consignments under common inspection regime as laid down in Chapter II of this Regulation.

d) For consignments under relaxed inspection regime: Within 01 (one) working day since receipt of the Registration, based on own check results of FBO; inspecting bodies check declaration in the Registration and issue health certificate by model laid down by importing countries.

Article 22. Perform relaxed inspection to fishery commodities to be imported for further processing

1. At least 5 (five) working days prior to expected day of health certificate receipt, FBO submit Registration for FHS inspection and certification covering fishery consignment to inspecting bodies in compliance with provisions at the Article 11 of this Regulation. The Registration shall be enclosed with declaration of all relevant information.

2. Perform relaxed inspection:

a) Check the Registration, identify inspection regime (relaxed or common inspection) in approved Registration and deliver to the FBO;

b) For all consignments registered for inspection: inspect storage conditions, packaging, labeling and perform visual tests at landing sites;

c) Perform organoleptic tests, biological and chemical analysis for 01 (one) among 05 (five) successive consignments registered for inspection and certification as described at the Clause 1 of this Article;

d) For consignments under relaxed inspection regime: No later than 01 (one) working day after in-site verification, inspecting bodies shall issue Health Certificates by models in the Appendix 2a or 2b of this Regulation.

Article 23. Cases of intensified inspection

1. Fishery commodities for export shall undergo intensified inspection when the involved FBO:

a) are under intensified inspection regime according to the Regulation on FHS inspection and certification to FBO promulgated by the Ministry of Agriculture and Rural Development.

b) have at least two consignments a year notified by competent authorities of importing countries for non-compliance with FHS requirements.

2. Fishery commodities for domestic consumption shall undergo intensified inspection when involved FBO:

a) are under intensified inspection regime according to the Regulation on FHS inspection and certification to FBO promulgated by the Ministry of Agriculture and Rural Development.

b) have notified by Vietnamese competent authorities for non-compliance with FHS requirements relating to non-permitted chemical and antibiotic residues and pathogenic micro-organisms (for ready-to-eat products).

3. Fishery commodities imported for further processing shall undergo intensified inspection when:

a) being imported from the countries notified of serious problems of non-permitted chemical, antibiotic residues or;

b) consignments of the same-specie, same-origin fishery products have been notified of non-compliance with FHS requirements.

Article 24. Procedure, content of intensified inspection

1. Inspecting bodies in written inform FBO of intensified inspection and specify reason of intensified inspection.

2. Subject of inspection: Apart from the subject of common inspection, fishery commodities subject to intensified inspection shall undergo additional inspections:

a) For fishery commodities for export: Double samples (in comparison with number of samples under common inspection) to analyze for criteria notified by competent authorities of importing countries or suspicious criteria.

b) For fishery commodities imported for further processing: Additionally analyze notified criteria or double samples (in comparison with number of samples under common inspection) to analyze for criteria notified for non-compliance.

c) For fishery commodities for domestic consumption: Double samples (in comparison with number of samples under common inspection) to analyze for criteria notified by Vietnamese competent authorities.

3. Intensified inspection shall be withdrawn when fishery commodities meet following requirements:

a) Involved FBO report corrective actions and assess effectiveness thereof verified and notified in written by inspecting bodies and;

b) For fishery commodities for export: Not violating provisions at Point a, Clause 1, Article 22 of this Regulation and testing results of at least 05 (five) successive consignments of same-specie products exported to the countries as described at the Point b, Clause 1, Article 4 of this Regulation are passed.

c) For fishery commodities for domestic consumption: Not violating provisions at Point a, Clause 2, Article 22 of this Regulation and testing results of at least 05 (five) successive consignments are passed.

d) For fishery commodities intended for import: Testing results of at least 05 (five) successive consignments of same-specie, same-origin products are passed.

