

**THE MINISTRY OF
AGRICULTURE AND RURAL
DEVELOPMENT**

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

No. 21/2015/TT-BNNPTNT

Hanoi, June 8, 2015

CIRCULAR

PESTICIDE PRODUCT ADMINISTRATION

Pursuant to the Government's Decree No. 199/2013/NĐ-CP dated November 26, 2013 on defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Law on Plant Protection and Quarantine No. 41/2013/QH13 dated November 25, 2013;

Pursuant to the Law on Chemicals No. 06/2007/QH12 dated November 21, 2007;

Pursuant to the Law on Product and Commodity Quality No. 06/2007/QH12 dated November 21, 2007;

Pursuant to the Law on Technical Regulations and Standards No. 68/2006/QH11 dated June 29, 2006;

Pursuant to the Government's Decree No. 14/2015/NĐ-CP dated February 13, 2015 on providing instructions on the implementation of several articles of the Law on Railroad;

Pursuant to the Government's Decree No. 104/2009/NĐ-CP dated November 9, 2009 on stipulating the list of hazardous cargos and hazardous cargo transportation by road vehicles;

Pursuant to the Government's Decree No. 26/2011/NĐ-CP dated April 8, 2011 on making amendments to several articles of the Government's Decree No. 108/2008/NĐ-CP dated October 7, 2008 on providing instructions on the implementation of several articles of the Law on Chemicals;

Pursuant to the Government's Decree No. 181/2013/NĐ-CP dated November 14, 2013 on specifying the implementation of several articles of the Law on Advertising;

After considering the request of the Director of Plant Protection Department;

The Minister of Agriculture and Rural Development hereby promulgates the Circular on plant protection product administration

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Circular stipulates pesticide product administration practices, including registration; testing; manufacturing; export, import; quality control; certificate of conformity and declaration of conformity; storage, transportation; application; labeling; packaging; advertising; recall or eradication of pesticide products in Vietnam.

Article 2. Applicable entities

This Circular shall apply to domestic and foreign organizations or individuals carrying out operations related to pesticide products in Vietnam.

Article 3. Interpretation of terms

Terms used herein shall be construed as follows:

1. *Biological efficacy testing* refers to evaluation of efficacy in preventing, eliminating harmful organisms or regulating the growth of plants (inclusive of the plant safety).
2. *Testing for determination of quarantine period* refers to calculation of the time period (per days) from the most recent application of a pesticide product to the crop harvesting which a pesticide product user is required to carry out to meet food safety requirements.
3. *Pesticide product quality control* refers to estimation of content of active ingredients, formulations or volume of impurities likely to harm plants, human beings or pollute environment (if any); content of

additives which help increase the pesticide product safety to humans, plants (if any); chemico-physical features pertaining to both the biological activity and the pesticide product safety.

4. *Imported pesticide product batch* refers to a collection of commodity pesticide products of the same sort in specified quantities which have the same names, effects, labels, classes and technical specifications, are made by the same manufacturer and supported by the same import documentation as well as are imported at the same time.

5. *Biological pesticide product* refers to a class of pesticide products containing effective ingredients which are living organisms or substances derived from microorganisms, plants or animals.

6. *Chemical pesticide product* refers to a class of pesticide products containing active ingredients which are inorganic or synthetic organic chemicals.

Article 4. Fees and charges

Organizations or individuals carrying out their operations relating to pesticide products must pay fees or charges in accordance with legal regulations on fees and charges.

Chapter II

PESTICIDE PRODUCT REGISTRATION

Section 1. GENERAL PROVISIONS ON PESTICIDE PRODUCT REGISTRATION

Article 5. General principles of pesticide product registration

1. All of pesticide products used for deterring or killing organisms harmful to plants, regulating the growth of plants, storing plants, disinfecting warehouses, killing termites causing damage to architectural structures, dykes or embankments; killing weeds on uncultivated lands; increasing their safe and effective use (specific commercial names also defined), must be registered into the comprehensive list of plant protection products permitted in Vietnam (hereinafter referred to as the list).

2. Domestic or foreign organizations or individuals (including their representative offices, companies, branches licensed to carry out pesticide product business operations in Vietnam) manufacturing pesticide active ingredients (hereinafter referred to as active ingredient), technical pesticide products (hereinafter referred to as technical pesticide) or Formulated pesticide products made from technical pesticides (hereinafter referred to as Formulated pesticide product) shall be allowed to directly use their names to apply for the pesticide product registration manufactured at their own expenses.

3. Organizations or individuals manufacturing active ingredients, technical pesticides or Formulated pesticide products that do not directly use their names to apply for such registration shall be permitted to authorize only one eligible organization or individual stipulated in Clause 3 Article 50 of the Law on Plant Protection and Quarantine to bear its name on the registration of each of their own pesticide products.

4. The authorized organization or individual as mentioned above shall be allowed to act on behalf of only one manufacturer of active ingredients, technical pesticides or Formulated pesticide products to apply for the registration of specific active ingredients, technical pesticides or formulated pesticide products.

5. Registration certificate holder:

a) Be entitled to register 01 commercial name for each active ingredient, technical pesticide or Formulated pesticide product used for deterring or killing harmful organisms or regulating the growth of plants. If these active ingredients, technical pesticides or Formulated pesticide products are used to disinfect warehouses or storage facilities, store plants, kill termites causing damage to buildings, dykes or embankments, or treat seeds, they are subject to another commercial name registration;

b) Only register 01 specified content of active ingredient used for each formulation of a pesticide product;

c) Have the right to carry out the transfer of commercial names. This transfer shall be governed under the provisions of Point 2, 3 and 4, and Point a, b Clause 5 of this Article;

d) Avoid any change made to commercial names of pesticide products defined in the List, except when a competent intellectual property authority or a court judge in writing that such names have breached regulations on commodity labels;

dd) Be allowed to change the manufacturer's name written on the registration certificate of pesticide products if that manufacturer ceases to provide products, or the manufacturer and the authorized organization or individual give the written mutual consent to authorization termination.

6. Only after 05 years from the official grant of the initial registration certificate of pesticide products containing active ingredients which have not been specified in the List, other organizations or

individuals shall be allowed to apply for additional registration of new commercial names for pesticide products containing such active ingredients.

7. Administration of pesticide products formulated by ingredients being a combination of chemical and biological substances shall be the same as that of chemical products.

Article 6. Pesticide products banned for registration in Vietnam

1. Pesticide products specified in the List of pesticide products banned for use in Vietnam (hereinafter referred to as the banned list).

2. Formulated pesticide products or pesticide active ingredients with acute toxicity class-I or class-II as classified in the globally harmonized system of classification and labeling of chemicals (hereinafter referred to as GHS), except for biological pesticide products or pest steam cleaner, rodenticides; termiticides used for killing termites to protect buildings, dykes or embankments; pest control products used for preserving food or herbal forestry products.

3. Pesticide products which pose high risks to human health, domestic animals, ecosystem and environment, including:

a) Pesticide products subject to warnings issued by the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Program (UNEP), the World Health Organization (WHO); pesticide products specified in the Appendix III of the Rotterdam Convention;

b) Chemical pesticide products being a combination of a wide classes of pesticides with various effects (killing pests, weeds, eradicating diseases and regulating growth), exclusive of seed treatments;

c) Pesticide products containing human pathogens;

d) Pesticide products causing genetic mutation, cancer diseases and intoxicating human reproduction;

dd) Chemical pesticides registered to be used to exert effects, such as controlling plant pests or regulate the growth of fruit trees, tea plants, vegetables, or storing post-harvest agricultural produce, and causing the acute toxicity of active ingredients or formulations classified into class III and IV in the GHS, or organochlorine classes, and subject to quarantine in more than 07 days.

4. Pesticide products bearing their commercial names identical to the names of active ingredients or the commercial names of other pesticides as defined in the List.

5. Methyl bromide pesticides.

6. Pesticide products registered to exert such effects as controlling organisms other than the ones harmful to plants in Vietnam.

7. Pesticide products invented but not yet licensed in overseas countries.

Article 7. Pesticide products removed from the List

1. Pesticide products are removed from the List under the following circumstances:

a) Pesticide products that fall within one of the cases governed under the provisions of Clause 2 Article 49; Point b, c Clause 1 Article 54 of the Law on Plant Protection and Quarantine;

b) Pesticide products specified in the Appendix III of the Rotterdam Convention, or subject to warnings issued by FAO, UNEP and WHO.

2. Procedure for removal of pesticide products from the List

a) With respect to pesticide products governed under the provisions of Point b Clause 1 of this Article, the Plant Protection Department shall submit a written report and proposal to the Minister of Agriculture and Rural Development to apply for permission to remove these pesticide products from the List;

b) With respect to pesticide products governed under the provisions of Point a, b Clause 2 Article 49 of the Law on Plant Protection and Quarantine, the Plant Protection Department shall aggregate information, establish the Science Council to consider and advise removal of these pesticide products from the List, and send a report and proposal to the Ministry of Agriculture and Rural Development to apply for permission to remove them from the List. The Minister of Agriculture and Rural Development shall make a decision on this removal;

c) With respect to pesticide products governed under the provisions of Point c Clause 2 Article 49, and Point b, c Clause 1 Article 54 of the Law on Plant Protection and Quarantine, the Plant Protection Department shall submit a written request to the Minister of Agriculture and Rural Development for removal of these pesticide products from the List.

3. Pesticide products governed under the provisions of Point b Clause 1 of this Article, and Point a, b Clause 2 Article 49 of the Law on Plant Protection and Quarantine, shall only be manufactured or imported within a maximum period of 01 year, and traded or used within a maximum period of 02

years from the date on which the decision to remove such pesticide products from the List issued by the Ministry of Agriculture and Rural Development has been brought into effect.

Article 8. Manner of registration

1. The official registration shall be applicable to the followings:

- a) Pesticide products containing active ingredients which have not been already specified in the List, or those with the new combination in terms of the ratio and composition of ingredients that already exist in the List invented by organizations or individuals and registered for use in overseas countries;
- b) Pesticide products containing active ingredients which have not been already specified in the List, or those with the new combination in terms of the ratio and composition of ingredients that already exist in the List domestically invented by organizations or individuals, and recognized as a class of pesticide product by the Plant Protection Department upon the request of the Science Council established by this Department.

2. The supplemental registration shall be applicable to the followings:

- a) Pesticide products with commercial names specified in the List but supplemented with the scope of application, dosage change, application method, formulation type and change of active ingredient content;
- b) Pesticide products containing active ingredients specified in the list but registered with different commercial names.

Section 2. ISSUANCE, REISSUANCE OF PESTICIDE TESTING

Article 9. General principles of issuance of the permit for pesticide testing

1. In order to be registered into the List, pesticide products must be accredited by the permit for pesticide testing granted by the Plant Protection Department (hereinafter referred to as the testing permit) under the provisions of Article 10, 11 hereof, and testing must be conducted under the provisions of Chapter III hereof.

2. The testing permit shall be granted to biological pesticide products under the following circumstances:

- a) Biological pesticide products only require large-scale biological efficacy testing, and are not subject to the testing for determination of quarantine period, except for the case governed under the provisions of Point b of this Clause;
- b) Biological pesticide products containing active ingredients such as pyrethrins, rotenones and avermectins, and requiring the official or supplemental registration in which commercial names are added, must undergo both small-scale and large-scale biological efficacy testing. If these pesticide products are accredited by the initial registration to be used on fruit trees, tea plants, vegetables and store post-harvest agricultural produce, they are required to undergo the testing for determination of quarantine period conducted in Vietnam.

3. The testing permit shall be granted to chemical pesticide products under the following circumstances:

- a) Chemical pesticide products requiring the official or supplemental registration in which commercial names are added shall be subject to both large-scale and small-scale biological efficacy testing;
- b) Chemical pesticide products requiring the supplemental registration in which their scope of application is added, and application dosage, method and formulation type is changed, and content of active ingredients is changed, shall be subject to the large-scale biological efficacy testing;
- c) Chemical pesticide products requiring the initial registration to be used on fruit trees, tea plants and vegetables, and store post-harvest agricultural produce, shall be subject to the testing for determination of quarantine period conducted in Vietnam (except for herbicides applied on fruit perennials, insect attractants, pre-planting treatments, young tree disease controls, seed treatments and cuttings and cuttings treatments).

4. Contents of the testing permit must be written in Vietnamese and include the specific scientific name of harmful organism.

Article 10. Application, process and procedures for issuance of the testing permit used as a necessary document submitted to apply for the official registration

1. Submission of an application

- a) Organizations or individuals shall submit an application directly or by mails or online to the Plant Protection Department;

b) Legitimacy of this application shall be verified within a maximum period of 02 working days. If it is valid, it will be accepted. If not, it shall be returned to applicants and they shall be requested to make it supplemented or improved;

c) The number of documents submitted: 01 paper set and 01 PDF-formatted set.

2. Documentation submitted shall include:

a) Application form for issuance of the testing permit by adopting the form given in the Appendix I enclosed herewith;

b) Documents confirming that applicants are eligible for registration of their pesticide products in Vietnam:

The original or authenticated duplicate of the document confirming that the applicant is the manufacturer of the pesticide product specified in the application for the testing permit and granted by the competent authority in the applicant's home country (applicable to the foreign manufacturer).

The authenticated duplicate or duplicate copy (the original carried along for verification purpose) of the permit for establishment of the company, branch of the company or the representative office in Vietnam (relevant to the foreign manufacturer applying for the initial registration).

The original power of attorney in which the manufacturer authorizes other organization or individual to apply for registration (in case of delegation of authority to bear their name on the registration). The power of attorney held by the foreign manufacturer must be legalized by the consulate in accordance with Vietnam's laws, except when the exemption from legalization is governed under the International Agreements to which Vietnam is a signatory.

The duplicate copy of the certificate of competence in pesticide business (applicable to domestic organizations or individuals authorized to bear their names on the initial registration);

c) Technical documents on pesticide products in accordance with regulations laid down in the Appendix III enclosed herewith.

