

Unofficial English version

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT **SOCIALIST REPUBLIC OF VIET NAM**
Independence - Freedom - Happiness

No. 05/2013/TT-BNNPTNT

Hanoi, January 21, 2013

CIRCULAR

Amending some Articles of the Circular 13/2011/TT-BNNPTNT of March 16, 2011 guiding on the food safety control for imported foodstuff of plant origin

Pursuant to the Decree No. 01/2008/ND-CP of January 3, 2008 defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development; Decree No. 75/2009/ND-CP of September 10, 2009 amending Article 3 of the Decree No. 01/2008/ND-CP of January 3, 2008 defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Law on Food Safety No. 55/2010/QH12 approved by the National Assembly of Vietnam on June 17, 2010.

Pursuant to the Decree No. 38/2012/ND-CP of April 25, 2012 detailing the implementation of some articles of the Food Safety Law;

Considering the request of the Directors General of the National Agro-Forestry-Fisheries Quality Assurance Department and the Plant Protection Department;

Minister of Agriculture and Rural Development promulgates Circular amending some articles of the Circular 13/2011/TT-BNNPTNT of March 16, 2011 guiding food safety control for imported foodstuff of plant origin.

Article 1. Amendment to the Circular 13/2011/TT-BNNPTNT of March 16, 2011 guiding the food safety control for imported foodstuff of plant origin as follows:

1. Article 1, Paragraph 2 is replaced by the following:
“2. Foodstuff covered by this Circular shall be specified in the Decree No. 38/2012/ND-CP of April 25, 2012, Article 14, Paragraph 3 and Article 21, Paragraph 3 and its guiding documents.”
2. The following paragraph 6 is inserted in the Article 3:
“6. Foodstuffs served as samples for displaying at fairs and exhibitions.”
3. Article 5, Paragraph 1, Points a) and b) is amended as follows:
“a) Being produced by countries recognized by Vietnamese Competent Authorities to meet Vietnamese food safety requirements, foodstuffs imported for further processing for export are excluded;
b) Being packed or stored in proper means; labeled in compliance with labelling regulations in force”.
4. Article 10, first paragraph is replaced by the following:

"Exporting countries' Competent Authorities on Food safety of foodstuffs of plant origin (hereafter referred to as Competent Authorities of exporting countries) provide the National Agro-Forestry-Fisheries Quality Assurance Department with the registration documents in English or Vietnamese, including:"

5. Article 14, Paragraph 3 is inserted:

"3. Reduced inspection shall be applied in compliance with Food Safety Law, Article 39, Paragraph 2 and Decree 38/2012/BD-CP, Article 15. Inspection procedures shall be conducted in accordance with international treaties on mutual recognition of food safety certification to which Vietnam is a contracting party".

6. Article 27, Paragraph 4 is amended as follows:

"4. To set up annual inspection plan to imported foodstuffs and respective estimated expenses for free-of-charge services (allocated by state budget), join and strike a balance of these expenses to annual budget estimates of the Ministry of Agriculture and Rural Development in compliance with State Budget Law and its guiding documents."

7. Article 28, Paragraph 5 is amended as follows:

"5. To set up annual inspection plan to imported foodstuffs and respective estimated expenses for free-of-charge services (allocated by state budget), join and strike a balance of these expenses to annual budget estimates of the Ministry of Agriculture and Rural Development in compliance with State Budget Law and its guiding documents."

Article 2. Entry into force

1. This Circular shall come into force as of July 01, 2013.
2. Appendix 1 "List of foodstuffs covered by the Circular" (promulgated with Circular No. 13/2011/TT-BNNPTNT of March 16, 2011) shall be repealed.

Article 3. Responsibilities

Chief of Ministry Office, Director General of NAFIQAD, Director General of DPP, Heads of units under the Ministry and relevant organizations and individuals are responsible for implementing this Circular./.

Recipients:

- Office of the Government;
- Ministry leaders;
- National Gazette; Government website;
- MOH, MOF, MOIT;
- General Directorate Customs;
- Department of Examination of Legal Normative Documents of MOJ;
- People's Committees of provinces/cities under the Central management;
- Directorates, Departments, Inspectorate and Office of MARD;
- Departments of Agriculture and Rural developments of provinces/cities under the Central management;
- Files.

**FOR THE MINISTER
DEPUTY MINISTER**

(signed)

Nguyen Thi Xuan Thu