Chapter IV

RESPONSIBILITIES AND POWERS

Article 25. Responsibilities and powers of the FBO

1. Responsibilities

a) To submit Registration for FHS inspection and certification to inspecting bodies within responsibilities as set down in the Article 5 of this Regulation;

b) To create favorable conditions for inspecting bodies to perform their inspection, take sample and fully supply relevant dossiers and documents;

c) Not to modify characteristics of the product, labeling from what have been registered, inspected and certified;

d) To be responsible for results of own checks for FHS criteria of fishery consignments entitled to relaxed inspection;

e) To take appropriate corrective actions to non-compliant, recalled or rejected consignments as requested by inspecting bodies and other competent authorities;

f) To pay inspection fee and certification charges according to the provisions of the Chapter V even if FBO do not receive Health Certificates or consignments are non-compliant.

2. Powers

a) To have right to choose inspecting bodies, laboratories to perform analysis relating to the cases mentioned at the Clause 2, Article 4 of this Regulation;

b) To benefit relaxed inspection in case of fully meeting requirements mentioned in this Regulation;

c) To have right to require inspecting bodies to provide with information, regulations, forms relating to FHS inspection and certification in compliance with this Regulation;

d) To have right to disagree with testing results; require to re-analyze saved samples for chemical criteria; appeal, denounce against non-compliance of inspectors, inspecting bodies, laboratories according to regulations in force.

Article 26. Responsibilities and powers of Inspectors

1. Responsibilities

a) To conduct FHS inspection and certification in compliance with assigned responsibilities;

b) To comply with inspection procedure; ensure accuracy, honesty and objectivity in inspection;

c) To keep secret all information related to FBO's business secrets;

d) To be responsible to the law and Leaders of inspecting bodies for inspection activities and inspection results.

2. Powers

a) To require FBO to provide with dossiers, samples for inspection; to photograph, reproduce, take notes of information necessary for inspection;

b) To come in and out of production places, keep, preserve and carry fish and fishery products for product inspection;

c) To make a report and seal samples in a specific period to send to competent authorities on finding out evidence of non-compliance of FBO;

d) To refuse inspection in the case that FBO do not respect the provisions at the Points a and b, Clause 1, Article 25 of this Regulation;

e) To propose measures to non-compliance.

Article 27. Responsibilities and powers of the inspecting bodies

1. Responsibilities:

a) To perform FHS inspection and certification of fishery commodities in compliance with the regulations within the scope of their assigned responsibilities; to ensure the accuracy, honesty and objectivity in inspection and certification;

b) To provide FBO with forms and instructions on Registration dossiers (if any) in compliance with this regulation;

c) To receive Registration for FHS Inspection and Certification, organize inspection, sampling, testing and issue Health Certificate or Notification of Non-compliance according to the procedure and provisions laid down by this Regulation;

d) To keep inspection and certification records for at least 2 (two) years and produce them as requested by other competent authorities;

e) To receive and settle in time FBO's complaints relating to FHS inspection and certification conducted by inspecting bodies themselves;

f) To be responsible for inspection results; content of Health Certificate and Notification of Non-compliance;

g) To pay for material damages due to their errors in inspection and certification in compliance with regulations in force;

h) To follow directions and guidance on professional activities; undergo periodic inspection and supervision of the National Agro-Forestry-Fisheries Quality Assurance Department concerning FHS inspection and certification;

i) To make quarterly and annual reports on inspection and certification activities to the National Agro-Forestry-Fisheries Quality Assurance Department.

j) To co-ordinate with other inspecting bodies in providing information as requested.

k) Collect inspection fee and certification charges in compliance with the provisions in the Chapter V.

2. Powers

a) To request FBO to supply dossiers relating to origin, FHS of consignments registered for inspection;

b) To take samples and check consignments in compliance with this Regulation;

c) To refuse inspection in the case that FBO do not respect the provisions in the Clause 1, Article 25 of this Regulation;

d) To request relevant FBO to take measures to non-compliant consignments, supervise the treatment and result; make report to the National Agro-Forestry-Fisheries Quality Assurance Department;

e) To require relevant competent authorities to take measures to FBO violating regulations on FHS inspection and certification.