3. Documentation verification and issuance of the testing permit

a) The Plant Protection Department shall verify submitted documentation within a permitted period of 10 working days from receipt of all necessary documents under the provisions of Clause 2 of this Article. With respect to the application for pesticide product registrations applied on more than 03 plants or 03 harmful organisms, the permitted verification period is restricted to less than 15 working days.

If a set of documents submitted meets regulatory requirements stipulated herein, the Plant Protection Department shall forward it to the Minister of Agriculture and Rural Development;

If a set of documents submitted does not meet regulatory requirements stipulated herein, the Plant Protection Department shall notify applicants of contents that require any supplementation or improvement;

b) The Ministry of Agriculture and Rural Development (or the Department of Science, Technology and Environment) shall verify submitted documentation within a permitted period of 05 working days from receipt of all necessary documents from the Plant Protection Department;

c) Within a permitted period of 02 working days from receipt of consent from the Minister, the Plant Protection Department shall issue the testing permit by completing the form given in the Appendix IV enclosed herewith;

d) In case of refusal to issue the testing permit, the Plant Protection Department shall notify applicants in writing and clearly state the reasons for such refusal.

Article 11. Documentation included in the application, process and procedure for issuance of the testing permit used as a necessary document to apply for the supplemental registration

1. Submission of an application

Complying with regulations laid down in Clause 1 Article 10 hereof;

2. Documentation submitted shall include:

a) Application form for issuance of the testing permit by adopting the form given in the Appendix I enclosed herewith;

b) The copy of the preexisting Certificate of pesticide product (in the event of supplementation of scope of application, change of formulation type, active ingredient content, dosage and application method);

c) Technical documents about formulated pesticide products governed under the provisions of the Appendix III enclosed herewith (applicable to the change to formulation type and active ingredient content);

d) Documents stipulated at Point b, c Clause 2 Article 10 hereof (applicable to supplementation of different commercial names).

3. Documentation verification and issuance of the testing permit

Complying with regulations laid down in Clause 3 Article 10 hereof.

Article 12. Documentation included in the application, process and procedure for reissuance of the testing permit

1. Submission of an application

Complying with regulations laid down at Point a and b Clause 1 Article 10 hereof. The number of documents submitted to apply for registration: 01 paper set of documents.

2. Documentation submitted shall include:

a) Application form for reissuance of the testing permit by adopting the form given in the Appendix I enclosed herewith;

b) The original of the preexisting testing permit (except if it is lost).

3. Documentation verification and reissuance of the testing permit

The Plant Protection Department shall verify submitted documentation within a permitted period of 05 working days from receipt of all required documents:

a) If submitted documents are valid, the Plant Protection Department shall reissue the testing permit for pesticide products by completing the form given in the Appendix IV enclosed herewith. The validity of the reissued testing permit shall be kept the same as that of the abolished permit;

b) If submitted documentation have not been valid yet, the Plant Protection Department shall notify applicants of contents subject to any supplementation or improvement in accordance with regulations;

c) In case of refusal to reissue the testing permit, the Plant Protection Department shall notify applicants in writing and clearly state the reasons for such refusal.

Section 3. ISSUANCE, REISSUANCE AND RENEWAL OF THE CERTIFICATE OF PESTICIDE PRODUCT REGISTRATION

Article 13. Application, process and procedure for issuance of the Certificate of pesticide product registration

1. Submission of an application

a) Complying with regulations laid down at Point a and b Clause 1 Article 10 hereof;

b) The number of documents submitted: 01 paper set and 01 electronic set of documents in word or excel format which are applicable to sample labels.

2. Documentation submitted shall include:

a) Application form for issuance of the Certificate of pesticide product registration by adopting the form given in the Appendix II enclosed herewith;

b) The photocopied pre-existing testing permit;

c) Sample pesticide labels in accordance with regulations laid down in Section 1, 2 and 3 Chapter X hereof;

d) The original result paper of biological efficacy testing, or the original result paper of the testing for determination of quarantine period and the general report on the testing result by completing the form stipulated in the Appendix VI, VII and XI enclosed herewith.

3. Documentation verification and issuance of the Certificate of pesticide product registration

Within a permitted period of 06 months from receipt of all required valid documents, the Plant Protection Department shall conduct this verification and apply for permission of the Minister of Agriculture and Rural Development to include the applicant's pesticide product in the List; issue the Certificate of pesticide product registration by completing the form given in the Appendix V enclosed herewith. In case of refusal, the Plant Protection Department must respond to applicants with clear reasons for such refusal.

Article 14. Application, process and procedure for renewal of the Certificate of pesticide product registration

1. 03 months before the validity period of the Certificate of pesticide product registration ends, organizations or individuals demanding any renewal are required to submit a written request for this renewal.

2. Submission of an application

Complying with regulations laid down at Point a and b Clause 1 Article 10 hereof. The number of documents submitted to apply for registration: 01 paper set of documents.

3. Documentation submitted shall include:

- a) Application form for renewal of the Certificate of pesticide product registration in accordance with the recommended form given in the Appendix II enclosed herewith;
- b) The original of the previous Certificate of pesticide product registration.

4. Documentation verification and renewal of the Certificate of pesticide product registration

The Plant Protection Department shall verify submitted documentation within a permitted period of 10 working days from receipt of all required valid documents under the provisions of Clause 3 of this Article:

- a) If submitted documentation are proved valid and conform to regulations laid down in this Circular, the Plant Protection Department shall issue the Certificate of pesticide product registration by completing the form given in the Appendix V enclosed herewith;
- b) If submitted documentation have not been proved valid and do not meet regulatory requirements stipulated herein, the Plant Protection Department shall notify applicants of contents that require any supplementation or improvement in accordance with regulations;
- c) In case of refusal to renew the Certificate of pesticide product registration, the Plant Protection Department shall notify applicants in writing and clearly state the reasons for such refusal.

Article 15. Application, process and procedure for reissuance of the Certificate of pesticide product registration in case of being lost, damaged or containing errors

1. Submission of an application

Complying with regulations laid down at Point a and b Clause 1 Article 10 hereof. The number of documents submitted to apply for registration: 01 paper set of documents.

2. Documentation submitted shall include:

- a) Application form for reissuance of the Certificate of pesticide product registration by adopting the form given in the Appendix II enclosed herewith;
- b) The original of the preexisting Certificate of pesticide product registration, except if it is lost.

3. Process and procedure for reissuance of the Certificate of pesticide product registration

Complying with regulations laid down in Clause 4 Article 14 hereof. The validity period of the reissued Certificate of pesticide product registration shall be kept the same as that of the preexisting Certificate of pesticide product registration.

Article 16. Application, process and procedure for reissuance of the Certificate of pesticide product registration in case of change made to commercial names, information concerning organizations or individuals applying for registration

1. Submission of an application

Complying with regulations laid down at Point a and b Clause 1 Article 10 hereof. The number of documents submitted to apply for registration: 01 paper set of documents.

2. Documentation submitted shall include:

- a) Application form for change of commercial names, information relating to organizations or individuals applying for registration by completing the form given in the Appendix II enclosed herewith;
- b) The original of the previous Certificate of pesticide product registration;
- c) The authenticated duplicate or photocopied paper (carrying the original copy along for verification purpose) of the document on intellectual property right issued by the competent authority, or on any violation against regulations on commodity labels issued by the court (applicable to change of commercial names);
- d) The authenticated duplicate or photocopied paper (carrying the original one along for verification purpose) of the Certificate of registration of new enterprise (if names of organizations or individuals applying for registration are changed);

dd) With regard to commercial name transfer: The original or authenticated duplicate of the pesticide transfer contract or agreement; the original power of attorney in which the manufacturer authorizes the transferee to apply for registration (if the manufacturer gives them the right to use their names to apply for registration).

3. Documentation verification and reissuance of the Certificate of pesticide product registration.

a) The Plant Protection Department shall verify submitted documentation within a permitted period of 10 working days from receipt of all necessary documents stipulated in Clause 2 of this Article;

If such documentation are valid, the Plant Protection Department shall apply for permission of the Minister of Agriculture and Rural Development to include the pesticide product in the List under the provisions of Clause 3 Article 13 hereof;

If such submitted documentation have not been proved valid and do not meet regulatory requirements stipulated herein, the Plant Protection Department shall notify applicants of contents that require any supplementation or improvement in accordance with regulations;

b) In case of refusal to issue the Certificate of pesticide product registration, the Plant Protection Department shall notify applicants in writing and clearly state the reasons for such refusal;

c) The validity period of the reissued Certificate of pesticide product registration shall be kept the same as that of the preexisting Certificate of pesticide product registration.

Article 17. Application, process and procedure for reissuance of the Certificate of pesticide product registration in case of manufacturer substitution

1. Submission of an application

Complying with regulations laid down in Clause 1 Article 10 hereof.

2. Documentation submitted shall include:

a) Application form for reissuance of the Certificate of pesticide product registration by adopting the form given in the Appendix II enclosed herewith;

b) The original or authenticated duplicate of the written agreement on authorization termination between the manufacturer specified in the certificate of pesticide product registration and the authorized organization or individual;

c) The original or authenticated duplicate of the document confirming that the registration certificate holder is the new manufacturer of the pesticide product specified in the application for the testing permit and granted by the competent authority in the applicant's home country (applicable to the foreign manufacturer);

d) The original power of attorney in which the new manufacturer authorizes other organization or individual to apply for registration (in case of delegation of authority to bear their name on the registration). The power of attorney held by the foreign manufacturer must be legalized by the consulate in accordance with Vietnam's laws, except when the exemption from legalization is governed under the International Agreements to which Vietnam is a member;

dd) Technical documents on pesticide products in accordance with regulations laid down in the Appendix III enclosed herewith;

e) The original of the previous Certificate of pesticide product registration.

3. Documentation verification and reissuance of the Certificate of pesticide product registration

a) Complying with regulations laid down in Clause 4 Article 14 hereof;

b) The validity period of the reissued Certificate of pesticide product registration shall be kept the same as that of the preexisting Certificate of pesticide product registration.

Chapter III

PESTICIDE PRODUCT TESTING

Article 18. General principles of pesticide product testing

1. Pesticide product testing shall be performed when the testing permit is obtained.

2. The testing which serves the purpose of registration into the List shall include the biological efficacy testing and testing for determination of quarantine period (applicable to the case stipulated in Point b Clause 2 and Point c Clause 3 Article 9 hereof).

3. Basis for a pesticide product testing is the national technical regulation (QCVN), the national standard (TCVN), basic standards (TC) introduced by the Plant Protection Department.

4. The testing which serves the purpose of registration into the list must be conducted by the organization that comply with requirements stipulated in Article 20 hereof.

5. The small-scale testing must be conducted ahead of the large-scale one.

Article 19. Testing process

The testing of a pesticide product against a single organism harmful to a single plant which serves the purpose of registration shall be conducted as follows:

1. Testing for the biological efficacy of biological pesticide products (except for the case stipulated in Clause 2 of this Article), and testing of chemical pesticide products requiring the supplemental registration of their scope of application, and change of application dosage, method, formulation type or content of active ingredients, shall include 04 large-scale tests, including;

As for plants or harmful organisms found in 02 production regions (the North and South), for each region, testing shall be conducted at 02 locations (each location in a province) or 02 districts/province (if these plants or harmful organisms are only found in 01 province in these production regions).

As for plants or harmful organisms only found in 01 region or 01 province, the testing shall be conducted at 04 locations in that region (each location in 01 province in that region), or 04 locations in a province (at a minimum of 02 districts in that province).

2. Testing for the biological efficacy of chemical pesticide products, and testing of biological pesticide products containing active ingredients, such as pyrethrins, rotenones and avermectins, requiring the official or supplemental registration in which commercial names are added, shall include 08 small-scale tests and 02 large-scale tests. If plants or harmful organisms are only found in 01 production region, the number of tests shall include 06 small-scale tests and 02 large-scale tests as follows:

a) Small-scale testing

As for plants or harmful organisms found in 02 production regions (the North and South), for each region, testing shall be conducted at 04 locations (each location in a province). If there are not enough 04 production provinces in each region, testing shall be conducted at 04 locations in each region (each location in 01 district in these regions).

As for plants or harmful organisms found in 01 production region, the testing shall be conducted at 06 locations (each location in 01 province or 01 district in the region).

As for plants or harmful organisms only found in 01 production province, the testing shall be conducted at 06 locations in at least 03 districts in that province.

As for herbicide products applied on rice, the testing shall be conducted within 02 different crops.

b) Large-scale testing

As for plants or harmful organisms found in 02 production regions (the North and South), for each region, the testing shall be conducted at 01 location.

As for plants or harmful organisms only found in 01 production region, the testing shall be conducted at 02 locations in that region (each location in 01 province in that region), or 02 locations in provinces (each location in 01 district, in case harmful organisms are only found in 01 province).

3. Testing of 01 active ingredient applied on a single plant to determine the quarantine period shall include 04 large-scale tests as follows:

As for plants producing multiple crops/year in 02 production regions (the North and South), for each region, testing shall be conducted at 02 locations (each location in 01 province, and for each province, testing shall be conducted on 01 crop or at each location at 01 district in these regions, and for each district, testing shall be conducted on 01 crop).

As for plants producing multiple crops/year in 01 production region, the testing shall be conducted at 04 locations (02 locations/crop; testing shall be conducted at each location in 01 province or 01 district in that region).

As for plants producing only one crop/year in 02 production regions (the North and South), for each region, the testing shall be conducted at 02 locations (each location in 01 province, or each location in 01 district in these regions).

As for plants producing only 01 crop/year and only grown in 01 production region, the testing shall be conducted at 04 locations in that region (each location in 01 province in that region), or 04 locations in provinces (at least 02 districts).

Article 20. Guidance on conditions that pesticide testing organizations must meet to conduct pesticide product testing

1. Have the legal standing, registration of pesticide product testing operations;

2. The Head of the pesticide testing organization must achieve the university degree or higher educational degree in plant protection, agriculture studies, plant cultivation, biology and chemistry, and gain the Certificate of completion of training in pesticide product testing issued by the Plant Protection Department.

