

**MINISTRY OF
AGRICULTURE AND RURAL
DEVELOPMENT OF
VIETNAM**

No. 32/2022/TT-BNNPTNT

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness**

Hanoi, December 30, 2022

CIRCULAR

**AMENDING CIRCULARS ON ASSESSMENT AND CERTIFICATION OF COMPLIANCE
WITH FOOD SAFETY REGULATIONS OF AGRO-FORESTRY-FISHERY FOOD
MANUFACTURING AND TRADING BUSINESSES UNDER THE MANAGEMENT OF
MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT**

Pursuant to the Law on Food Safety dated June 17, 2010;

Pursuant to the Law on Quality of Products and Goods dated November 21, 2007;

Pursuant to Decree No. 132/2008/ND-CP dated December 31, 2008 of the Government of Vietnam elaborating certain articles of the Law on Product and Goods Quality; Decree No. 74/2018/ND-CP dated May 15, 2018 of the Government amending Decree No. 132/2008/ND-CP; 13/2022/ND-CP dated January 21, 2022 of the Government amending Decree No. 132/2008/ND-CP and Decree No. 86/2012/ND-CP dated October 19, 2012 of the Government providing for detailed regulations and implementation guidance on certain articles of the Law on Measurement;

Pursuant to Decree No. 15/2018/ND-CP dated February 02, 2018 of the Government elaborating on certain Articles of the Law on Food Safety;

Pursuant to Decree No. 105/2022/ND-CP dated December 22, 2022 of the Government of Vietnam on functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development of Vietnam;

At the request of the Director General of the National Agro-Forestry-Fisheries Quality Assurance Department,

The Minister of Agriculture and Rural Development hereby promulgates the Circular amending Circulars on assessment and certification of compliance with food safety regulations of agro-forestry-fishery food manufacturing and trading businesses under the management of Ministry of Agriculture and Rural Development.

Article 1. Amendments to certain Articles of Circular No. 38/2018/TT-BNNPTNT dated December 25, 2018 of the Minister of Agriculture and Rural Development providing for assessment and certification of compliance with food safety regulations of agro-forestry-

fishery food manufacturing and trading businesses under the management of Ministry of Agriculture and Rural Development (*hereinafter referred to as “Circular No. 38/2018/TT-BNNPTNT”*) are as follows:

1. Amendments to Point b Clause 2 Article 10:

“b. Have already taken part in professional and skill training and refresher training courses in the assessment sector and other assessor training courses.”

2. Amendments to Article 11:

“Article 11. Fees

Collection of fees for the assessment serving the purposes of granting food safety certificates and fees for the assessment designed for the periodic evaluation of conformance to requirements for compliance with food safety regulations shall be subject to laws on fees and charges”.

3. Amendments to Clauses 3, 4 and 5 Article 17:

“3. Application documentation for food safety certificates shall comply with the regulations in Clause 1 Article 36 of the Law on Food Safety.

Regarding components of the documents prescribed in points b, d and dd Clause 1 Article 36 of the Law on Food Safety, the business shall send them when the documents are submitted or provide them to the assessment team while directly assessing the business.”

4. “3. Application documentation for food safety certificates shall comply with the regulations in Clause 1 Article 36 of the Law on Food Safety.

5. Reissue of food safety certificates shall comply with the regulations in Clause 2 Article 37 of the Law on Food Safety.”

4. Amendments to Article 18:

“Article 18. Grant of certificates of food safety training

1. Certificates of food safety training granted to business owners and food handlers shall be confirmed by the business owners.

2. Entities awarded certificates of food safety training include:

a) Business owners: The business owner or the person hired or authorized by the business owner to directly manage agro-forestry-fishery food business activities;

b) Food handlers: Persons directly involved in stages of manufacturing and trading of agro-forestry-fishery food products at businesses.”

5. Amendment to Clause 5 Article 24:

“5. Pay fees for the assessment serving the purposes of granting food safety certificates, fees for the assessment designed for the periodic evaluation of conformance to requirements for compliance with food safety regulations in accordance with regulations in force.”