Article 28. Responsibilities and powers of the laboratories

1. Responsibilities

a) To comply with analysis procedure, ensure laboratory's competency, keep secret all information of the FBO in compliance with regulations in force;

b) To ensure accuracy and objectivity of testing result; report testing results on schedule; be responsible for testing results.

c) To take part in proficiency testing programs as required by the National Agro-Forestry-Fisheries Quality Assurance Department.

d) To keep and preserve samples for at least 7 (seven) days since date of testing result for chemical parameters;

e) To keep dossiers, records related to laboratory activities for 2 years.

f) To pay for material damages due to their errors in analysis in compliance with regulations in force.

2. Powers

a) To refuse non-compliant samples. To refuse to analyze samples and for parameters beyond accredited scope.

b) To be supplied with information and trainings to improve testing capacity.

c) To collect testing fee in compliance with regulations in force.

Article 29. Responsibilities of the National Agro-Forestry-Fisheries Quality Assurance Department

1. To consistently guide professional and technical activities; to periodically inspect and supervise FHS inspection and certification conducted by inspecting bodies.

2. To consistently manage professional and technical activities; train, foster and issue Certificate for its employees in charge of FHS inspection and certification for fishery commodities nation-wide.

3. To organize receiving Registration, Assessment and Approval of Laboratories testing fishery products for chemical, biological parameters to serve FHS inspection and certification.

4. To update information on requirements of importing countries to supply FBO and inspecting bodies.

5. To make semi-annual reports to the Ministry of Agriculture and Rural Development and relevant agencies on FHS inspection and certification activities of fishery commodities nation-wide.

6. To periodically or unexpectedly inform the list below:

a) List of criteria subject to test and standards applied to each type/group of products as required by import countries;

b) List of analysis methods and Maximum Residue Limits (MRLs), standards of chemical and biological parameters relating to FHS of fishery commodities;

c) List of import countries as set down at Points b and c, Clause 1, Article 4 of this Regulation;

d) List of laboratories approved by the National Agro-Forestry-Fisheries Quality Assurance Department as capable to analyze criteria relating to FHS of fishery commodities.

7. To instruct forms and control method of Health Certificate to apply nation-wide.

8. To guide inspecting bodies to conduct relaxed inspection in compliance with this Regulation.

Article 30. Responsibilities of Provincial Department of Agriculture and Rural Development

1. To guide, instruct and check the implementation of this Regulation by inspecting bodies within their management.

2. To guide, disseminate and check the implementation of regulations laid down by the Ministry of Agriculture and Rural Development and professional and technical guidance of the National Agro-Forestry-Fisheries Quality Assurance Department.

3. To build up infrastructure and organizational system of inspecting bodies within their management to be competent to conduct FHS inspection and certification of fishery commodities in compliance with this Regulation within their responsibilities.

4. To co-ordinate with relevant agencies in the area to guide, disseminate and improve awareness on FHS within their management.

Chapter V

CHARGES AND FEES FOR INSPECTION AND CERTIFICATION

Article 31. Charges and fees

1. Inspecting bodies are allowed to collect charges and fees for FHS inspection and certification of fishery commodities in compliance with regulations in force laid down by the Ministry of Finance.

2. Inspection charge and certification fee shall be managed and used in compliance with regulations in force by the Ministry of Finance.

Chapter VI

COMPLAINTS, SETTLEMENT OF COMPLAINTS AND HANDLING OF VIOLATIONS

Article 32. Complaints and Settlement of complaints

1. No later than 3 (three) working days after completion of inspection or receiving testing results, FBO may make complaints about testing results or request the relevant inspecting bodies, laboratories to re-check the results.

2. Inspecting bodies receive, settle complaints, FBO's denouncement in compliance with Law on Complaints and Denunciations.

3. FBO bear all cost of re-testing saved samples in the case the re-testing results are not contrary to the result of initial testing.

4. In the case testing results of inspecting bodies, laboratories are incorrect, thereby cause damage to FBO, the later have the right to claim for compensation in compliance with regulation in force.

Article 33. Handling of violations

1. The violations of this Regulation shall be handled in compliance with the Governmental regulations on Administration violations in fishery field and relevant regulations.