3. Have a minimum of 05 persons acquiring tenure or long-term employment contracts with university degrees or higher educational degrees in this major as stipulated in Clause 2 of this Article and obtaining the Certificate of completion of training in pesticide product testing from the Plant Protection Department.

4. Infrastructural and technical facilities that support the pesticide product testing shall include:

- a) All necessary equipment or devices supporting the pesticide product testing in accordance with regulations laid down in the Appendix X enclosed herewith;
- b) Perform on their own or enter into cooperation with other organizations to perform all necessary tests in accordance with regulations laid down in Article 19 hereof with the aim of enabling a kind of pesticide product to be eligible for registration into the list of pesticide products permitted for use in Vietnam.

The organization cooperating in the pesticide product testing must have the legal standing, adequate human resources as well as necessary equipment or facilities to conduct a pesticide product testing as stipulated in Clause 2, Point a Clause 4 of this Article.

- c) Have the laboratory to carry out the analysis of pesticide residue level designated by the Ministry of Agriculture and Rural Development in which the equivalent testing method is employed (applicable to the organization specializing in the testing for determination of the quarantine period).

5. Do not directly bear their names on the registration, or authorize others to bear their names on the pesticide product registration in Vietnam.

Article 21. Application, process and procedure for recognition of an organization's eligibility to conduct the pesticide product testing

1. Submission of an application

- a) Organizations or individuals shall submit an application directly or by mails or online to the Plant Protection Department;
- b) The number of documents submitted to apply for registration: 01 paper set of documents;
- c) Verification of submitted documentation must be carried out right after receiving such documentation in person, or by mails within a permitted period of 02 working days. If the application is valid, the Plant Protection Department shall keep it. If not, it shall be returned to applicants and they shall be requested to make it supplemented or improved.

2. Documentation submitted shall include:

- a) Application form for recognition of the organization's eligibility to conduct the pesticide product testing by adopting the form given in the Appendix IX enclosed herewith;
- b) The authenticated duplicate or photocopied paper (carrying the original for verification purpose) of the establishment decision or the decision stipulating functions or duties, or the Registration Certificate of the enterprise carrying out pesticide product testing operations;
- c) The authenticated duplicate or photocopied paper (carrying the original along for verification purpose) of the university degree or higher educational degrees in the plant protection, plant cultivation, biology, chemistry, and the Certificate of completion of training in pesticide product testing held by the head of the organization conducting pesticide product testing and participants in such testing;
- d) A written explanation for this eligibility for pesticide product testing issued by the organization eligible to conduct pesticide product testing, and its partner by adopting the form given in regulations laid down in the Appendix X enclosed herewith;

3. Examination and verification of the application for recognition and announcement of organizations eligible to conduct pesticide product testing

- a) The Plant Protection Department shall keep and verify the application for recognition of the organization's eligibility to conduct pesticide product testing. Immediately after the verification result is produced, the Plant Protection Department is obliged to prepare the complete application for recognition of the organization's eligibility to conduct pesticide product testing for submission to the Minister of Agriculture and Rural Development. The maximum period allowed to go through this process shall be 15 working days;
- b) The Ministry of Agriculture and Rural Development (or the Department of Science, Technology and Environment) shall verify submitted documentation within a permitted period of 10 working days from receipt of all necessary documents from the Plant Protection Department;
- c) Within a permitted period of 03 working days from receipt of consent from the Minister, the Plant Protection Department shall issue the decision on recognition of the organization's eligibility to conduct pesticide product testing;
- d) If the applicant is proved to be ineligible to conduct pesticide product testing, the Plant Protection Department shall notify applicants in writing and clearly state the reasons for this.

Article 22. Training in pesticide product testing

1. Training contents
 - a) Applicable legal regulations on pesticide product testing;
 - b) Safety in storage and use of pesticide products;
 - c) Process for biological efficacy testing and testing for determination of pesticide quarantine period;
 - d) Data processing, storage and report of the testing result.
2. Registration and organization of training

Organizations or individuals demanding training in pesticide product testing shall send the registration list of participants in person or by mails or online to the Plant Protection Department.

3. The Plant Protection Department shall hold training in pesticide product testing with contents stipulated in Clause 1 of this Article. The training period shall last for 04 days.

Based on the result of post-training examination result, the Plant Protection Department shall confer the Certificate of completion of training in pesticide product testing by adopting the form given in the Appendix XIII enclosed herewith.

Article 23. Rights and obligations of the organization conducting pesticide product testing

1. Comply with regulations laid down in Article 60 of the Law on Plant Protection and Quarantine, and report the result of pesticide product testing by completing the form stipulated in the Appendix VI and VII enclosed herewith.
2. Prepare the general report on the result of pesticide product testing by completing the form recommended in the Appendix XI enclosed herewith.
3. Submit the annual report on the result of pesticide product testing by completing the form recommended in the Appendix XII enclosed herewith or the occasional report requested by the Plant Protection Department. The report must be submitted by December 25 in the reporting year.

Article 24. Responsibilities of organizations or individuals whose pesticide products are tested

1. Provide the organization eligible to conduct pesticide product testing the testing permit, declaration of information about tested pesticide products according to the form recommended in the Appendix VIII enclosed herewith, and sample pesticides (with the right class, active ingredient content, formulation type specified in the testing permit; the adequate number of pesticides for testing and sample retention; they are put in a closed pack sealed by organizations or individuals registering such testing).
2. Sign the contract and pay the fee for pesticide product testing in accordance with applicable regulations.
3. If pesticide products being tested are causing adverse impacts on plants, humans and environment, organizations or individuals whose pesticide products are tested shall take responsibility to pay compensations in accordance with applicable laws.

Chapter IV

PRODUCTION AND TRADING OF PESTICIDE PRODUCTS

Section 1. ISSUANCE OF THE CERTIFICATE OF CONFORMITY IN PESTICIDE PRODUCTION

Article 25. Scope of application

Pesticide product manufacturers required to meet regulations laid down in Article 61 of the Law on Plant Protection (except for the manufacturer of biological pesticide products containing beneficial microorganisms as active ingredients) and provided with detailed guidance enshrined from Article 26 to Article 29 hereof. Manufacturers issued permissions to carry out pesticide production operations from the date on which they obtain the Certificate of competence in pesticide production in accordance with regulations laid down in Article 30 hereof.

Manufacturers of biological pesticide products containing beneficial microorganisms as active ingredients that do need to obtain the Certificate of competence in pesticide production but are required to comply with applicable regulations on environmental protection.

Article 26. Specific requirements imposed on the production facility

1. Building site
 - a) The production facility built in an industrial park must conform to regulations laid down by this park;
 - b) The production facility outside of industrial parks must be built at the site that ensures that:

The production facility must be at least 500 meters distant from schools, hospitals and markets, and meet accepted standards in electricity, water supply, waste water discharge, environmental pollution control and traffic.

The production facility must be built with fences all around. The internal traffic system must be developed in order to ensure the transportation and fire safety.

2. Site plan, architectural arrangement and design

- a) The production facility must be kept apart from the storage warehouse;
- b) The site must have space for proper placement of structures with pre-determined functions;
- c) The main production building

The main production building must meet design and construction standards stipulated in the Vietnam's standards TCVN 4604/2012: Industrial enterprises, production facility – Design standard; TCVN: 2622/1995: Fire prevention and protection for buildings and structures – Design requirements;

d) The main production building must be developed by using fireproofing and fire retardant material; the skeleton of the main production building must be made from bricks, concrete or steel. The floor must be made from liquid non-absorbent materials, and it has the flat surface, is covered with anti-slip coating without cracks as well as bordered by raised edges;

dd) The production facility must have exit ways, clear instructional signs, maps and easy escape plans in case of emergency.

Article 27. Specific requirements imposed on equipment and devices

1. Manufacturing equipment

- a) Type of the production line and technology must be appropriate to ensure the quality of pesticide products;
- b) Placement and installation of manufacturing equipment must be relevant to each production stage and meet labor safety standards in accordance with regulations laid down in the Vietnam's standards TCVN 2290-1978 Manufacturing equipment – General safety requirements;
- c) Operational manual of the manufacturing equipment should be available and its technical specifications should be examined and inspected in accordance with applicable regulations. There should be the proper maintenance of the manufacturing equipment as well as industrial cleaning process;
- d) Lighting items and other electric instruments must be installed in the necessary positions, and temporary installation of these items is not allowed. Every electric appliances must have circuit breakers to automatically turn them off in order to prevent leakage or excess current.

2. Means of cargo transportation and handling must meet current technical standards in transporting or handling hazardous cargos and must be designed to prevent leakage or scattering of pesticides over the surrounding area. Pictograms must be in place to give warnings of dangers mounted on means of transportation.

3. Safety equipment and facilities

- a) Personal protective equipment must be provided to get inside the pesticide production area;
- b) First aid kits, medicine and equipment should be provided;
- c) An adequate amount of devices or instruments used for rescue or response to any accidents that may take place in the production facility must be available. Fire fighting and prevention system must be installed in proper positions and should be checked frequently to make sure that it is in a good condition for use.

4. Waste treatment system

- a) The production facility must be equipped with the exhaust emission treatment. After-treatment exhaust emissions must conform to the national technical regulation QCVN 19:2009 /BTNMT - National technical regulation on industrial emissions of Inorganic substances and dusts and QCVN 20:2009/BTNMT - National technical regulation on industrial emissions of several organic substances;
- b) The production facility must be equipped with the effluent treatment system. After-treatment effluents must conform to the national technical regulation QCVN 07:2009 /BTNMT - National technical regulation on hazardous waste thresholds and QCVN 40:2011/BTNMT - National technical regulation on industrial effluents;
- c) The solid waste treatment must comply with regulations laid down in the Government's Decree No. 59/2007/NĐ-CP dated April 9, 2007 on solid waste management. The solid waste collection area must be covered and protected carefully in which collecting tools and means of transportation must be kept in place.

Article 28. Quality control system

1. As for the production facility that has recently carried out its operations, it must establish and apply its quality control system consistently with the standard ISO 9001:2008 or equivalent ones.

As for the production facility that has carried out its operations for 02 years or over, it must have its quality control system which is recognized to be consistent with the standard ISO 9001:2008 or equivalent ones.

2. The process for pesticide product manufacturing must include the following information: commercial names, manufacturing process code, objectives and manufacturing norms (raw materials, additives, quantitative estimation, proposed amount of formulated pesticide products, limitations), locations, devices, steps in implementation, quality control, warehousing, storage, packaging, labels and remarks.

3. The laboratory of product quality control must be recognized to conform to the standard ISO 17025:2005 or equivalent ones with the aim of controlling the quality of each pesticide product batch moved out of the production facility.

4. If there is none of laboratories as stipulated in Clause 3 of this Article, a contract with the laboratory which meets the standard ISO 17025:2005 or equivalent ones must be signed to control the quality of each pesticide batch moved out of the production facility.

5. With regard to the currently operating production facility, it must have files storing the result of quality control of each outward pesticide product batch, notification of conformity to regulations or standards under the provisions of the Law on the Quality of products, commodities and the Law on Technical regulations and standards.

It must preserve the sample collected from each outward pesticide product batch to be used in the quality control process within a minimum period of 03 months.

Article 29. Specific requirements imposed on the human resource

1. The person who directly manages and oversees production operations must hold the university degree or higher educational degrees in the chemistry, plant protection and biology.

2. The person who directly manages, oversees and carry out production operations, and the warehouse keeper, must be trained to improve their knowledge about pesticide products and chemical safety practices.

Article 30. Application, process and procedure for issuance of the Certificate of competence in pesticide production

1. Submission of an application

a) Pesticide production facilities shall submit an application directly or by mails or online to the Plant Protection Department;

b) The number of documents submitted: 01 paper set and 01 online PDF-formatted set of documents;

c) The application shall be examined within a maximum period of 02 working days. If it is valid, it will be kept. If not, it will be returned to applicants and they are requested to make it supplemented or improved.

2. Documentation submitted shall include:

a) Application form for issuance of the Certificate of competence in pesticide production by adopting the form recommended in the Appendix XIV enclosed herewith;

b) A written explanation for this conformity to requirements for pesticide production in accordance with the Appendix XV enclosed herewith;

c) The plan or measure to prevent or respond to chemical disasters by completing the form recommended in the Appendix XXI enclosed herewith; the photocopied paper of documents stating that the pesticide production facility has conformed to regulations on environmental protection issued by the competent authority for environment;

d) In case that production facility has its laboratory, the applicant must submit the Certificate or relevant documents stating that it has been recognized to conform to the accepted standard of the quality control system consistently with the standard ISO 17025:2005 or equivalent ones;

dd) If there is none of laboratories, the applicant must submit the photocopied contract with the laboratory partner that has been recognized to conform to the standard ISO 17025:2005 or equivalent ones;

e) If the production facility has been operated for more than 02 years, the authenticated duplicate or photocopied paper (carrying the original along for verification purpose) of the certificate or relevant

documents confirming that it has conformed to the standard of the quality control system consistently with the standard ISO 9001:2008 or equivalent ones must be additionally submitted.

3. Verification of submitted documentation and issuance of the Certificate of competence in pesticide production.

a) The Plant Protection Department shall verify submitted documentation within a permitted period of 05 working days from receipt of all required valid documents. If it meets statutory requirements, the Director of the Plant Protection Department shall grant the decision on establishment of the Assessment Team. The Assessment Team shall be joined by 3 – 5 members who have proper professional capacity for appropriate specialized administration.

The Evaluation Team shall notify the production facility in writing 07 working days prior to the commencement of assessment. That written notification will provide clear information about visiting members, extent, content and time of assessment that will take place at the production facility within 01 working day.

b) Assessment content

The assessment shall focus on the compliance of the production facility with requirements stipulated in Section 1 of this Chapter and its capability to sustain the conformity to statutory requirements.

c) Assessment method

Checking and assessing the current placement of facilities compared with the site plan, environmental, equipment conditions and other conditions at the production facility;

Holding a face-to-face interview with the responsible person and staff of the production facility about relevant information;

Considering stored files and relevant documents in the production facility.

d) Assessment result

Any disconformities to the requirements stipulated in Section 1 of this Chapter which has been detected during the assessment process must be reported in the record on assessment of requirements for pesticide production by completing the form recommended in the Appendix XVII enclosed herewith.