6. Annul, amend and replace certain Clauses and Appendices of Circular No. 38/2018/TT-BNNPTNT as follows:

a) Annul Clause 7 of Article 17;

b) Annul Appendix V and Appendix VI;

c) Supplement Record of the assessment of conformance to requirements for compliance with food safety regulations of salt manufacturing businesses (Form No. BB2.8) to Appendix I enclosed herewith;

d) Replace Record of the assessment of conformance to requirements for compliance with food safety regulations of aquaculture facilities (Form No. BB 1.3 Appendix II of Circular No. 38/2018/TT-BNNPTT) by Form No. BB1.3 in Appendix I enclosed herewith; replace the Record of the assessment of conformance to requirements for compliance with food safety regulations of salt, iodized salt – Food salt processing businesses (Form No. BB 2.6 Appendix III of Circular No. 38/2018/TT-BNNPTNT) by Form No. BB 2.6 in Appendix I enclosed herewith; replace Record of the assessment of conformance to requirements for compliance with food safety regulations of salt trading businesses

Article 2. Amendments to certain Articles of Circular No. 48/2013/TT-BNNPTNT dated November 12, 2013 of the Minister of Agriculture and Rural Development on inspection and certification of the safety of fishery food products for export (*hereinafter referred to as "Circular No. 48/2013/TT-BNNPTNT"*):

1. Amendments to Article 1:

“Article 1. Scope

1. Application and procedure for assessment of food safety to add a fishery food business operator (*hereinafter referred to as “business operator”*) to the list of qualified exporters to countries and territories in which a certificate of safety of fishery food products for export granted by the National Argo – Forestry - Fisheries Quality Assurance Department (*hereinafter referred to as “NAFIQAD”*) is required (*hereinafter referred to as “list of qualified exporters”*); issuance and revocation of Certificate of eligibility for food safety (*hereafter referred to as “certificate of food safety”*) shall comply with regulations of the Law on Food Safety.

2. Application and procedure for assessment and issuance of certificate of safety of fishery food products for export (*hereinafter referred to as “certificate”*) at the request of the importing country or territory.”

2. Amendment to Point a Clause 1 of Article 2:

“a) Business operators have shipments exported to countries or territories in which certificates granted by NAFIQAD are required;”

3. Amendment to Point a Clause 3 of Article 2:

“a) Business operators have shipments consumed domestically; those have shipments exported to countries or territories in which certificates granted by NAFIQAD are not required;”

4. Amendments to Article 5:

“Article 5. Authorities in charge of assessment

Authorities in charge of assessment, issue and revocation of food safety certificates and authorities in charge of assessment and issue of certificates: Forestry - Fisheries Quality Assurance Department and other agencies and units affiliated to the Department (hereinafter referred to as “assessment authority”).”

5. Amendments to Article 6:

“Article 6. Requirements for inspectors and heads of assessment teams”

6. Amendments to Point b Clause 1 Article 6:

“b. Have already taken part in professional training and refresher training courses in accordance with the assessment sector and other assessor training courses.”

7. Amendments to Article 9:

“Article 9. Fees

Collection of fees for the assessment serving the purposes of granting food safety certificates to business operators, fees for the assessment serving the purpose of periodical evaluation of conformance to requirements for compliance with food safety regulations, fees for assessment serving the purpose of granting a Certificate for export shipments of fishery food products specified in this Circular shall comply with the applicable regulations.”

8. Amendment to the name of Chapter II:

“CHAPTER II. ASSESSMENT OF CONFORMANCE TO REQUIREMENTS FOR COMPLIANCE WITH FOOD SAFETY REGULATIONS”

9. Amendments to Article 10:

“Article 10. Application and report on changes of information

1. An application for the food safety certificate and addition to the list of qualified exporters prescribed in Clause 1 Article 36 of the Law on Food Safety includes:

a) Application form for granting food safety certificates using the Form prescribed in Appendix I; Report on material business operators, equipment and tools used for ensuring the conformance to requirements for compliance with food safety regulations under the corresponding schedule in Appendix II enclosed herewith;

b) Certificates of food safety training granted to business owners and food handlers confirmed by business owners; full health certificates of business owners and food handlers granted by district-level or higher-level healthcare facilities.