2. The obstruction and opposition to inspecting bodies, violations of this Regulation which cause serious damages shall be considered for penal liability according to law.

Chapter VII

FINAL PROVISIONS

Article 34. Amendment

The National Agro-Forestry-Fisheries Quality Assurance Department and Provincial Departments of Agriculture and Rural Development are responsible for collecting recommendations from organizations and individuals on difficulties in implementing this Regulation to submit to the Minister of Agriculture and Rural Development for appropriate amendment.

FOR THE MINISTER

VICE-MINISTER

(signed and sealed)

Luong Le Phuong

Appendix 1a

SOCIALIST REPUBLIC OF VIETNAM

Independence-Freedom-Happiness

REGISTRATION

FOOD HYGIENE AND SAFETY INSPECTION OF FISHERY COMMODITIES

Identification No.:

FILLED BY THE CONSIGNOR					
1. Consignor:	2. Consignee:				
Address:	Address:				
Telephone No.: Fax:	Telephone No.: Fax:				
3. Place of dispatch:	4. Place of destination:				
5. The fishery products are entitled to:					
Domestic consumption Export to					
□ Transit □ Be recalled	Be rejected				
6. Description of goods:	7. Quantity:kg				
8. Processing establishment:	9. Consignment No.:				
Approval No. (if any):	Processing date:				
10. Registered date of inspection:	11. Supporting documents:				
Place of inspection:	-				
Trace of hispection.					
Register for:					
□ Official inspection					
□ Ordered inspection, specify:					
\Box Organoleptic test \Box Biological test \Box	Chemical test \Box Other (specify)				
FOR THE INSPECTI	NG BODY USE ONLY				
Registration: Accepted Refused					
Reasons of refuse:					
Supplementary documents:					
Final result:					
Inspection regime applied:					
	mmon inspection				
	mmon inspection Intensified inspection				
Proposed date of inspection:					
Proposed date of inspection:	nly valid for customs clearance. The consignor is to				
For import and transit goods, this Registration is of	nly valid for customs clearance. The consignor is to				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant d	nly valid for customs clearance. The consignor is to ocuments to the inspecting bodies for inspection and				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant d certification according to regulations in force.	ocuments to the inspecting bodies for inspection and				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant d certification according to regulations in force. Place, date//	Pocuments to the inspecting bodies for inspection and Place, date//				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant discortification according to regulations in force. Place, date/ For consignor	Place, date///				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant d certification according to regulations in force. Place, date//	Pocuments to the inspecting bodies for inspection and Place, date//				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant discortification according to regulations in force. Place, date/ For consignor	Place, date///				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant discortification according to regulations in force. Place, date/ For consignor	Place, date///				
For import and transit goods, this Registration is of submit goods checked by customs and all relevant discortification according to regulations in force. Place, date/ For consignor	Place, date///				

Establishment's name

SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom – Happiness

LETTER OF REQUEST

For exemption from food hygiene and safety inspection of fishery commodities

(Establishment's name).....request *(inspecting body)*..... to grant Notification of exemption from food hygiene and safety inspection to the following consignment for export/import toaccording to Article 17 of the Decision No. 118/2008/QD-BNN of 11 December 2008 of the Minister of Agriculture and Rural Development.

Details of the consignment:

Consignor:		Consignee:
Address:		
Telephone number:		
Processing establishment:		Place of dispatch:
Approval number:		
Address :		
Telephone number:		
Processing date:	Quantity (**) :	Place of destination :
	Weight :	
Lot identifier:		Description of goods:
Supporting documents:		
- Packing list;		
- Granted Health Certificate or	checked relevant doct	uments (if any)

Conclusion by the inspecting Notification of inspection ex	
Granted	emption
Refused	(specify
reasons)	

For the establishment (Signature, seal)

(signature, seal)

(*) filled by the establishment

(**) number of final packages (cartons, containers....)

Establishment's name

shment's name

.....

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Place, *date*/..../....

LETTER OF REQUEST

For relaxation of food hygiene and safety inspection of fishery commodities

Attn: (name of inspecting body).....