This assessment record shall provide an adequate amount of contents and be countersigned by the production facility's representative and the Team leader.

In case the production facility's representative disagrees over the Team's result, (s)he has the right to write his/her complaints at the end of such record before affixing the signature and seal. This record shall be considered valid even if the production facility's representative refuses to sign their name in the record.

dd) Issuance of the Certificate of competence in pesticide production

The Plant Protection Department shall consider the result of verification of submitted documentation and the assessment result to issue the Certificate of competence in pesticide production:

If submitted documentation are valid, and the assessment result is acceptable, within a permitted period of 15 working days, the Plant Protection Department shall issue the Certificate of competence in pesticide production to the applicant by completing the form given in the Appendix XIX enclosed herewith.

If submitted documentation are not valid, or the assessment result is unacceptable, the Plant Protection Department shall notify the applicant in writing of the requirements that have not been met and deadline for correction or improvement. Within a permitted period of 05 working days from receipt of corrected or improved documentation, or the reassessment result (when necessary), if this is valid, the Plant Protection Department shall issue the Certificate of competence in pesticide production to the applicant by completing the form given in the Appendix XIX enclosed herewith.

If this is not valid, or the reassessment result is not acceptable, the Plant Protection Department shall refuse to issue the Certificate of competence in pesticide production and respond to the applicant with clear reasons for this refusal.

Article 31. Reissuance of the Certificate of competence in pesticide production

1. 03 months before the validity period of the Certificate of competence in pesticide production ends, if organizations or individuals wish to continue pesticide production, they are required to submit an application for renewal of this Certificate. Documentation submitted to apply, process and procedure for this renewal shall be consistent with regulations laid down in Article 30 hereof.

2. During its operations, if the production facility has achieved rank A after being inspected and assessed in accordance with regulations set out by the Minister of Agriculture and Rural Development on inspecting and assessing establishments specializing in manufacturing and trading of farm

supplies, agricultural, forestry and aquatic products, and has not expanded its scale of manufacturing active ingredients, technical pesticides and different pesticide formulations, the regulations laid down in Clause 1, 2 Article 30 hereof shall apply to this case. Within a permitted period of 05 working days from receipt of all valid documents, the Plant Protection Department shall issue the Certificate of competence in pesticide production and shall not establish the team to carry out the field survey at the production facility.

Section 2. ISSUANCE OF THE CERTIFICATE OF COMPETENCE IN PESTICIDE BUSINESS

Article 32. Specific requirements imposed on the human resource

The owner of pesticide business (Director or General Director of limited liability company, joint-stock company, private enterprise, partnership company members; head of the branch or deputy head of the branch of the enterprise; one of managers of pesticide business at the enterprise's agency, cooperative rendering plant protection service; the person who directly oversees pesticide store if that store has one fixed location), and the person who directly sells pesticide products, must hold the associate degree or higher educational degrees in plant protection, plant cultivation, biology, chemistry, or the Certificate of completion of professional development course in pesticide products.

Article 33. Specific requirements imposed on the site

1. The pesticide store must have specific permanent address, and the owner of pesticide business is either the legal owner of the pesticide store or the legal holder of the lease contract to place the pesticide store within a minimum period of 01 year.
2. The pesticide store must have its size relevant to the business scale which should cover a minimum of 10 square meters. It must be the well-built house in the dry and well-ventilated place.
3. Trading of pesticide products must be separated from that of other commodities such as foodstuff, beverage, animal feed, medical drug and veterinary medicines.
4. A pesticide store is not located inside of the food and beverage service, entertainment, recreational areas, schools or hospitals.
5. The pesticide store must be at least 20 meters distant from the water source (river, lake, canal, ditch or well); its floor must be high, dry, and have resistance to absorption and flood; its walls and roof must be made from fire resistant materials.
6. Pesticide product storage of the pesticide store must conform to regulations laid down in Article 61 hereof.

If the pesticide business does not have its pesticide store, it must present its Certificate of enterprise registration, and have permanent, legal and clear contact address, and keep the record on trading, exportation or importation of pesticide products and comply with regulations laid down in Article 32 hereof.

Article 34. Specific requirements imposed on equipment and facilities

1. Be equipped with showcases, counters, shelves or racks used for storing pesticide products.
2. Ensure it is lightened to identify pesticide products. The lighting system must conform to the fire safety standards.
3. Set internal rules and regulations, and make fire safety and firefighting equipment available and handy for use in case of emergency as requested by the competent authority for fire fighting and prevention.
4. Provide personal protective equipment such as gloves, face masks, and clean water and soap.
5. Provide materials and instruments used for handling any accident that may arise as requested by the competent authority for environment management.

Article 35. Documentation submitted to apply, process and procedure for issuance of the Certificate of competence in pesticide business

1. Submission of an application
 - a) The pesticide business shall submit its application in person or by mails or online to the Plant Protection Subdepartment or Plant Cultivation and Protection Subdepartment;
 - b) The number of documents submitted to apply for registration: 01 set of documents;
 - c) Validity of this application shall be verified within a maximum period of 02 working days. If submitted documents are valid as stipulated by applicable regulations, it will be accepted. If not, it shall be returned to applicants and they are also requested to make it supplemented or improved.
2. Documentation submitted shall include:

- a) Application form for issuance of the Certificate of competence in pesticide business by adopting the form recommended in the Appendix XIV enclosed herewith;
- b) The authenticated duplicate or photocopied paper (carrying the original one along for verification purpose) of the Certificate of enterprise registration;
- c) A written explanation for this competence in pesticide business in accordance with the Appendix XVI enclosed herewith.

3. Verification of requirements and issuance of the Certificate of competence in pesticide business

a) The Plant Protection Subdepartment or the Plant Cultivation and Protection Subdepartment in a city or province shall carry out such verification within a permitted period of 03 working days from receipt of all required documents.

b) Establishment of the assessment team

Within a maximum period of 05 working days from receipt of all required documents, the Director of the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment in a province, shall issue the decision on establishment of the assessment team and carry out the field survey. The Assessment Team shall be joined by 3 – 5 members who have proper professional capacity for appropriate specialized administration.

The Assessment Team shall notify the pesticide business in writing of the assessment plan at least 05 working days prior to the commencement of assessment. That written notification will provide clear information about visiting members, extent, content and time of assessment that will take place at the pesticide business within 01 working day.

c) Assessment content

The assessment shall focus on the compliance of the pesticide business with requirements stipulated in Section 2 of this Chapter.

d) Assessment method

Holding a face-to-face interview with the responsible person and staff of the pesticide business about relevant information;

Considering stored files and relevant documents in the pesticide business;

Checking and assessing the current placement of facilities compared with the site plan, environmental, equipment conditions at the pesticide business.

dd) Assessment result

Any disconformities to the requirements stipulated in Section 2 of this Chapter which has been detected during the assessment process must be reported in the record on assessment of conformity to requirements for pesticide business by completing the form recommended in the Appendix XVIII enclosed herewith.

This assessment record shall provide an adequate amount of contents and be countersigned by the pesticide business' representative and the Team leader.

In case the pesticide business' representative disagrees over the Team's result, (s)he has the right to write his/her complaints at the end of such record before affixing the signature and seal. This record shall be considered valid even if the pesticide business' representative refuses to sign their name in the record.

e) Issuance of the Certificate of competence in pesticide business

The Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall consider the result of verification of submitted documentation and the assessment result to issue the Certificate of competence in pesticide business:

If submitted documentation are valid and the assessment result is acceptable, within a permitted period of 05 working days from the assessment completion date, the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall issue the Certificate of competence in pesticide business to the applicant by completing the form given in the Appendix XX enclosed herewith.

If all necessary requirements have not met, the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall notify the applicant in writing of the requirements that have not been met and deadline for correction or improvement within a maximum period of 60 days. Within a permitted period of 03 working days from receipt of corrected or improved documentation, or the reassessment result (when necessary), if this is valid, the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall issue the Certificate of competence in pesticide business to the applicant by completing the form given in the Appendix XX enclosed herewith.

In case of refusing to issue the Certificate of competence in pesticide business, the Plant Protection Subdepartment or the Plant Cultivation and Protection Subdepartment will send a written response in which reasons for such refusal must be clearly stated.

Article 36. Reissuance of the Certificate of competence in pesticide business

1. 03 months before the validity period of the Certificate of competence in pesticide business ends, if organizations or individuals wish to continue pesticide business, they are required to submit an application for renewal of this Certificate. Documentation submitted to apply, process and procedure for this renewal shall be consistent with regulations laid down in Article 35 hereof.

During its operations, if the pesticide business has achieved rank A after being inspected and assessed in accordance with regulations set out by the Minister of Agriculture and Rural Development on inspecting and assessing establishments specializing in manufacturing and trading of farm supplies, agricultural, forestry and aquatic products, it will be requested to file an application for renewal of the Certificate of competence in pesticide business in accordance with the regulations laid down in Clause 1, 2 Article 35 hereof. Within a permitted period of 05 working days from receipt of all valid documents, the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall issue the Certificate of competence in pesticide business and shall not establish the team to carry out the field survey at the pesticide business.

Section 3. PROFESSIONAL DEVELOPMENT AND TRAINING IN CHEMICAL SAFETY FOR PESTICIDE PRODUCTS

Article 37. Content, and program for professional development and training in chemical safety for pesticide products

1. Contents of professional development and training shall include:

- a) Regulations on management of pesticide products, production and business requirements, rights and obligations of organizations or individuals manufacturing and trading pesticide products;
- b) Regulations on penalties for administrative violations concerning pesticide products;
- c) General knowledge about pesticide products;
- d) Classification of pesticide products by harmful effects, and characteristics of pesticide products;
- dd) Safety in production, trading, transportation, storage and use of pesticide products;
- e) Solutions to prevention and control of pesticide accidents;
- g) Tips for reading pesticide labels;
- h) Instructions on safe and effective pesticide application;
- i) General knowledge about plant harmful organisms, several common harmful organisms, and preventive and controlling measures;
- k) Legislative knowledge relating to fire fighting and prevention;
- l) Field practice and observation.

2. Professional development and training program shall include:

- a) Professional development program for pesticide products designed for owners of pesticide businesses, persons directly overseeing these pesticide businesses, persons directly selling pesticide products (those who have not achieved the associate degree or higher educational degree in the plant protection, plant cultivation, biology and chemistry discipline). The program may last for 03 months and provide participants with all necessary contents stipulated in Clause 1 of this Article, and upon completion of the program, participants will be awarded the Certificate of participation in the professional development program for pesticide products by adopting the form recommended in Section I, the Appendix XXII hereof.
- b) Chemical safety training for pesticide products designed for persons who directly manage or oversees divisions related to direct manufacturing of pesticide products, persons who directly manufacture pesticide products, warehouse keepers. The training program may last for 03 days and provide participants with contents mentioned in Point a, b, dd, e, Clause 1 of this Article, and upon completion of the program, participants will be awarded the Certificate of participation in chemical safety training for pesticide products by adopting the form recommended in Section II, the Appendix XXII hereof;

3. Responsibility for organizing these courses and issuing the Certificate of participation in the professional development program for pesticide products, or the Certificate of participation in chemical safety training for pesticide products.

- a) The Plant Protection Department shall take responsibility to design content, program for these courses;

b) The Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall be responsible for implementation and issuing the Certificate of participation in the professional development program for pesticide products, or the Certificate of participation in chemical safety training for pesticide products in conformity with the content and program stipulated in Clause 1, 2 of this Article.

Article 38. Professional development and training in chemical safety for pesticide products

Organizations or individuals wishing to participate in courses for professional development and training in chemical safety for pesticide products shall send the registration list of participants in person or by mails or online to the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment.

2. The Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall be responsible for running these courses in conformity with the content and program stipulated in Clause 1, 2 Article 37 hereof;

Right after participants pass the exam, the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, will issue the Certificate to them by adopting the form recommended in the Appendix XXII enclosed herewith.

Chapter V

IMPORT AND EXPORT OF PESTICIDE PRODUCTS

Article 39. General principles

1. Import or export of pesticide products shall conform to Article 67 of the Law on Plant Protection and Quarantine and the Circular No. 04/2015/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated February 12, 2015 on providing guidance on implementation of several contents of the Government's Decree No. 187/2013/NĐ-CP dated November 20, 2013 on providing specific regulations on implementation of the Law on Commerce on carrying out operations relating to international sale and purchase of commodities, and agency-related operations and those concerning purchase, sale, contract manufacturing and transition of cargos in association with foreign partners in the agriculture, forestry and aquaculture sectors (hereinafter referred to as the Circular No. 04/2015/TT-BNNPTNT).

2. In case of the import authorization, the authorized organization or individual is required to show the authorization letter granted by the holder of the registration certificate in which they are authorized to contact the customs authority to go through import procedures.

3. In order to be legally imported, pesticide products specified in the List must meet the following requirements:

a) Technical pesticides must contain a minimum amount of active ingredients equal to that of active ingredients used in technical pesticides specified in the List, and must be imported with clear origin from manufacturers;

b) Formulated pesticide products must have the content of active ingredients, formulations and manufacturers appropriate to the Certificate of pesticide product registration in Vietnam, and such products must remain at least 2/3 of the shelf life defined on the label of pesticide from the date on which they are imported into Vietnam;

c) Each type of formulated pesticide products must meet the standard of biochemical properties concerning suspended particle proportion, emulsion stability.

d) Technical pesticides and formulated pesticide products must meet regulations on hazardous impurities defined in the national technical regulation (QCVN), the national standard (TCVN), basic standards (TC) introduced by the Plant Protection Department.