2. In case the application is rejected and the business operator is added to the list of qualified exporters, the business operator shall make a rectification report using the Form specified in Appendix III enclosed herewith.

3. In case of assessment serving the purpose of periodical evaluation of conformance to requirements for compliance with food safety regulations prescribed in Point a Clause 2 Article 12 hereof, the business operator shall send a report on the change in information using the corresponding schedule specified in Appendix II enclosed herewith.

4. The business operator shall send 01 application to the assessing agency in person or by post, by email or online. The business operator shall submit the documents specified in Point b Clause 1 of this Article when submitting its application or provide them for an assessors' team during site inspection.”

10. Amendments to Article 11:

"Article 11. Processing applications

1. Within 03 working days after receiving the application from the business operator, the assessing agency shall examine the adequacy and conformity of the application and guide the business operator to make an addition to the missing contents as well as a correction as prescribed.

2. The assessing agency shall notify the business operator of the scheduled time for carrying out site inspection within 07 working days after fully receiving the valid application.”

11. Amendments to Article 12:

“Article 12. Assessment forms

1. Assessment serving the purpose of granting food safety certificates and addition to the list of qualified exporters:

a) Assessment serving the purpose of granting food safety certificates: applicable to business operators that are not specified in Clause 1 Article 12 of Decree No. 15/2018/ND-CP dated February 02, 2018 of the Government elaborating certain Articles of the Law on Food Safety and do not have food safety certificates; business operators that have food safety certificates revoked; business operators that have food safety certificates valid for less than 06 months; business operators have changes in information of their food safety certificates due to the change in their food safety and quality management systems;

b) Assessment serving supplementation of the list of qualified exporters: applicable to business operators that are not specified in Point a Clause 1 of this Article and have not been added to the list of qualified exporters.

2. Business operators on the list of qualified exporters shall undergo periodic food safety assessment in the following cases:

a) The business operator wishes to export to an additional market that requires such a list; the business operator's food safety conditions are changed: undergo assessment after such business operator submits its application as prescribed in Clause 3 Article 10 of this Article.

b) Business operators that are not prescribed in Point a Clause 2 of this Article: undergo assessment without previous notice with a frequency of one time every 18 months for class 1 and class 2 business operators and of one time every 12 months for class 3 business operators."

12. Amendments to Point d Clause 1 Article 14:

"d) Taking of samples for verification of food hygiene control measures during the production process in accordance with Appendix IV issued together with this Circular."

13. Amendments to Article 17:

"Article 17. Processing of assessment results

Within 06 working days from the date on which the assessment ends, the assessing authority shall verify the assessment record. In particular:

1. Assessment serving the purposes of granting food safety certificates and addition to the list of qualified exporters:

a) With regard to a business operator which obtains a "passed" result (classes 1, 2 and 3), the assessment authority shall notice the result, grant a code according to Appendix VII enclosed herewith; add the business operator to the list of qualified exporters, consolidate to require the competent authority of the importing country to add the business operator to the list of business operators permitted to export to the corresponding market; grant a Food Safety Certificate using the Form prescribed in Appendix VI enclosed herewith for facilities which are not eligible for certificate exemption as prescribed in Point k Clause 1 Article 12 of Decree No. 15/2018/ND-CP

dated February 02, 2018 of the Government elaborating certain Articles of the Law on Food Safety.

b) With regard to a business operator which obtains a “failed” result (Class 4): the assessment authority shall notice the result, require the business operator to comply and submit a report on results after correct non-conformance; revoke the Food Safety Certificate that is still valid (if any).