Pursuant to provisions in "Regulation on inspection and certification of food hygiene and safety of fishery commodities" issued together with the Decision No. 118/2008QD-BNN of 11 December 2008 of the Ministry of Agriculture and Rural Development, our establishment......apply for relaxed inspection as follows:

No.	Items	Quantity	Remarks
1	Inspection result of production condition (12 months prior to request date)	classified at grade A	
2	HACCP Team		In accordance with
2.1	Total number of members		HACCP Plan
2.2	Number of members trained on General HACCP		Trained by
2.3	Number of members competent in assessment of production condition		
3	Concerning food hygiene and safety: from (date)to (date)		
3.1	Number of exported consignments notified by importing coutries requiring official inspection and certification		Health Certificates thereof issued by the National Agro- Forestry-Fisheries Quality Assurance Department
3.2	Number of imported consignments of same species and origin passing inspection		
3.3	Number of detected violations of food hygiene and safety in domestic market.		

1. Quality control of the establishment:

2. Establishment's laboratory of chemical and microbiological analysis:

2.1. Full name, title of the responsible of the laboratory:

2.2. Laboratory staff

2.2.1. List of laboratory staff

No.	Full name	Date of birth	Qualification	Experience in laboratory (years)	Current duties	Note

2.2.2. Training courses

No.	Full name	Training content	Training institution	Time of training	Note

2.3. Main equipments

No	Equipmen t	Use d for	Frequency of audit/calibratio n	Date of latest audit/calibratio n	Audit/calibratio n organization	Not e

2..4. List of performed analysis

No.	Testing for	Testing method	Reference method	Number of tested samples/year	Type of sample	MRLs

2.5. Proficiency test

No.	Criteria	Year of participation	Organizer	Result

2.6. Laboratory quality management system accredited with:

IEC/ISO 17025 □

Other standards \Box (specify:

)

Your acceptance will be highly appreciated.

Recipients :

For the Establishment (Signature, seal)

- As above mentioned;

-

- File

Appendix 2a

SOCIALIST REPUBLIC OF VIETNAM

Independence-Freedom-Happiness



Name, address of the inspecting body

Fax:

Tel:

Email:

HEALTH CERTIFICATE

COVERING FISH AND FISHERY PRODUCTS AS FOODSTUFF

Identification No.:

I. DETAILS IDENTIFYING THE FISHERY PRODUCTS

- Description of goods:
 - Name of products:
 - Species (scientific name):
 - Farmed / wild captured fish:
- Type of packaging:
- Number of packages:
- Weight:
- Lot identifier:
- Temperature of storage, transport:

II. PROVENANCE OF THE FISHERY PRODUCTS

Name and address of processing establishment:

Approval number:

III. PLACE OF DISPATCH, DESTINATION OF THE FISHERY PRODUCTS

- Consignor:
- Consignee:
- Place of dispatch:
- Place of destination:
- Mean of transport (if any):

IV. ATTESTATION

Based on inspection result of (date)(inspecting body).... certify that the products described above are compliant with food hygiene and safety standards.

Place....., date **For the inspecting body** (signature, seal)

Appendix 2b

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness



Name, address of the inspecting body Fax:

Email:

HEALTH CERTIFICATE

COVERING FRESH / LIVE FISH AND FISHERY PRODUCTS

Identification No.:

I. DETAILS IDENTIFYING THE PRODUCTS

- Description of goods:

Tel:

- Name of products:
- Species (scientific name):
- Farmed / wild captured fish:
- Type of packaging:
- Number of packages:
- Weight:
- Lot identifier:
- Temperature of storage, transport:

II. PROVENANCE OF THE PRODUCTS

Name and address of processing establishment:

Approval number:

III. PLACE OF DISPATCH, DESTINATION OF THE FISHERY PRODUCTS

- Consignor:
- Consignee:
- Place of dispatch:
- Place of destination:
- Mean of transport (if any):

IV. ATTESTATION

Based on inspection result of (date)(inspecting body).... certify that the products described above have been inspected with pass results of the following criteria:

Place....., date **For the inspecting body** (signature, seal)