Article 40. Application, process and procedure for issuance of the license to import pesticide products for export production purpose

1. Documentation submitted shall include:

a) Application form for issuance of the license to import pesticide products by adopting the form 01/BVTV issued together with the Circular No. 04/2015/TT-BNNPTNT.

b) The authenticated duplicate or photocopied paper (carrying the original one along for verification purpose) of the Certificate of enterprise registration or the investment certificate (applicable to the first application).

c) The original or authenticated duplicate of the import, export or contract-manufacturing agreement with foreign partners, applicable to the temporary import, re-export, or import for the purpose of export production.

2. Process and procedure for issuance of the license to import pesticide products for export production purpose shall be governed under the provisions of Article 24 of the Circular No. 04/2015/TT-BNNPTNT.

Article 41. Reporting regime

Importers or exporters of pesticide products must send a written report by completing the form stipulated in the Appendix XXIII hereof on the current status of import and export of pesticide products to the Plant Protection Department. The report must be submitted by July 15 and, as for the annual report, it must be submitted by January 15 of the following year.

Chapter VI

PESTICIDE QUALITY CONTROL

Article 42. Basis for quality inspection

Basis for pesticide quality inspection during the manufacturing and circulation process is the national technical regulations (QCVN), the national standards (TCVN), basic standards (TC) introduced by the Plant Protection Department.

Article 43. Regulatory inspection of imported pesticide product quality

1. Pesticide products subject to the regulatory authority's quality inspection shall include imported technical pesticides and formulated pesticide products, except for sample pesticide products; pesticide products displayed in fairs or exhibitions; pesticide products serving the purpose of temporary import - export, outward processing; pesticide products in transit; pesticide products stored in bonded warehouses; pesticide products that serve the purpose of research, experimentation or testing; pesticide products imported under the import license so as to be used in foreign-invested projects and others imported under the import license so as to serve non-business purpose.

2. The agencies carrying out the State inspection of imported pesticide product quality are the Plant Protection Department or the conformity assessment organization authorized by the Plant Protection Department.

3. Assessment of imported pesticide product quality shall be conducted by conformity assessment organizations appointed by the Ministry of Agriculture and Rural Development or the Plant Protection Department and this appointment must be made known to the public on the website of the Plant Protection Department.

4. Imported pesticide product shipment shall be allowed to complete the customs clearance only when agencies or organizations stipulated in Clause 2 of this Article have concluded that the result of the State inspection of imported pesticide product quality is satisfactory for requirements set out in the form stipulated in the Appendix XXVI enclosed herewith.

5. Pesticide products permitted to store in the bonded warehouse from receipt of the inspection result shall be governed under the provisions of Article 35 of the Circular 38/2015/TT-BTC of the Ministry of Finance dated March 25, 2015 on stipulating customs procedures; customs supervision and inspection; export, import duties and tax management for import or export cargos.

Article 44. Application, process for State inspection of imported pesticide product quality

1. Submission of an application

a) Applicants shall submit their applications in person or by mails or online to the regulatory authority for inspection of imported pesticide product quality as stipulated in Clause 2 Article 43 hereof;

b) The number of documents submitted: 01 paper and 01 online set of documents;

c) Legitimacy of this application shall be verified within a maximum period of 01 working day.

If the submitted application consists of an adequate amount of documents and is proved valid, it will be accepted and recorded in the register of the statutory inspection of imported pesticide product quality.

If submitted document are not adequate, the application will be returned to importers and they will be requested to make it improved.

2. Documentation submitted to apply for regulatory inspection of imported pesticide product quality shall include:

a) Application form for regulatory inspection of imported pesticide product quality by adopting the form recommended in the Appendix XXIV enclosed herewith. The number of documents submitted to apply for this inspection: 02 set of documents.

b) Duplicate or photocopied papers of the following documents:

Sales and purchase agreement;

Import license (applicable to pesticide products stipulated in Clause 2 Article 67 of the Law on Plant Protection and Quarantine);

Packing list: Specifying the registered quantity of cargos in each batch and batch No.;

Invoices;

Bill of lading (applicable to imports by air, sea or rail);

Certificate of quality, applicable to pest steam cleaner.

3. Inspection contents

a) Inspection and sampling for inspection

Within 02 working days from the date on which importers present the declaration of imports, a notification of location and time of sampling must be given as follows:

If the pesticide product batch remains its original condition and is consistent with information provided in the application for regulatory inspection of imported pesticide product quality and declaration of imported goods, the conformity assessment organization shall carry out sampling and establish a record on sampling for inspection of imported pesticide product quality by completing the form recommended in the Appendix XXV enclosed herewith, and this batch will be documented as well. Pest steam cleaner batch shall be subject to documentation verification and actual condition inspection.

If the pesticide product batch does not remain its original condition and is inconsistent with information provided in the application for regulatory inspection of imported pesticide product quality, the conformity assessment organization shall not carry out sampling and shall establish a record on violation against regulations on regulatory inspection of imported pesticide product quality by completing the form recommended in the Appendix XXVIII hereof.

b) Notification of the inspection result

Within 03 working days from receipt of samples for this inspection, the conformity assessment organization shall give the notification of the result of regulatory inspection of imported pesticide product quality by completing the form recommended in the Appendix XXVI enclosed herewith. If the inspection lasts longer than expected, the conformity assessment organization must immediately notify importers to mutually agree on possible solutions.

If the imported pesticide product batch does not meet quality standards, the conformity assessment organization must promptly notify importers and concurrently report to the Plant Protection Department to find a decision to deal with this problem.

If the imported pesticide product batch is forced to be re-exported, importers must complete the re-export of this batch within the permitted time period as stipulated in the decision to deal with this problem granted by the Plant Protection Department and send a duplicate of the written confirmation to the customs authority to the inspection agency to serve the purpose of document filing.

c) Document filing

Application for regulatory inspection of pesticide products must be stored within a maximum period of 03 years from the date on which the notification of the inspection result is given.

Article 45. Complaint handling and imposition of penalty for violations arising in the regulatory inspection of imported pesticide product quality

1. Complaints and complaint handling

a) Importers of pesticide products shall have the right to complain the inspection result, or request the conformity assessment organization to review the inspection result.

b) The inspection authority shall accept and deal with complaints or denunciations of importers in accordance with regulations enshrined in the Law on Complaints and the Law on Denunciation.

2. Regulations on re-inspection

a) Within 07 working days from receipt of the notification stating that the pesticide product batch has not met the import standards, importers shall have the right to request the conformity assessment organization who has carried out inspection of their product batch to review the inspection result or carry out the re-inspection on condition that the product batch still remains its original state;

b) If the re-inspection result is contrary to the initial inspection result, importers are not required to pay any expense for this reinspection. If the reinspection result is identical to the initial inspection result, importers are required to pay expenses for the reinspection;

c) If errors of the conformity assessment organization in the inspection of imported pesticide product batch cause importers any loss, the conformity assessment organization will be required to reimburse

an entire amount of inspection costs, concurrently pay compensations for such loss to importers in accordance with applicable laws.

3. Imposition of penalties for violations

Importers of pesticide products who commit regulations laid down in this Circular and other relevant documents shall be subject to penalties in accordance with regulations on imposition of penalties for violations arising in the field of metrology and quality of commodities and other regulations on imposition of penalties for administrative violations in the field of plant protection and quarantine.

Article 46. Responsibilities of the conformity assessment organization

1. Only assess the conformity of the designated tests.
2. Receive, examine submitted documentation, and send the notification of the result of application for registration of pesticide quality inspection filed by importers within the permitted time period.
3. Take responsibility for the result of inspection of imported pesticide product quality.
4. Send a biennial and annual report to the Plant Protection Department on the current status and result of inspection of imported pesticide product quality by completing the form recommended in the Appendix XXVII enclosed herewith. This report must be submitted by June 25 and December 25 every year.
5. Be put under the supervision and control of the Plant Protection Department.
6. Collect the fee for the quality inspection in accordance with applicable regulations.
7. Store samples used for the quality inspection purpose within a required period of 06 months from receipt of these samples.
8. Preserve the result of inspection of imported pesticide product quality within a maximum period of 03 years from the issuance of this result.

Article 47. responsibilities of importers of pesticide products

1. Apply for registration and implement regulations on inspection of imported pesticide product quality.
2. Take responsibility to provide necessary materials about imported pesticide products, and provide advantages for the conformity assessment organization to access to the area in which imported pesticide products are retained, stored and transported to serve the sampling purpose.
3. Comply with any decision made by the Plant Protection Department to deal with imported pesticide product batches that fail to meet the quality standards or are in breach of provisions laid down in this Circular.
4. Have the right to file a complaint against the result of inspection of imported pesticide product quality and make a denunciation of any illegal acts committed during the process of inspection of imported pesticide product quality.
5. If imported pesticide products are allowed to be warehoused to expect the inspection result produced by the inspection authority, importers shall be responsible for keeping pesticide products intact, preventing them from being traded or used until the satisfactory inspection result is given.

Article 48. Regulatory quality inspection of pesticide products circulated in the market

1. Regulatory quality inspection of pesticide products circulated in the market shall be carried out under the provisions of the Law on Product and Commodity Quality, and the Circular No. 26/2012/TT-BKHCN of the Minister of Science and Technology dated December 12, 2012 on providing regulations on the regulatory quality inspection of goods circulated in the market.
2. The regulatory quality inspection of pesticide products circulated in the market shall be conducted by organizations with all necessary conditions designated by the Ministry of Agriculture and Rural Development or the Plant Protection Department.
3. The designation of testing organizations shall be governed by applicable regulations enforced by the Minister of Agriculture and Rural Development on assessment, appointment and management of laboratories for the agriculture and rural development sector.

Chapter VII

CERTIFICATE OF CONFORMITY AND DECLARATION OF CONFORMITY FOR PESTICIDE PRODUCTS

Article 49. Requirements for declaration of conformity

Pesticide products specified in the List of group-2 products or commodities issued together with the Circular No. 50/2010/ TT-BNNPTNT of the Minister of Agriculture and Rural Development dated August 30, 2010 on making amendments to the list of group-2 products, commodities issued together

with the Circular No. 50/2009/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated August 18, 2009 shall be subject to the declaration of conformity prior to being circulated in the market.

Article 50. Process, procedure and basis for certification of conformity and declaration of conformity

1. Certification of conformity and declaration of conformity for pesticide products shall be governed under the provisions of the Circular No. 55/2012/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated October 31, 2012 on providing guidance on procedures for designation of the organization granting the Certificate of conformity and declaration of conformity under the authority of the Ministry of Agriculture and Rural Development.

2. Basis for certification of conformity and declaration of conformity for pesticide products includes technical criteria specified in the National technical regulation (QCVN), the National standards (TCVN), and the basic standards (TC) of the Plant Protection Department annually released by the Department.

Chapter VIII

TRANSPORTATION AND STORAGE OF PESTICIDE PRODUCTS

Section 1. TRANSPORTATION OF PESTICIDE PRODUCTS

Article 51. General principles of transportation of pesticide products

1. Transportation of pesticide products must conform to regulations laid down in the Government's Decree No. 104/2009/NĐ-CP dated November 9, 2009 on stipulating the list and road transportation of hazardous cargos; the Government's Decree No. 14/2015/NĐ-CP dated February 13, 2015 on providing specific provisions and guidance on implementation of several articles of the Law on Railroads; regulations on inland waterway, air and marine transportation of hazardous cargos; other relevant regulations as well as international agreements of which Vietnam is a signatory.

2. Transportation of pesticide products (except for microbial pesticide products) must be licensed in accordance with regulations laid down in Clause 1 Article 4 of the Government's Decree No. 104/2009/NĐ-CP dated November 9, 2009 on stipulating the list and road transportation of hazardous cargos; Clause 1 Article 22 of the Government's Decree No. 14/2015/NĐ-CP dated February 13, 2015 on providing specific provisions and guidance on implementation of several articles of the Law on Railroads.

3. Pesticide products must be shipped on schedule defined in the contract or other relevant document on transportation of pesticide products which is signed between the carrier and the consignor.

4. The safety for humans, animals and environment must be guaranteed during the pesticide product transportation. The carrier of pesticide products shall not be allowed to park at crowded areas, near schools, hospitals, markets or water sources for daily human needs.

5. Pesticide products shall only be transported after being packed, labeled and endorsed by the transportation permit granted by the competent authority in accordance with regulations laid down in Article 54 hereof.

6. Pesticide products likely to cause reactions with one another shall be prohibited from being shipped on the same means of transport.

7. Pesticide products shall not be shipped on the means of transport used for transporting passengers, animals, foodstuff, easily inflammable or explosive materials, and other cargos, except for fertilizers.

Article 52. Transportation of pesticide products

1. Carrier of pesticide products

a) The driver or cargo escort must be well aware of the hazard of pesticide products such as toxicity, inflammability, explosivity, corrosivity, and must learn basic knowledge about how to control accidents that may occur during the transportation process as well as observe legal regulations on transportation of hazardous cargos;

b) The driver of road vehicle used for transportation of pesticide products must hold both certificates in driving of vehicle in accordance with applicable laws and the Certificate of completion of training in the labor safety in transportation and storage of pesticide products;

c) The escort of pesticide products must be trained for the labor safety in transportation and storage of pesticide products.

2. Packages, tanks or containers containing pesticide products during transportation must

a) be made of resilient, firm and almost waterproof materials;

- b) mount an alert pictogram, including black skull and crossbones on white background put inside the square on a point, and those relevant to the nature of pesticide products en route in accordance with regulations laid down in the Appendix XXXIII enclosed herewith. The size of alert pictograms mounted on each tank is 100 x 100 millimeters (mm) and on containers is 250 x 250 millimeters (mm);
- c) have a hazard warning signal including an orange rectangle with the United Nations (UN) code printed in the center. The size of a hazard warning signal is 300 x 500 millimeters (mm) in accordance with the form stipulated in the Appendix XXXII enclosed herewith. It should be placed underneath an alert pictogram. As for a package and tank containing pesticide products, the hazard warning signal should be designed in smaller size so that it will be proportional to that package and tank. However, it must be clearly visible.