2. Assessment serving the purpose of periodical evaluation of conformance to requirements for compliance with food safety regulations:

a) With regard to a business operator which obtains the “passed” results (classes 1, 2 and 3), the assessment authority shall notice the result, consolidate to request the competent authority of the importing country to update the information (if necessary);

b) With regard to a business operator which obtains a “failed” result (Class 4): the assessment authority shall notice the result, request the business operator to comply and submit a report on results after correct non-conformance; revoke the Food Safety Certificate that is still valid (if any).

3. Assessment with taking of samples for verification of food hygiene control measures during the production process:

a) Within 01 working day from the date on which it is concluded that the testing result fails to satisfy regulations, the assessing authority shall send a request to the business operator for correction to non-performance. The assessment authority shall define the time limit for corrective action of non-conformance and taking of sample for re-testing based on extent of non-conformance of the business operator.

b) If the result of re-testing fails to satisfy regulations, the assessment authority will decide to inspect surprisingly the conditions for food safety of the business operator.”.

14. Amendment to Clause 1 Article 18:

“1. A business operator will have its certificate of food safety revoked if it falls into the cases prescribed in Clause 2 Article 34 of the Law on Food Safety.”

15. Amendment to Point c Clause 1 of Article 19:

“c. The business operator applies for adjusting its name and address specified in the Certificate of Food Safety without changing the system for food safety and quality management.”

16. Amendment to Clause 1 Article 20:

“1. The program includes activities of assessment and issuance of certificate of fishery food products exported to countries and territories in which the competent authority of the importing

country requires NAFIQAD to assess and issue the certificate to shipments according to the list of countries and territories prescribed in Appendix IX of this Circular.”

17. Amendment to Point a Clause 3 of Article 20:

“a) Satisfy requirements for food safety of Vietnam;”

18. Amendments to Article 21:

“Article 21. List of qualified exporters

1. According to regulations of a importing country or territory or an agreement with the competent authority of importing country or territory, NAFIQAD shall make and update a list of qualified exporters in each import market if the business operator fulfills the criteria prescribed in Clause 3 Article 20 of this Circular.

2. A business operator will be taken out of the list of qualified exporters if:

a) The business operator sends a written request for withdrawing its name from the list of exporters;

b) The business operator fails to continuously satisfy criteria for taking part in the Program for certification of fishery food products for export as prescribed in Clause 3 Article 20 of this Circular or the competent authority of the importing country requests a withdrawal from the corresponding list of qualified exporters.”

19. Amendments to Clauses 2, 3 and 4 Article 22:

“2. NAFIQAD shall make a priority list of business operators that fulfill the following criteria until the time of consideration:

a) The business operator is defined in the list of qualified exporters;

b) The business operator is classified in class 1 or class 2 of conditions for food safety;

c) The business operator exports at least 5 shipments without any violations against food safety regulations detected by the competent authority of Vietnam or of the importing country during at least 03 months from the date on which the business operator is classified in class 1 or class 2.

3. A business operator will be removed from the priority list if:

a) The business operator does not maintain its conditions for food safety and is demoted to class 3 or class 4;

b) The business operator fails to obtain a certificate as prescribed in Point c Clause 1 Article 26 of this Circular;

c) The business operator has its shipments that fail to satisfy the criteria for food safety that are detected by the competent authority of Vietnam or of the importing country, including: microorganisms, parasites causing disease; residues of environmental pollutants, veterinary drugs, pesticides, chemicals, additives, processing aids, biological toxins, allergens;

d) The business operator faces an additional penalty for suspension of production or fixed-term suspension of its certificate of food safety as prescribed in laws on handling of administrative violation against food safety regulations.

4. A business operator may be inserted against to the priority list if:

a) The business operator satisfies the conditions prescribed in Point a and Point b Clause 2 of this Article;

b) The business operator has its shipments that are not detected in violation of food safety during at least 03 months after completing the report on results of investigating reasons and taking actions to correct non-performance that are approved by the assessment authority or after completely executing the Decision on suspension of production or measures to handle violations as prescribed by laws for the business operator prescribed in Point d Clause 3 of this Article.”