SOCIALIST REPUBLIC OF VIETNAM

Independence-Freedom-Happiness



Tel:

Name, address of the inspecting body Fax:

Email:

NOTIFICATION OF NON-COMPLIANCE

COVERING FISH AND FISHERY PRODUCTS AS FOODSTUFF

Identification No.:

Consignor:	Registered place of dispatch:
Registered consignee:	Register place of destination:
Description of goods:	Quantity:kg
Processing establishment:	Lot identifier:
Approval number (if any):	
	sults No.: date
(Inspecting	body)
Notify that the products described above, Registrat date are:	tion for Inspection thereof No. :,
NON-COMPLIANT WITH FOOD HYG	IENE AND SAFETY STANDARDS
Reason of non-compliance:	
Actions should be made by the consignor:	Deadline:
Place For the inspec	ting body
(singnature,	, seal)

Appendix 2d

SOCIALIST REPUBLIC OF VIETNAM

Independence-Freedom-Happiness



Name, address of the inspecting body Fax:

Tel:

Email:

NOTIFICATION

EXEMPTION FROM FOOD HYGIENE AND SAFETY INSPECTION OF FISHERY COMMODITIES

	Identification No.:			
Consignor:		Consignee:		
Address:				
Telephone number:				
Processing establishment:		Place of dispatch:		
Approval number:				
Address :				
Telephone number:				
Name of products:	Quantity:	Place of destination :		
	Weight :			
Lot identifier:		Description of goods:		
Based on the food hygiene and safety histo	ry of the establishm	ent and considering Letter of request		
datedof the establishment for inspection	on exemption, (insp	ecting body) notify that the products		
described above are entitled to exem				
fishery commodities.	1			
	, da	te		
	r the inspecting			
	r mo mopooning	, , , , , , , , , , , , , , , , , , ,		

Appendix 2e

MANAGEMENT ORGANIZATION INSPECTING BODY

Reference No. :....

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Place...., date......

NOTIFICATION OF INSPECTION RELAXATION

ON FISH AND FISHERY PRODUCTS

Attn: - (name of establishment).....

According to the Decision No. 118/2008/QD-BNN dated 11 December 2008 of the Minister of Agriculture and Rural Development promulgating "Regulation on inspection and certification of food hygiene and safety of fishery commodities";

Considering the request of; results of document check by the National Agro-Forestry-Fisheries Quality Assurance Department and in-site verification in the establishment on (date) .../...

(Inspecting body) inform that:

1. (Name of establishment)......Approval number:...... from (date)...., is compliant with the Decision No..... of the Minister of Agriculture and Rural Development and entitled to relaxation of food hygiene and safety inspection.

2. During the inspection relaxation period, the establishment and relevant agencies are responsible to fully implement the provisions stated in "Regulation on inspection and certification of food hygiene and safety of fishery commodities".

Recipients :

FOR THE INSPECTING BODY

Appendix 2f

MANAGEMENT ORGANIZATION INSPECTING BODY

Reference No. :....

SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom – Happiness

Place...., date......

REFUSAL OF INSPECTION RELAXATION

ON FISH AND FISHERY PRODUCTS

Attn: - (name of establishment).....

According to the Decision No. 118/2008/QD-BNN dated 11 December 2008 of the Minister of Agriculture and Rural Development promulgating "Regulation on inspection and certification of food hygiene and safety of fishery commodities";

Considering the request of; results of document check and in-site verification in the establishment on (date) .../.../...

(Inspecting body) inform that:

1. (Name of establishment)......Approval number:..... from (date)...., is non-compliant with the Decision No..... of the Minister of Agriculture and Rural Development and not entitled to inspection relaxation on food hygiene and safety.

2. Reasons of refusal:

.....