3. Pesticide product transport

a) Common means of transport licensed to be operated to carry freight by regulatory authorities shall be allowed to carry pesticide products.

b) Pesticide product transports must meet the following technical requirements:

Be equipped with devices or instruments used for fire fighting and prevention which are relevant to pesticide products en route;

Have covers or hoods to fully cover the whole freight compartment to prevent water intrusion during the transportation process;

Use of trailer trucks for transportation of pesticide products is not allowed.

c) Pesticide product transports shall be arranged at the end of each ferry if there is no purpose-made ferry used for carrying hazardous cargos at that ferry terminal.

d) Means of transport of pesticide product tanks must be mounted with alert pictograms particularly designed for groups or classes of cargos en route. The size of an alert pictogram mounted on each transport is 500 x 500 millimeters (mm). Alert pictograms should be mounted at both sides and the rear side of each transport.

Article 53. Handling of accidents

In case of pesticide spills or leaks during the transportation process, the driver, consignor and transport owner, shall be responsible for applying necessary measures to control and mitigate consequences, concurrently reporting to the People's Committee of a commune where such accidents happen to carry out the continuing supervision and find solutions to giving warnings and preventing consequences. The person causing such accidents shall be liable for expenses incurred.

Article 54. Pesticide transportation permit

1. The Plant Protection Subdepartment or Plant Cultivation and Protection Subdepartment shall issue the pesticide transportation permit to the following entities:

a) Organizations or individuals carrying pesticide products which weigh from 1,000 kilograms (kg)/shipment on road vehicle;

b) Organizations or individuals chartering the train to carry pesticide products which weigh from 1,000 kilograms (kg)/shipment.

2. Pesticide transportation permit shall be valid nationwide.

3. The validity period of the pesticide transportation permit shall be changed by shipments (applicable to road transport), batches (applicable to rail transport) or by periods but restricted to 12 months from the issue date.

4. The template of the pesticide transportation permit shall adopt the one recommended in the Appendix XXX enclosed herewith.

Article 55. Application, process and procedure for issuance of the pesticide transportation permit

1. Submission of an application

Applicants for issuance of the pesticide transportation permit shall submit one set of documents in person or by mails or online to the regulatory authority in accordance with regulations laid down in Clause 1 Article 54 hereof.

2. Documentation submitted shall include:

a) Application form for issuance of the pesticide transportation permit by adopting the form given in the Appendix XXIX enclosed herewith;

- b) The photocopied duplicate of the Certificate of participation in training in the labor safety during the process of transportation and storage of pesticide products held by the driver or freight escort. It will be submitted together with the original for verification purpose (applicable to the road transport);
- c) One of the duplicates of the following documents: Pesticide supply contract; pesticide transport contract; sales invoices issued for export, import of pesticide products; cargo manifest of the shipping company (with signature and seal);
- d) Transport route, address and telephone number of the consignor (with signature and seal).

3. Documentation verification and issuance of the pesticide transportation permit

Within a maximum period of 03 working days from receipt of all necessary documents in accordance with regulations laid down in Clause 2 of this Article, the competent authority shall carry out documentation verification. If such submitted documents are valid, the competent authority shall issue the pesticide transportation permit.

If submitted documents are not valid, within 01 working day from receipt of all necessary documents, the competent authority shall notify applicants of contents that need to be improved for the next submission in accordance with applicable regulations.

In case of refusal to issue the pesticide transportation permit, within 01 working day, the competent authority shall notify applicants in writing and clearly state the reasons for such refusal.

Section 2. STORAGE OF PESTICIDE PRODUCTS

Article 56. General provisions on pesticide product warehouse

- 1. Pesticide product warehouse must conform to requirements set out in TCVN 5507:2002 Hazardous chemicals - Code of practice for safety in production, trading, use, storage and transportation.
- 2. It must have adequate capacity to store all of pesticide products at any time;
- 3. The warehouse particularly intended for storage of biological pesticide products shall not be required to conform to regulations laid down in this Section but ensure that it will not contaminate environment.

Article 57. Specific provisions on pesticide product warehouse

- 1. The pesticide product warehouse of the pesticide production facility

- a) Warehouse keepers

Warehouse keepers must be trained for the labor safety in storage of pesticide products, and issues relating to pesticide products as well as chemical safety practices in accordance with regulations laid down in Section 3 of this Chapter, and must hold certificates in the labor and fire safety.

- b) The site

The warehouse located in industrial parks must comply with regulations herein.

The warehouse placed outside industrial parks must be located at the proper site and conform to requirements defined in the local zoning plan and endorsed by the written consent from the People's Committee at the communal or higher level;

The warehouse must be at least 200 meters distant from schools, hospitals, markets and water sources; must be located at the site in which standards of electricity, water supply, effluent treatment, environmental pollution control and traffic are met; must be separated from the outside community by walls or fences.

- c) Warehouse specifications

Pesticide products stored in the warehouse must be arranged tidily and logically and classified by the levels of risk, fire, explosion, and must be separated from those likely to cause chemical reactions when being placed together.

Pesticide products must be stored at least 10 cm above the floor and at least 20 cm from the wall. The main aisle is at least 1.5 m in width to facilitate fire fighting, prevention, examination and inspection activities.

Pesticide warehouse must be built by using fireproofing and fire retardant materials; the skeleton of the warehouse structure must be made from bricks, concrete or steel. The warehouse floor must be made from liquid non-absorbent materials, and it has the flat surface but is covered with anti-slip coating without cracks as well as bordered by raised edges; All doors must be firmly locked.

The pesticide warehouse must have exit ways, clear instructional signs (maps or charts) and easily open in case of emergency.

The pesticide warehouse must be built with the waste treatment system, comply with regulations laid down in the Government's Decree No. 59/2007/NĐ-CP dated April 9, 2007 on solid waste

management; be equipped with the ventilation system; keep tools and means for collection and transportation of solid wastes from the warehouse to the outside areas in place.

A notice of internal rules and regulations, and warning pictograms in conformity with the level of hazard must be mounted in the pesticide warehouse. With regard to chemicals which have different hazardous properties, alert pictograms must represent all of these properties.

The pesticide warehouse must be provided with labor safety rules, and labour safety equipment (such as gloves, facial masks, eye protective glasses and protective suits) to be used by those who are directly exposed to pesticide products as well as first aid kits stored in the box.

It must have bathrooms or cloakrooms where employees can take a bath or change their clothes after work.

The pesticide warehouse must meet all necessary requirements for fire and explosive safety in accordance with the Law on Fire Fighting and Prevention.

The warning signs, such as "no fire" and "no smoking", printed in large-font and red texts must be placed outside the pesticide warehouse; the fire fighting and prevention rules and orders must be placed in the visible position.

It must be equipped with emergency devices or instruments. Its fire fighting and prevention system must be installed in the proper position and should be checked frequently to make sure that it is in a good condition for use.

The pesticide warehouse operations must ensure the safety, prevention of potential risks such as fire, leak and spill. The warehouse keeper must comply with instructions defined in the chemical safety datasheet of all pesticide products stored inside, and directions for the safety, hygiene and emergency instructions.

2. The pesticide storeroom of a pesticide business

a) It must be at least 20 m distant from water sources (such as rivers, lakes, canals and ditches) and its embankments or walls must be firmly reinforced to prevent the pesticide spillage. It must be built in a dry, well-ventilated, anti-leak or anti-flood place as well as meet requirements for fire and explosive fighting and prevention;

b) The wall and roof of the pesticide storeroom must be made from fire retardant materials. The wall and floor must be flat, anti-slipping, easy to be cleaned and resistant to flood;

c) It must be provided with sufficient illumination to identify pesticide products. The lighting system must conform to the fire safety standards;

d) Pesticide products must be stored at least 10 cm above the floor and at least 20 cm from the wall, and stored in tightly closed packages as well as prevent order from being spread over surrounding areas;

dd) Pesticide stowage must ensure that there is no damage, spillage, leakage that may take place. Its main entrance must be spacious enough for at least one person to walk and must be particularly designed for specific pesticide products stored inside;

e) Internal rules and regulations, and fire safety equipment must be made available and ready for use upon the request of the fire safety authority;

g) Persons working inside the pesticide storeroom must be provided with personal protective equipment such as gloves, face masks, clean water and soap;

h) It must be equipped with emergency materials and tools.

Section 3. TRAINING IN THE LABOR SAFETY IN TRANSPORTATION AND STORAGE OF PESTICIDE PRODUCTS

Article 58. Contents of training in the labor safety in transportation and storage of pesticide products

1. The driver and escort of pesticide products must be trained for the followings:

a) Safety in transportation and storage of pesticide products;

b) Legal regulations on transportation and storage of hazardous chemicals;

c) Pesticide product properties;

d) Warning pictograms and signs.

dd) Methods of guaranteeing the safety in pesticide transportation, including response to emergency cases, safety practices on the road and basic knowledge about how to use protective devices, and measures to be taken to prevent and surmount accidents caused by each type of pesticide product;

g) Safety practices in storage and transportation of pesticide products.

2. The Plant Protection Department shall be responsible for designing contents and programs for training intended for escorts and drivers of pesticide products.

3. The Plant Protection Subdepartment or Plant Cultivation and Protection Subdepartment shall hold or cooperate with training or vocational training centers or enterprises in holding such training intended for organizations or individuals involved in transportation of pesticide products, raw materials used for manufacturing pesticide products, drivers, escorts of cargos and pesticide products in accordance with the training program contents stipulated in Clause 1 of this Article.

Article 59. Training in the labor safety in transportation and storage of pesticide products

1. Organizations or individuals wishing to participate in training in transportation and storage of pesticide products shall send their registration list of participants in person or by mails or online to the Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment.

2. The Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall provide training for participants in accordance with regulations laid down in Clause 1 Article 58 hereof. Training shall last for 03 days.

3. After considering the examination result, the Plant Protection Subdepartment or the Plant Cultivation and Protection Subdepartment shall confer the Certificate of completion of training in the labor safety in transportation and storage of pesticide products by completing the form recommended in the Appendix XXXI enclosed herewith.

Chapter IX

PESTICIDE PRODUCT ADVERTISING

Article 60. Contents of advertisements for pesticide products

1. Advertising of pesticide products is required to convey the following contents, unless otherwise stipulated in Clause 2 of this Article:

- a) Commercial names, active ingredient names;
- b) Features and effects as well as important instructions on use and storage of pesticide products;
- c) Name and address of organizations or individuals that hold the registration or distribution certificate;
- d) Instructions for use;
- dd) Precautions against pesticide hazard and toxicity, and instructions on prevention and control of the pesticide harmful effects.

2. An advertisement displayed on billboards, signboards, signs, banners, racks, shelves, or other items, or objects in the air, under the water, or movable objects, electronic devices, terminal devices and other communications devices, or means of transport, advertisement transmitters shall not be required to contain all of the compulsory contents as mentioned above.

3. Pesticide product seminars must provide guidance on the safety and effectiveness in use of pesticide products in accordance with the basic standards TCCS 20: 2010/BVTV - Instructions for pesticide product use in a safe and efficient manner.

4. Seminars on pesticide products with the acute toxicity classified into class I, II in conformity with the Globally Harmonized System shall be held to serve the purpose of giving safety warnings.

5. Contents of advertisements for pesticide products must be approved by competent authorities stipulated in Article 61 hereof.

Article 61. Authority to issue the Certificate of approval for advertisement contents for pesticide products

1. The Plant Protection Department shall issue the Certificate of approval for advertisement contents for pesticide products displayed on press media, electronic information pages, electronic devices, terminal devices and other communications devices, printouts, audio and video recordings and other technological equipment administrated by central agencies, and released nationwide.

2. The Plant Protection Subdepartment or Plant Cultivation and Protection Subdepartment shall issue the certificate of approval for advertisement contents for pesticide products displayed on the followings:

- a) Press media, electronic information pages, electronic devices, terminal devices and other communications devices, printouts, audio and video recordings and other technological equipment administrated by local authorities;
- b) Billboards, banners, signboards, light boxes and advertising screens.
- c) Means of transport;
- d) Fairs, workshops, seminars, events, exhibitions, sports events and cultural programs;

- dd) Advertisement transmitters and advertising objects;
- e) Other advertising equipment in accordance with laws.

Article 62. Application, process and procedure for issuance of the Certificate of approval for advertisement contents for pesticide products

1. Submission of an application

- a) Applicants shall submit their applications in person or by mails or online to the regulatory authority as stipulated in Article 61 hereof;
- b) The number of documents submitted: 01 paper and 01 electronic set of documents.

2. Documentation submitted shall include:

- a) Application form for issuance of the Certificate of approval for advertisement contents for pesticide products by adopting the form given in the Appendix XXXIV enclosed herewith;
- b) The duplicate of the Certificate of pesticide product registration;
- c) Advertisements (advertisement contents, forms represented by images, sounds, voices, texts, symbols, colors, lights and other equivalents);
- d) List of presenters with all necessary information about their qualifications or academic titles (applicable to fairs, seminars, conferences, events, exhibitions or sports events and cultural programs).

3. Verification of documentation and issuance of the Certificate of approval for advertisement contents for pesticide products

Within a maximum period of 10 working days from receipt of all valid, the competent authorities stipulated in Article 61 hereof shall issue the Certificate of approval for advertisement contents for pesticide products by adopting the form recommended in the Appendix XXXV enclosed herewith. In case of refusal to issue the Certificate of approval for advertisement contents, the competent authorities are required to respond to applicants and clearly state the reasons for such refusal.

Chapter X

PESTICIDE PRODUCT LABEL

Section 1. GENERAL PRINCIPLES OF PESTICIDE PRODUCT LABELS

Article 63. Principles of pesticide product labeling

- 1. Pesticide products circulated in inland areas, or used for exports or imports must be labeled in conformity with regulations on the commodity label enshrined in the Government's Decree No. 89/2006/NĐ-CP dated August 30, 2006, and instructions provided by the Globally Harmonized System on classification and labeling of commodities and in this Circular.
- 2. The level of harmful effects of pesticide products must be displayed on the pesticide product label and the chemical safety datasheet attached along with pesticide products. The level of harmful effects of pesticide products shall be classified in conformity with technical rules and instructions set out by the GHS and classified by the material harmful effects or those on human health and environment. Classification of harmful effect groups shall be specified in the Appendix XXXVI enclosed herewith.