20. Amendment to Clause 1 Article 25:

“1. Each export shipment is granted a certificate using the corresponding form of the importing country and a certificate using the form of the country where the shipment is transmitted, temporarily imported and re-exported (on request) that have contents suitable to and consistent with the certificate of the importing country.”

21. Amendments to Article 26:

“Article 26. Business operators ineligible for issuance of certificates of their export shipments

1. The assessment authority shall not issue certificates for export shipments produced by the following business operators:

a) A business operator that is requested to suspend importing by the competent authority of the importing country or faces a penalty for suspension of certificate issuance and suspension of export according to regulations promulgated by the Ministry of Agriculture and Rural Development at the request of the importing country;

b) A business operator is classified in class 4 of food safety;

c) A business operator is suspended from production as prescribed in Article 30 and Article 33 of the Law on Product and Goods Quality or regulations of the Government on handling of administrative violations against food quality and safety regulations.

2. The business operators specified in Clause 1 of this Article shall be continued to be granted certificates when they satisfy the following requirements:

- a) The business operator has taken actions to correct non-performance according to the request of the assessment authority and the corrective action's effectiveness is verified and confirmed by the assessment authority. Besides, the business operator has its suspension of import eliminated by the competent authority of the importing country or territory;
- b) The business operator specified in Point b Clause 1 of this Article must obtain the "passed" result of the food safety assessment;
- c) The business operator prescribed in Point c Clause 1 of this Article must have completely executed the Decision on suspension of production or measures to handle violations as prescribed by laws.

22. Amendment to Point c Point d Clause 1 of Article 27:

"c) The rate of taking of samples for verification shall be identified according to classification of conditions for food safety; history of ensuring food safety; risks of products; scale and power or production of the business operator according to regulations in Appendix X enclosed herewith.

According to the analysis of risks or new regulations of the importing country, NAFIQAD shall report to the Ministry of Agriculture and Rural Development to consider adjusting and updating the contents prescribed in regulations in Appendix X accordingly;

d) Position of taking of samples: On production lines, at warehouses of a producer or other warehouses meeting conditions for food safety as prescribed by the corresponding importing country."

23. Amendments to Point a Point b Clause 1 Article 28:

"a) Within 2 days from the date on which the shipment is exported or on the basis of regulations of the importing country on the date of issuing the certificate, the owner shall apply for granting a certificate using the form prescribed in Appendix XII enclosed herewith;

b) The owner shall send an application to the assessment authority in person, by post, by email (the original document shall be sent subsequently) or via online registration;"

24. Amendment to Clause 2 Article 28:

"2. Assessment and issuance of certificates:

Within 01 working day after receiving sufficient information, the assessment authority shall process the application and issue a certificate for the export shipment, a certificate for the shipment transited, temporarily imported and re-exported using the corresponding form (on request) that are conformable with the certificate of the importing country on the basis of

reviewing the food safety inspection results specified in Article 27 of this Circular or reject the application and provide explanation.”

25. Amendment to Clause 3 Article 29:

“3. The owner shall send an application to the assessment authority in person, by post, by email (the original document shall be sent subsequently) or via online registration;”

26. Amendment to Clause 1 Article 30:

“1. The assessment authority shall assign inspectors to assess and take samples of the shipment within 02 working days from the date requested by the owner or the date agreed by the owner and the assessment authority.”

27. Amendment to Clause 3 Article 31:

“3. Within 03 working days from the date on which the report of the business operator is received, the assessment authority shall verify the contents of the report and send a written notice about the assessment result to the business operator. If the verification must be carried out at the business operator, the assessment authority shall comply and notify the business operator of the result within 07 working days from the date on which the report of the business operator is received.”