Recipients:

FOR THE INSPECTING BODY

IDENTIFICATION NUMBERING OF HEALTH CERTIFICATE

Identification numbering	Explanation
XX0000/00/YY	The numbering is applied to products for import and export and comprises 3 groups of letters and numerals without spaces:
	 a) The first group consisting of 02 letters is identifier of the inspecting body as laid down in Appendix 3b; b) The second group consisting of 04 or 05 numerals is ordinal number of papers granted by the inspecting body in the year; c) The third group consisting of 02 numerals following the slash is the year of granting papers; d) The fourth group consisting of 02 letters following the slash is signs of papers:
	Health Certificates: CN
	 Notification of non-compliance: KD Other certificates as required by consignors or importing countries: laid down by inspecting bodies.
00-0000/00/YY	The numbering is applied to products for domestic consumption and comprises 4 groups of letters and numerals as follows:
XX0000/00/YY	 e) The first group consisting of 02 letters is identifier of the inspecting body as laid down in Appendix 3c; f) The second group consisting of 04 or 05 numerals is ordinal number of papers granted by the inspecting body in the year; g) The third group consisting of 02 numerals following the slash is the year of granting papers; h) The fourth group consisting of 02 letters following the slash is signs of papers: Health Certificates: CN Notification of non-compliance: KD Other certificates as required by consignors: laid down by inspecting bodies.
XX0000/00/YY	The numbering is applied to products under ordered inspection and comprises 3 groups of letters and numerals without spaces:
	 i) The first group consisting of 02 letters as acronym of registered organization is identifier of the inspecting body designated by the Ministry; j) The second group consisting of 04 or 05 numerals is ordinal number of papers granted by the inspecting body in the year; k) The third group consisting of 02 numerals following the slash is the year of granting papers; l) The fourth group consisting of 02 letters following the slash is signs of papers: Health Certificates: CN

Notification of non-compliance: KD							
• Other certificates as required by consignors: laid down by							
inspecting bodies.							

Identifiers of the inspecting bodies under the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD)

No.	Name of the inspecting bodies	Identifier
1	NAFIQAD Branch 1	YA
2	NAFIQAD Branch 2	YB
3	NAFIQAD Branch 3	YC
4	NAFIQAD Branch 4	YD
5	NAFIQAD Branch 5	YE
6	NAFIQAD Branch 6	YK
7	NAFIQAD Branch 7	YH

Appendix 3c

No.	Province/City	Code	No.	Province/City	Code
1	An Giang	89	33	Kon Tum	62
2	Bac Lieu	95	34	Lai Chau	12
3	Ba Ria - Vung Tau	77	35	Lang Son	20
4	Bac Can	06	36	Lao Cai	10
5	Bac Giang	24	37	Lam Dong	<u>68</u>
6	Bac Ninh	27	38	Long An	80
7	Ben Tre	83	39	Nam Dinh	36
8	Binh Duong	74	40	Nghe An	40
9	Binh Dinh	52	41	Ninh Binh	37
10	Binh Phuoc	70	42	Ninh Thuan	58
11	Binh Thuan	<u>60</u>	43	Phu Tho	25
12	Cao Bang	04	44	Phu Yen	54
13	Ca Mau	96	45	Quang Binh	44
14	Can Tho	92	46	Quang Nam	49
15	Da Nang	48	47	Quang Ngai	51
16	Dac Lac	66	48	Quang Ninh	22
17	Dac Nong	67	49	Quang Tri	45
18	Dong Nai	75	50	Soc Trang	94
19	Dong Tháp	87	51	Son La	14
20	Dien Bien	11	52	Tay Ninh	72
21	Gia Lai	64	53	Thai Binh	34
22	Ha Giang	02	54	Thai Nguyen	19
23	Ha Nam	35	55	Thanh Hoa	38
24	Ha Noi	01	56	Hochiminh City	79
25	Ha Tinh	42	57	Thua Thien Hue	46
26	Hai Duong	30	58	Tien Giang	82
27	Hai Phong	31	59	Tra Vinh	84
28	Hau Giang	93	60	Tuyen Quang	08
29	Hoa Binh	17	61	Vinh Long	86
30	Hung Yen	33	62	Vinh Phuc	26
31	Khanh Hoa	56	63	Yen Bai	15
32	Kien Giang	91			

Code of Centrally Affiliated Provinces and Cities