Article 64. Position, size of labels mounted on pesticide products

- 1. Pesticide product labels must be printed or tightly mounted on pesticide product packages in the visible position, provide all required contents, and pesticide products shall not disintegrate due to the labeling.
- 2. Size of pesticide product label shall be decided by the manufacturer of pesticide products provided that all required contents stipulated in Section 2 of this Chapter are displayed on the label.

Article 65. Color, presentation of texts, symbols and images used on the pesticide product label

Color

- a) Color of texts, numerical characters, images, signs printed on the label must be clear;
- b) Texts and numerical characters must have color in contrast to color of the label background which conveys required contents (example: black - white, black – pale yellow, deep brown – white, dark blue – white);
- c) The background color of the pesticide product label shall not be confused with the color indicating the hazard level of pesticide products.

2. Presentation

- a) The minimum font size is 8 point and the standard font is Times New Roman (or equivalent);
- b) Vertical, skewed or wavy texts are not permitted;
- c) Images, illustrations of harmful organisms or plants shall be allowed to print on the pesticide product label only if these are registered;
- d) Any image behind required contents printed on the pesticide product label is not permitted;
- dd) The name of the active ingredient shall only be printed on the section "composition".

Article 66. Presentation language

- 1. Language printed on the pesticide label is Vietnamese;
- 2. The following contents may be printed in other languages derived from Latin alphabets:
 - a) The common name of the active ingredient;
 - b) The common name or scientific name of ingredients, quantitative composition, if it is impossible to translate it into Vietnamese, or translation into Vietnamese shall make it mean nothing;
 - c) Name and address of foreign organizations or individuals who are the legal holders of the registration certificate, or the manufacturers of pesticide products.

Article 67. Contents printed on the pesticide product label

- 1. The contents printed on the pesticide product label must be genuine, accurate and obvious, and reflect the true nature of a single pesticide product (including contents printed on the user's instruction leaflet) as well as conform to regulations laid down in Section 2 of this Chapter and the Certificate of pesticide product registration.
- 2. Change to contents printed on the pesticide product label must be approved by the Plant Protection Department.

Section 2. COMPULSORY CONTENTS PRINTED ON THE PESTICIDE PRODUCT LABEL

Article 68. Compulsory contents printed on the formulated pesticide product label

- 1. Commercial name;
- 2. Pesticide class;
- 3. Formulation type;
- 4. Name, composition and content of the active ingredients;
- 5. Quantitative determination;
- 6. Registration number;
- 7. Manufacturing date;
- 8. Batch number;
- 9. Expiry date;
- 10. Origin of manufacture;
- 11. Information about the manufacturer;
- 12. Information about the registration certificate holder or distributor;
- 13. Instructions for use and storage;
- 14. Warning of hazards;
- 15. Instructions for the safe use of the pesticide product;
- 16. Name, content of the solvent, additive that may change the acute toxicity of the formulated pesticide product (when applicable).

Article 69. Secondary pesticide product label

- 1. If the label does not have enough blanks to print all compulsory contents as prescribed in Article 70 hereof, the primary label must comprise at least the contents stipulated in Clause 1, 5, 7, 9, 10, 12, 14 Article 68 and another secondary label must be additionally provided.
- 2. The secondary label should be mounted on each pesticide package in order to make it unlikely to be displaced during circulation and use.
- 3. On each pesticide product label, the notice sentence "READ INSTRUCTIONS PRINTED ON THE SECONDARY LABEL CAREFULLY BEFORE USE" must be printed.

4. Contents printed on the secondary label shall include all of compulsory contents so printed on the primary label.

Article 70. Compulsory contents printed on the technical pesticides

1. Name of active ingredient;
2. Composition and content of active ingredients;
3. Net volume or net weight;
4. Name, address of the importer;
5. Origin of manufacture;
6. Manufacturing and expiry date;
7. Warning of hazards;
8. Instructions for the safe use of the pesticide product.

Section 3. PESTICIDE PRODUCT LABELING METHOD

Article 71. Method of printing compulsory contents on the pesticide product label

1. Commercial name

The commercial name should not provide any misleading information about the nature and effects of the pesticide product; show any disrespect to Vietnamese traditional values and customs; have the oral or written form that can lead to confusion with the name of key figures, leaders, famous men and geographic names of Vietnam or overseas countries, foods, beverages or pharmaceutical products.

2. Pesticide class: specifying the effects of each pesticide product, including pest and disease control products and others defined in the List. With regard to biological pesticide products, the term "BIOLOGICAL" must be clearly stated in the text line of pesticide products (example: biological pest control products).

3. Formulation type: specifying the symbols of the formulation type under the Croplife International Codes for Technical and Formulated Pesticides stipulated in the Appendix XL enclosed herewith.

4. Name, composition and content of the active ingredient

a) Specifying all names of active ingredients in the composition of formulated pesticides. The common name of the active ingredient shall be acceptable. If not, IUPAC standard shall be applied to the definition of the name of the active ingredient;

b) Specifying the content of specific active ingredients contained in the formulated pesticide

Unit of measurement: g/kg (in full three digits), or percentage of weight: % w/w (in full two digits), applicable to solid, viscous liquid, aerosol or evaporative liquid – type pesticide products; unit of measurement: g/l (in full three digits) or percentage of weight: % w/w, applicable to liquid pesticide products; unit of measurement: IU or UI (International Unit)/mg, CFU (Colony-Forming Unit)/g (or ml), applicable to microbial pesticide products.

5. Quantitative determination;

a) As for pesticide products which are quantitatively calculated by units of measurement, the labeling must conform to Vietnam's laws on measurement.

b) As for pesticide products which are quantitatively calculated by quantities, ingredients must be written in the form of natural numbers on these pesticide products.

c) As for liquid, viscous liquid pesticide products, the net volume should be specified in liters (l) or millimeters (mm); as for powdery, particulate, viscous liquid, aerosol or evaporative liquid pesticides, the net weight should be specified in kilograms (kg) or grams (g); as for granular pesticide products, the number of granules and weight of each granule should be specified in kilograms (kg) or grams (g).

d) If there are different parcels in a commercial packaging of the pesticide product, the quantitative determination of each parcel and the number of parcels must be specified.

dd) As for pre-packed pesticide products, the quantitative determination shall be governed under the Circular No. 21/2014/TT-BKHCHN of the Ministry of Science and Technology dated July 15, 2014 on providing regulations on the quantitative measurement of pre-packed goods.

6. Registration number means the registered numbers specified in the Certificate of pesticide product registration issued by the Plant Protection Department.

7. Manufacturing and expiry date

a) Manufacturing and expiry date must be printed in full or in abbreviated capital letters "MFG" in the format of day, month, year in the calendar year. Each number indicating day, month or year must be

written in the form of two digits. Four digits may be accepted to indicate the year. Numbers indicating the day, month, year of a time period should be printed in the same line;

b) If it is unable to print the abbreviated word "MFG" as well as the number indicating the day, month or year, the label must give a note on this information. Example: if the number "020406" is printed at the bottom of the pesticide package, the label must note down "please see MFG at the bottom of the pesticide package".

8. The manufacturing batch number shall be printed, including the batch number: XXXX; or the batch No.: XXXX. The typeface of the batch number shall be decided by the manufacturer.

9. Origin of manufacture

a) Print "manufactured in" or "origin" with attached name of country or territory manufacturing the pesticide product;

b) As for pesticide products manufactured in Vietnam to serve the purpose of domestic circulation, if the address of the manufacturer has been identified, the origin of the pesticide product is not compulsory.

10. Information about the registration certificate holder or distributor of pesticide products.

a) Registration certificate holder: Specifying name, address and telephone numbers of the organization or individual issued the Certificate of pesticide product registration;

b) Distributor: Specifying name, address and telephone numbers of the organization or individual distributing pesticide products in Vietnam;

c) Information about the manufacturer: Specifying name, address of the organization or individual manufacturing formulated pesticides.

11. Instructions for use and storage:

a) Useful effects and target entities (harmful organisms or plants);

b) Dosage, concentration, application frequency, schedule and method;

c) Methods of preparation, formulation, spraying and formulation percentage;

d) Quarantine period;

dd) Possibility of combining with other pesticide products (when applicable);

e) Prevention of pesticide resistance and management information (when appropriate);

g) As for pesticide products for fruit plants that may be highly toxic to honey bees, the warning "do not spray during blossoming period" should be given;

h) As for pesticide products for rice that may be highly toxic to fishes according to the GHS classification, the warning "highly toxic to fishes. Do not use within aquacultural zones" should be given;

i) Information about measures to be taken to prevent the wrong or improper use of pesticide products;

k) Method of storing and dealing with residual pesticides and pesticide packages during and after use;

l) Necessary conditions for storage of pesticide products should be printed on the label. Example: Stored in dry and cool place at the temperature of less than 30°C.

12. Warning of hazards

a) Warning pictograms, warning statement, hazard warning and colorful stripes on the label as stipulated in the Appendix XXXVII enclosed herewith must be relevant to the classification of the harmful effect levels of pesticide products;

b) The warning statement must be represented in lowercase texts, bold texts or uppercase texts which are not less than 2 millimeters (mm) in height. The warning statement must be uniform to the GHS, including words like "DANGER" used for warning more serious hazards; "WARNING" used for warning less serious hazards;

c) The height of the warning stripe is not 10% less than that of the label.

13. Instructions for the safe use of pesticide products.

a) Explanations, directions and symbols for the safety guidance which describe measures and requirements to be applied to minimize or prevent harmful effects of pesticide products during physical contact with pesticide products, or transportation or storage of pesticide products. The presentation of the safety guidance on the pesticide product label shall be governed by specific provisions laid down in the Appendix XXXVIII enclosed herewith;

b) Information about intoxication symptoms, first aid instructions and medical treatment tips. Information about detoxicants (if applicable).

Section 4. CHEMICAL SAFETY DATASHEET OF PESTICIDE PRODUCTS

Article 72. General principles

1. Manufacturers or importers of pesticide products must prepare the chemical safety datasheet for their pesticide products in accordance with regulations laid down in Article 29 of the Law on Chemicals.
2. Organizations or individuals that manufacture, trade, import or carry pesticide products must store the chemical safety datasheet for all of pesticide products that currently exist in their facility or are on their means of transport, and show it upon request as well as ensure that all of persons relating to pesticide products have access to information provided in this datasheet.

Article 73. Form and content of the chemical safety datasheet of pesticide products

1. The chemical safety datasheet of pesticide products should be written in Vietnamese. With regard to imported pesticide products, the manufacturer's datasheet printout in the source language or English must be enclosed.
2. In case the chemical safety datasheet has multiple pages, it must be paginated in consecutive order from the first page to the final page. The numbering system on each page includes the ordinal number and total number of pages in the chemical safety datasheet and must be edge-stamped by the manufacturer.
3. The content of the chemical safety datasheet must take the recommended form given in the Appendix XXXIX enclosed herewith.

Chapter XI

PESTICIDE PRODUCT PACKAGING

Article 74. Requirements imposed on pesticide product packaging

Requirements imposed on pesticide product packaging shall apply to all of pesticide product packages, even inclusive of recycled or reused packages.

1. Packaging standards:
 - a) High-quality materials must be used to produce packages which are resistant to normal shocks or collisions during transportation, transloading and manual or mechanical warehouse handling process;
 - b) Packages must be tightly closed in order not to prevent chemical spillage or leakage at the pre-shipment stage, or during the transportation affected by unexpected events such as shock or increase in temperature, humidity and pressure;
 - c) The exterior of packages should be kept clean and avoid contacting with any hazardous chemicals.
2. The inner packing layer in contact with pesticide chemicals must meet the following requirements:
 - a) Its properties are not be impacted or become less durable due to the destructive effects of chemicals;
 - b) None of dangerous, catalytic impacts or reactions to pesticide chemicals may occur inside the pesticide package;
 - c) An inert layer should be inserted to protect and isolate packing materials from inside pesticide products.
3. The inner packing layers of a two-layer package must protect pesticide products from damage or rupture, or prevent chemicals inside from being leaked to the outer layer in normal shipping conditions
4. Materials used for creating the inner layer which are likely to be damaged or perforated, such as glass, ceramics or certain plastic materials, must be fixed to the outer packing layer by inserting relevant shock – absorbing buffer.
5. Pesticide products should not be packed together in the same outer package or in the same compartment since pesticide chemicals are likely to generate reactions and cause fire or release excessive heat; create emissions causing breathlessness, oxidants or noxious gases due to heat or fire, and produce substances with high abrasivity and non-durable substances.
6. Standards of liquid pesticide packaging
 - a) Create the relevant resistance to the inner pressure generated during the shipping process;
 - b) Prepare the necessary space to prevent leakage or distortion of pesticide packages due to an increase in the inner volume of liquids made by an increase in temperature during the shipping process;

c) Be tested for leaks before use.

7. Packaging of easily evaporated pesticide products should be closed enough to prevent the liquid level from being below the limited level during the shipping process.

8. Packaging of granular or powdery liquid pesticide should be closed enough to prevent spillage or be protected by tightly-closed dunnage.

9. Used packages should be managed in the same manner as the ones currently containing pesticides.

10. Manufacturers or importers of pesticide products must set standards for pesticide packages in accordance with regulations laid down in Point c Clause 1 Article 71 of the Law on Plant Protection and Quarantine.

Chapter XII

USE OF PESTICIDE PRODUCTS

Article 75. Rights and obligations of the user of pesticide products

Rights and obligations of the user of pesticide products are stipulated in Clause 2 Article 71 of the Law on Plant Protection and Quarantine.