28. Amendments to Article 32:

“Article 32. Assessment and issuance of certificates

1. Within 02 days from the date on which the shipment is exported or on the basis of regulations of the importing country on the date of issuing the certificate, the owner shall provide in writing sufficient information defined in the form of certificate according to the requirement of the competent authority of the importing country or territory to the assessment authority which shall consider issuing the certificate. Within 01 working day from the date on which the sufficient information is received, the assessment authority shall issue the certificate to the export shipment, the certificate to the shipment transited, temporarily imported and re-exported using the corresponding form (on request) if the assessment or testing results of the shipment are satisfactory. If the shipment includes live/fresh/chilled fishery food products, The assessment authority shall be permitted to issue certificate to the shipment pending the testing results and handle the testing results as prescribed in Clause 2 Article 31 of this Circular.

2. After 90 days from the date of assessment, if the owner does not provide sufficient information to the assessment authority which shall consider assessing and issuing the certificate, the owner must apply for assessment as prescribed in Article 29 of this Circular.”

29. Amendments to Article 33:

“Article 33. Reissuance of certificates

1. If the certificate is lost or damaged or changed (except for changes in identity of the product, volume, specification, origin tracing of the shipment, assessed and certified contents about food quality and food safety/aquatic disease safety specified in the issued certificate) or there is a request of the competent authority of the import/ transit/temporary import and re-export country or territory, the owner shall make a written request for reissuance of the certificate in which the reasons for the request must be clarified and submit it to the assessment authority in person, by post or by email.

2. The assessment authority shall reissue the certificate within 01 working day from the date on which the written request of the owner is received or issue a written refusal to reissue with clear reasons for that and send it to the owner.

3. The reissued certificate includes the certified contents about the identity of the product, volume, specification, origin tracing of the shipment that are the same as those of the original certificate; it is numbered according to the regulations in Appendix XI enclosed herewith and has a note: "Chứng thư này thay thế cho Chứng thư số ..., cấp ngày ..." ("This certificate replaces the Certificate No. [] issued on []") or is noted as prescribed by the import/transit/temporary import and re-export country."

30. Amendments to Article 35:

“Article 35. Supervision of the shipment post assessment and certification

1. The assessment authority shall supervise the shipment post assessment and certification through the following activities:

a) Cooperate with the Customs authority;

b) Combine the assessment of the conditions for food safety for the business operator; assessment and certificate of the export shipment; verification and evaluation of the tracing and investigation of reasons, establishment and taking of corrective actions if the business operator's product or shipment fails to satisfy food safety requirements;

c) Conduct thematic verification, inspection and supervision at the direction of the Ministry of Agriculture and Rural Development.

2. The supervision contents: consider the consistency in information, documents and dossiers on origins of materials, production and processing process of the shipment post verification and certification with those declared by the owner, factual information of the shipment that had been exported or the shipment at the place of assembly/place where the shipment is stored pending export.

3. If any violation is detected, the assessment authority shall consider, prepare and submit a record and a minute of administrative violation to the person competent to handle administrative violations as prescribed by the applicable regulations of law; submit a document on termination of the issued certificate to the relevant parties in the same time.”

31. Amendments to Article 36:

“Article 36. Dealing with cases in which the shipment is warned

1. Within 03 working days from the date on which the official warning of the competent authority of the importing country is issued, the assessment authority shall send a written request for the following contents:

a) Conduct traceability of the shipment, investigate the reasons for shipment’s failures to ensure the food safety; set up and take the corrective action and submit a report to the assessment authority using the Form in Appendix XVII enclosed herewith. Conduct traceability, withdraw and handle products that do not satisfy the food safety regulations (for cases of withdrawal) according to Circular No. 17/2021/TT-BNNPTNT dated December 20, 2021 of the Minister of Agriculture and Rural Development providing for traceability, withdrawal and handling of food products that do not satisfy the food safety regulations under the management of the Ministry of Agriculture and Rural Development;

b) Suspend the export to the corresponding importing countries in case of request of the competent authority of the importing country or according to the regulations of the Ministry of Agriculture and Rural Development;

c) Comply with the regulations on taking of samples for testing of violating food safety standards and be under the supervision of taking corrective action of the assessment authority for each export shipment of the corresponding violating product that is produced by the business operator until the assessment authority accepts in writing the report on results of the investigation and corrective action of the business operator.

2. Within 03 working days from the date on which the report on results of the investigation and corrective action of the business operator is received, the assessment authority shall verify the contents of the report and send a written notification of the results of verification to the business operator. If the verification must be carried out at the business operator, the assessment authority shall carry out and notify the business operator of results within 07 working days from the date on which the report of the business operator is received.”

32. Amendment to Point a Clause 1 of Article 37:

“a) Send an application to the assessment authority in accordance with regulations of this Circular in order to be assessed; carry out the assessment according to the plan of the assessment authority;”

33. Amendments to Article 39:

“Article 39. Inspectors assessing food safety

1. Responsibilities:

- a) Comply with regulations on contents of, procedures, measures and bases for assessment of food safety of the business operator in accordance with regulations of this Circular;
- b) Ensure the security of information related to production and business of the business operator and ensure the accuracy, transparency, honesty, objectivity and non-discrimination during the process of performance of the tasks;
- c) Not make a request for contents outside the regulations to create difficulties for the business operator;
- d) Comply with the assignment of the head of assessment team and the head of the assessment authority; be accountable to the head of assessment authority and take the legal responsibility for the result of assessment.

2. Entitlements:

- a) Request the business operator to provide documents and samples/specimens (if any) serving the assessment;
- b) Come in and out places of production and preservation and warehouse; process the application, take samples, take photos and record necessary information to serve the assessment;
- c) Make a record and propose measures for taking action against violations of regulations on food safety of the business operator;
- d) Reserve his/her personal opinions and report to the assessment authority if he/she does not agree about the conclusion of the head of assessment team prescribed in Point b, Clause 2 Article 40 of this Circular.”

34. Addition of Article 39a:

“Article 39a. Inspectors assessing and certifying the food safety and quality

1. Responsibilities:

- a) Comply with regulations on contents of, procedures, measures for assessment and taking of samples for verification of food hygiene control measures, taking of samples for testing of the export shipment in accordance with regulations of this Circular;
- b) Ensure the security of information related to production and business of the business operator and ensure the accuracy, transparency, honesty, objectivity and non-discrimination during the process of performance of the tasks;
- c) Not make a request for contents outside the regulations to create difficulties for the business operator;

d) Be accountable to the head of assessment authority and take the legal responsibility for the result of assessment.

2. Entitlements:

a) Request the owner to provide documents, dossiers and samples (if any) serving the assessment and taking of samples for certification;

b) Come in and out places of production and preservation and warehouse; process the application, take samples, take photos and record necessary information to serve the assessment;

c) Make a record and propose measures for taking action against violations of regulations on food safety and quality of the owner and producer;

d) Refuse to carry out assessment in case the owner or producer does not completely fulfill its responsibilities as prescribed in Point b and Point c Clause 1 Article 38 of this Circular.”

35. Amendments to Article 40:

“Article 40. The head of an assessment team

1. During the process of performance of assigned tasks, apart from the responsibility of an inspector prescribed in Clause 1 Article 39 of this Circular, the head of an assessment team shall:

a) Direct and assign tasks to assessors of the assessment team in order to fully implement contents if the decision on establishment of the assessment team;

b) Analyze opinions and results of the assessment given by assessors of the assessment team and come to the final conclusion and specify it in the assessment record;

c) Review and sign in the assesment record, report on the result of inspection and be accountable to the head of the assessment authority and take legal responsibility for the result given by the assessment team.

2. During the process of performance of assigned tasks, apart from the entitlement of an inspector prescribed in Clause 2 Article 39 of this Circular, the head of an assessment team has the power to:

a) Suggest the head of assessment authority to issue a decision on change of the assessment team’s members in order to fully implement contents of the decision on establishment of the assessment team;

b) Come to the final conclusion of the assessment team about the result of assessment.”