Article 76. Contents of training in use of pesticide products

1. Instructions on safe and effective use of pesticide products;
2. Guidance on reading pesticide product label;
3. Harmful effects of pesticide products on users, and prevention methods;
4. Environmental protection and food safety;
5. Rights and obligations of users of pesticide products

Article 77. Responsibility of the trainer providing instructions for use of pesticide products

1. The Plant Protection Department shall be responsible for designing training contents and programs.
2. The Plant Protection Subdepartment or Plant Cultivation and Protection Subdepartment shall hold or cooperate with training or vocational training centers or enterprises in holding such training to ensure that predetermined contents and programs are respected in accordance with Article 76 hereof.
3. Pesticide production facilities should show their initiatives in holding such training in instructions for use of pesticide products, and pesticide accident control and prevention.

Chapter XIII

RECALL AND ERADICATION OF PESTICIDE PRODUCTS

Article 78. Process for compulsory recall of pesticide products

If any pesticide products are found to be recalled under the provisions of Clause 1 Article 73 of the Law on Plant Protection and Quarantine, competent authorities stipulated in Article 79 hereof must go through the following process:

1. Issuing the compulsory recall decision.
2. Sending this to the organization or individual whose pesticide products are compulsorily recalled by taking the following steps: Request that organization or individual to suspend trading of pesticide products subject to recall, and identify and send the notification of pesticide recall to distributors of these products to carry out this recall based on issued documents.
3. Sending the notification of pesticide recall to relevant administrative agencies.
4. Sealing pesticide products to be recalled.
5. Requesting the organization or individual whose pesticide products are subject to the recall decision to prepare the plan to treat recalled pesticide products for submission to competent authorities defined in Article 79 hereof for consideration.
6. Granting the decision on measures to treat recalled pesticide products and supervising pesticide product treatment.
 - a) Apply the measure to reexport recalled pesticide products to imported pesticide products;
 - b) Comply with the decision of the Plant Protection Department on applying the measure to recycle recalled pesticide products. The recycling activity should be overseen by the authority issuing the decision on compulsory recall;

c) Apply the measure to have labeling errors rectified to pesticide products of which labels or packaging are false or in breach of applicable regulations;

d) Apply the measure to eradicate recalled pesticide products to the organization or individual whose pesticide products are subject to the eradication order, or the organization or individual whose application of other remedial measures in accordance with applicable regulations is failed.

7. The eradication of pesticide products must be governed under the provisions of Article 74 of the Law on Plant Protection and Quarantine.

Article 79. Authority to grant the decision on compulsory recall of pesticide products

1. The Plant Protection Department shall exercise their power to decide the compulsory recall of pesticide products, and measures and deadline for recalled pesticide product treatment; examine the recall and treatment of pesticide products performed by pesticide manufacturers; impose penalties for violations concerning pesticide product recall committed by pesticide dealers if establishing that the similar recall is occurring in different centrally-affiliated cities or provinces.

2. The Plant Protection Subdepartment, or the Plant Cultivation and Protection Subdepartment, shall exercise their power to decide compulsory recall of pesticide products, and measures and deadline for recalled pesticide product treatment; examine the recall and treatment of pesticide products performed by pesticide dealers; impose penalties for violations concerning pesticide product recall committed by pesticide dealers under their authority in accordance with applicable regulations.

Chapter XIV

IMPLEMENTATION

Article 80. Responsibility of the Plant Protection Department

1. Pesticide product registration

a) Receive, verify, store and guard registration applications. The minimum period of storage is 05 years for paper applications, 10 years for electronic applications. After this period, applications shall be eradicated in accordance with applicable regulations;

b) Issue, reissue and revoke the testing permit; issue, renew, reissue and revoke the Certificate of pesticide product registration;

c) Convene meetings with the Advisory Council to consider approving registration of pesticide products and submit application to the Minister of Agriculture and Rural Development to make the request for introduction of the Circular on the List or the Prohibition List after the Council has considered and requested permission for registration of pesticide products into the List;

d) Collect fee and charge paid for issuance and reissuance of the testing permit, the Certificate of pesticide product registration, and renewal of the Certificate of pesticide product registration.

2. Pesticide product testing

a) Manage, organize activities concerning pesticide product testing with assurance that the objectivity and accuracy are respected;

b) Carry out verification of the application for recognition and announcement of organizations eligible to conduct pesticide product testing;

c) Train and award the certificate of participation in training in pesticide product testing to persons who practise the pesticide testing;

d) Manage examination and evaluation of the testing result;

dd) Make good use of the testing result to conduct its evaluation to support the pesticide product registration;

e) Formulate and propose the introduction of the national technical regulation (QCVN), the national standard (TCVN) and basic standards (TC) in terms of pesticide product testing.

3. Production of pesticide products

a) Oversee and request pesticide-related facilities to correct errors in pesticide production conditions;

b) Request pesticide-related facilities to provide documents or materials, and facilitate the assessment of compliance with regulations enshrined in this Circular and other relevant legislative documents about production of pesticide products;

c) Issue, reissue and revoke the Certificate of competence in production of pesticide products in accordance with regulations enshrined in the Law on Plant Protection and Quarantine as well as instructions provided in this Circular;

d) Carry out the periodic or occasional inspection at the facilities issued the Certificate of competence in pesticide production upon the request of the competent regulatory authorities;

- dd) Handle and deal with petitions or denunciations in accordance with laws;
 - e) Design contents and programs of training in improvement of pesticide product knowledge.
4. Import and export of pesticide products
- a) Receive and process application for permission for import of pesticide products under the provisions of Clause 2 Article 67 of the Law on Plant Protection and Quarantine;
 - b) Issue the license for import of pesticide products.
5. Pesticide quality control
- a) Manage activities relating to the pesticide quality control;
 - b) Provide guidance on professional practices, manage operations of designated conformity assessment organizations specializing in the quality control of imported pesticide products;
 - c) Handle and deal with complaints or denunciations of organizations or individuals if imported pesticide products do not conform to quality requirements;
 - d) Give training to officials in charge of the pesticide quality control;
- dd) Formulate and propose the introduction of the national technical regulation (QCVN), the national standard (TCVN) and basic standards (TC) in terms of pesticide quality control.
6. Certificate of conformity and declaration of conformity for pesticide products
- a) Appoint conformity-certifying organizations, pesticide laboratories in accordance with applicable regulations adopted by the Minister of Agriculture and Rural Development;
 - b) Publicly release the list of conformity-certifying organizations, laboratories, National technical regulations (QCVN), National standards (TCVN) and Basic standards (TC) on the website of the Plant Protection Department.
7. Design contents and programs of training in the labor safety in transportation and storage of pesticide products.
8. Design contents and programs of training in instructions for use of pesticide products.
9. Pesticide product advertising
- a) Receive and inspect contents of advertisements for pesticide products under their authority as stipulated in Clause 1 Article 61 hereof;
 - b) Issue the Certificate of approval for advertisement contents.
10. Issue the decision on compulsory recall of pesticide products under their jurisdiction as stipulated in Clause 1 Article 79 hereof.

Article 81. Responsibility of the Department of Agriculture and Rural Development

- 1. Receive the registration application, issue the notification of receiving the declaration of conformity, and make a record to monitor and keep track of documentation relating to the declaration of conformity.
- 2. Collaborate with the Plant Protection Department in providing guidance on certification of conformity and declaration of conformity.
- 3. Send a report to the Plant Protection Department in order for the Department to compile the final report submitted to the Ministry of Agriculture and Rural Development on the declaration of conformity upon request.
- 4. Direct, instruct and inspect the Plant Protection Subdepartment or the Plant Cultivation and Protection Subdepartment in terms of their fulfillment of assigned tasks defined in this Circular.

Article 82. responsibility of the Plant Protection Subdepartment or the Plant Cultivation and Protection Subdepartment

- 1. Trading of pesticide products
 - a) Oversee and request pesticide trading facilities to correct errors in pesticide trading conditions;
 - b) Request these facilities to provide documents or materials, and facilitate the assessment of compliance with regulations enshrined in this Circular and other relevant legislative documents about trading of pesticide products;
 - c) Issue, reissue and revoke the Certificate of competence in pesticide business within their jurisdiction in accordance with regulations enshrined in the Law on Plant Protection and Quarantine as well as instructions provided in this Circular;

d) Carry out the periodic or occasional inspection at the facilities issued the Certificate of competence in pesticide business upon the request of the competent regulatory authorities;

dd) Handle and deal with petitions or denunciations in accordance with laws;

e) Hold training in improvement if pesticide knowledge and chemical safety practices.

2. Transportation and storage of pesticide products

a) Receive and verify documentation about issuance of the license for transportation of pesticide products;

b) Issue the license for transportation of pesticide products;

c) Hold and issue the Certificate of participation in training in the labor safety in transportation and storage of pesticide products.

3. Use of pesticide products

a) Hold training in use of pesticide products;

b) Communicate, disseminate information and educate people to raise their awareness of compliance with laws on plant protection and quarantine, and improve consciousness and responsibility of pesticide users to the community and environment;

c) Collaborate with specialized authorities to inspect use of pesticide products at production areas, especially at those intended for manufacturing of vegetable, tea and fruit products;

d) Detect and deal with intentional violations against regulations on use of pesticide products.

4. Pesticide product advertising

a) Receive and inspect contents of advertisements for pesticide products under their authority as stipulated in Clause 2 Article 61 hereof;

b) Issue the Certificate of approval for advertisement contents.

5. Recall of pesticide products

Issue the decision on compulsory recall of pesticide products under their jurisdiction as stipulated in Clause 2 Article 79 hereof.

Chapter XV

IMPLEMENTARY PROVISIONS

Article 83. Transitional provisions

1. Pesticide products which are specified in the List but do not meet regulations laid down in Point b Clause 5 Article 5 hereof shall be permitted to freely circulate after 05 years from the effective date of this Circular.

2. 01 year prior to implementation of regulations laid down in Clause 1 of this Article, the registration certificate holders that do not meet regulations laid down in Point b Clause 5 Article 5 hereof must 01 prepare application for registration of content of pesticide active ingredient for submission to the Plant Protection Department which will be then submitted to the Ministry of Agriculture and Rural Development to serve the purpose of bringing it into the List in accordance with applicable laws.

In case registration certificate holders fail to follow the abovementioned requirement for a wide range of their pesticide products, the Plant Protection Department shall discretionarily choose 01 maximum content out of the contents of registered pesticide products to apply for the permission of the Ministry of Agriculture and Rural Development to bring them into the List.

3. Pesticide products that fail to meet regulations laid down in Point b Clause 5 Article 5, Clause 2 Article 6, Point b, c, d Article 6, Clause 6 Article 6 hereof, shall be subject to the following measures:

a) Pesticide products have not been tested though the testing permit is available: Those in breach of regulations enshrined in this Circular must be removed from the permit since the effective date of this Circular;

b) As for pesticide products are undergoing the testing, or their testing has been completed but the registration has not been completed yet, they shall continue to be subject to the testing and follow procedures for registration into the List. If they are registered into the List, they shall only be circulated within 05 years from the effective date of this Circular;

c) As for pesticide products that fail to meet regulations laid down in Clause 2 Article 6; Point b, c, d Clause 3 Article 6; Clause 6 Article 6 hereof and have been registered into the List before the effective date of this Circular, when the validity of the certificate of pesticide product registration has expired, the certificate shall only be extended for a full 2-year period from the effective date of this Circular.

4. Formulated pesticide products stipulated in Point dd Clause 3 Article 6 hereof with the acute toxicity classified into Level III, IV by the GHS, they shall only be imported or manufactured within a maximum period of 01 year, and traded or used within a maximum period of 02 years from the effective date of this Circular.

5. If chemical or biological pesticide products containing active ingredients such as pyrethrins, rotenone and avermectin-group substances registered to be applied on vegetables, fruit and tea plants have been accredited by the testing permit in which the quarantine period is not tested before the effective date of this Circular, they are required to undergo the testing for determination of the quarantine period.

6. Use of labels of pesticide products with contents stipulated in the Circular No. 03/2013/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated January 11, 2013 on providing regulations on pesticide product administration shall be continued for a permitted period of 05 years from the effective date of this Circular.

7. The certificate of participation in professional training in pesticide products which have been issued before the effective date of this Circular shall be considered equivalent to the Certificate of participation in improvement of professional practices in pesticide products in accordance with this Circular.

8. Conducting the tests as agreed upon in the contract with organizations eligible for testing before the effective date of this Circular shall be continued in accordance with the Circular No. 03/2013/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated January 11, 2013.

Article 84. Effect

This Circular shall come into force from August 1, 2015.

This Circular shall replace:

The Circular No. 03/2013/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated January 11, 2013 on providing regulations on pesticide product administration;

The Circular No. 14/2013/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated February 25, 2013 on providing regulations on issuance of the Certificate of competence in pesticide production or business;

The Circular No. 77/2009/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated December 10, 2009 on providing regulations on the statutory inspection of imported pesticide product quality;

Article 2 of the Circular No. 18/2011/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated April 6, 2011 on amending or abolishing several provisions on the administrative procedures in the field of plant protection and quarantine in accordance with the Resolution No. 57/NQ-CP dated December 15, 2010;

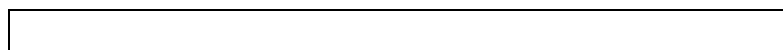
The Decision No. 97/2008/QĐ-BNN of the Minister of Agriculture and Rural Development dated October 6, 2008 on providing regulations on issuance of the certificate of practice of manufacturing, copacking, replacement of bottles, packing and trading of pesticide products;

Article 2 of the Circular No. 85 /2011/TT-BNNPTNT of the Minister of Agriculture and Rural Development dated December 14, 2011 on amending several articles of the Decision No. 89/2007/QĐ-BNN dated November 1, 2007 on providing regulations on the state management of fumigation of plant quarantine articles and the Decision No. 97/2008/QĐ-BNN dated October 6, 2008 on issuance of the certificate of practice of manufacturing, copacking, replacement of bottles, packaging and trading of pesticide products issued by the Ministry of Agriculture and Rural Development.

In the course of implementation, if there is any difficulty or conflict that may arise, organizations or individuals concerned must report this to the Ministry of Agriculture and Rural Development (through the Plant Protection Department) for their consideration, amendment or supplementation./.

THE MINISTER

Cao Duc Phat



ATTACHED FILE



Annex