36. Amendments to Point b Clause 1 Article 41:

“b) Provide a training in profession related to processing of application, actual assessment visit, issuance of certificate of food safety as well as assessment and issuance of certificate of the export shipment of fishery food products for inspectors;

37. Amendments to the following phrases:

a) Replace the phrase “inspection” by “assessment” in the following Points, Clauses, Articles and Appendices: Point b Clause 1, Clause 2, Point c Clause 3 Article 2; Clause 3 Article 3; Article 4; Point b Clause 1, Clause 2 Article 6; Article 13; Article 14; Article 15; Name of Chapter III; Point b Clause 1, Clause 2 Article 23; Clause 1 Article 29; Article 30; Article 31; Article 37; Article 38; Article 41; Article 42; Article 43; Schedules 5b-1, 5b-2, 5b-3, 5b-4, 5b-5, 5b-6, 5b-7, 5b-8 enclosed with Appendix V of Circular No. 48/2013/TT-BNNPTNT;

b) Replace the phrase “inspection authority” by “assessment authority” in the following Points, Clauses, Articles and Appendices: Clause 1 Article 13; Point e Clause 1 Article 15; Clause 6 Article 22; Clause 1, Clause 2 Article 23; Point c Clause 3 Article 24; Clause 2, Clause 3 Article 27; Clause 5 Article 29; Clause 1, Clause 2 Article 31; Article 34; Point dd Clause 1, Point c Clause 2 Article 37; Article 38; Point c Clause 2 Article 41; Article 42; Point c Clause 1 Article 43; Appendices VIII, XV, XVI of Circular No. 48/2013/TT-BNNPTNT;

c) Annul the phrase “charges” in Point g Clause 1 of Article 37;

d) Annul the phrase “inspection post granting certificate of food safety” in Point a and Point c clause 1 of Article 41;

dd) Replace the phrase “instruction, inspection, assessment and evaluation for classification” by “instruction in assessment of food safety” in Appendix V, Schedules 5b-1, 5b-2, 5b-3, 5b-4, 5b-5, 5b-6, 5b-7, 5b-8 enclosed with Appendix V of Circular No. 48/2013/TT-BNNPTNT.

38. Replace Appendix I by Appendix II enclosed herewith; Appendix II by Appendix III enclosed herewith; Appendix III by Appendix IV enclosed herewith; Appendix IV by Appendix V enclosed herewith; Appendix VI by Appendix VI enclosed herewith; Appendix VII by Appendix VII enclosed herewith; Appendix IX by Appendix VIII enclosed herewith; Appendix X by Appendix IX enclosed herewith; Appendix XI by Appendix X enclosed herewith; Appendix XII by Appendix XI enclosed herewith; Appendix XIII by Appendix XII enclosed herewith; Appendix XVII by Appendix XIII enclosed herewith.

Article 3. Entry into force

1. This Circular comes into force from February 15, 2023.

2. Circular No. 02/2017/TT-BNNPTNT dated February 13, 2017 of the Minister of Agriculture and Rural Development on amendments to some Articles of Circular No. 48/2013/TT-BNNPTNT dated November 12, 2013 on inspection and certification of the safety of fishery food products for export; Circular No. 16/2018/TT-BNNPTNT dated October 29, 2018 amending certain Articles of Circular No. 48/2013/TT-BNNPTNT dated November 12, 2013 of

the Minister of Agriculture and Rural Development and Circular No. 02/2017/TT-BNNPTNT dated February 13, 2017 of the Minister of Agriculture and Rural Development amending certain Articles of Circular No. 48/2013/TT-BNNPTNT are invalid from the date on which this Circular comes into force.

3. The application for assessment and certification of food safety or assessment and certification of a shipment of fishery food products submitted before the date on which this Circular comes into force shall comply with the regulations of law that are effective at the date of submitting the application.

4. In case the legislative documents referred to this Circular are amended or replaced, the newest document shall be applied.

5. Difficulties arising in the period of implementation of this Circular should be promptly reported to the Ministry of Agriculture and Rural Development (via NAFIQAD) for consideration and decision./.

**PP. MINISTER
DEPUTY MINISTER**

Tran Thanh Nam

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