

Voluntary Report – Voluntary - Public Distribution

Date: August 06, 2025

Report Number: VM2025-0027

Report Name: Vietnam Ministry of Health Publishes Draft Amendment to the Food Safety Law

Country: Vietnam

Post: Hanoi

Report Category: Sanitary/Phytosanitary/Food Safety

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Report Highlights:

The Vietnam Ministry of Health (MOH) has published a draft Amendment to the Food Safety Law for public comments. Notably, the comment period is limited to 20 days, from July 20 to August 8, 2025, as the amendment is being processed under a streamlined procedure. This report provides a quick translation of the draft amendment and highlights key changes that may significantly impact imported food and food ingredients.

Summary

Vietnam is currently amending Decree 15/2018, which provides guidance for implementing the Food Safety Law (FSL). Both the FSL and Decree 15 serve as overarching frameworks for food safety, dividing responsibilities for inspection and enforcement among line ministries in Vietnam (GAIN Report [VM3032](#)). The most recent notification to the World Trade Organization (WTO) Sanitary and Phytosanitary (SPS) Committee regarding the amendment to Decree 15 was published as G/SPS/N/VNM/167/Add.1 on June 30, 2025, and G/TBT/N/VNM/339/Add.1 on July 1, 2025.

While WTO members are still submitting comments on the draft amendment to Decree 15, the Vietnam Food Administration (VFA), under the Ministry of Health (MOH), is concurrently advancing amendments to the Food Safety Law. The draft amendment to the FSL was publicly posted on the MOH's website on July 20, 2025, with the comment period for domestic stakeholders open until August 8, 2025. Both the VFA and the Vietnam SPS Office have indicated their intention to notify the WTO SPS Committee of the draft amendment to the FSL.

The draft amendment to the Food Safety Law introduces significant reforms aimed at strengthening food safety and quality management in Vietnam. These changes reflect the Vietnam Government (GVN)'s commitment to combating counterfeit products, improving food quality, and enhancing regulatory oversight. However, they also pose challenges for stakeholders, including higher compliance costs and the need for clearer delegation of responsibilities among ministries.

Below is a summary of the key changes proposed in the draft amendment that may impact imported food and food ingredients.

1. Introduction of a Definition for Counterfeit Food (Article 3.38)

The draft amendment introduces a definition for counterfeit food, reflecting Vietnam's ongoing campaign to combat counterfeit products, which began in early 2025. This definition addresses a wide range of scenarios, including misrepresentation of origin, labeling, packaging, and chemical composition, with a particular focus on health supplement products. However, the definition may require further refinement to improve clarity and conciseness.

2. Integration of Quality Management into Food Safety Management (Article 4)

The amendment integrates quality management into the Principles of Food Safety Management, reflecting growing concerns over recent low-quality food scandals in Vietnam. Since food quality and food safety address different aspects of food testing and control, this integration is expected to increase documentation requirements for testing and registration of food products, placing additional compliance burdens on food businesses.

3. Marketing Authorization Certificate Requirement for Food and Food Ingredients

Under Article 11 of the draft amendment, food and food ingredients must either obtain a marketing authorization certificate (in lieu of the current product declaration) or be self-declared. Article 13.3 specifies that products requiring marketing authorization include:

- a) Health supplements,
- b) Food for special dietary uses,
- c) Nutritional products for children up to 36 months old, and
- d) Supplemented food.

The amendment delegates authority to the Government (Prime Minister) to define dossier requirements and procedures for registration, extension, modification, and supplementation of these certificates or self-declarations (Article 15). Notably, the marketing authorization certificates and self-declarations would be valid for **five years**. Currently, self-declarations and product declarations do not expire. This change would impose significant compliance costs on the food industry.

Under the current FSL and Decree 15/2018:

- All prepackaged and processed food, including supplemented food, are subject to self-declaration.
- Functional food including health supplements, infant formulas, and food for dietary or medical purposes requires a product declaration.

The proposed amendment represents a shift in regulatory requirements, introducing marketing authorization for certain categories of food products that are currently subject to self-declaration or product declaration.

4. Classification of Food and Food Ingredients by Risk Levels (Article 32)

The draft amendment proposes classifying food and food ingredients into three risk levels (low, medium, high). The Minister of Health will regulate the principles and criteria for determining these risk groups and issue the corresponding lists of food, food ingredients, and food additives based on proposals from relevant ministries.

5. Three-tier Inspection System for Imported Food and Food Ingredients (Article 23)

Vietnam continues to apply a three-tier inspection system—strict, normal, and reduced—based on risk levels for imported food and food ingredients. Imports from countries with mutual recognition agreements for food safety certification are subject to reduced inspection.

However, Article 23.2.3, which delegates the Government (Prime Minister) to regulate inspection of food and food ingredients in exporting countries under international treaties, raises concerns about alignment with international standards. Additionally, the amendment removes provisions specifying

import inspection procedures and the roles of line ministries, and delegates authority to the Government to define these responsibilities.

6. MOH Now Responsible for Specifying Food Labeling Requirements

Currently, food labeling is governed by Decree 43/2017. However, Article 27.2 stipulates that the MOH will now be designated to regulate food labeling, including nutritional labeling and usage instructions. Additionally, Article 27.3 introduces new requirements for barcodes, QR codes, DataMatrix codes, and other identifiers on food packaging to trace the origin of food and food ingredients in the market. These measures aim to enhance traceability but may require significant investment from businesses to comply.

7. Undefined Responsibilities for Line Ministries

The draft amendment removes explicit provisions assigning food safety responsibilities to the Ministry of Agriculture and Environment (MAE) and the Ministry of Industry and Trade (MOIT). Instead, it designates the Ministry of Health as the lead agency for food safety management and delegates the Government to assign specific responsibilities to line ministries. This shift may create ambiguity in inter-ministerial coordination and implementation unless clearly defined by subsequent regulations.

8. Definition of Genetically Engineered Foods

The draft amendment retains a definition of genetically engineered (GE) foods in Article 3.9 as: *“Genetically modified food is food that contains one or more ingredient components with genes altered by genetic technology.”* While this definition provides a basic framework, it lacks scientific precision and does not align with internationally recognized definitions, [such as the World Health Organization \(WHO\) definition](#). According to the WHO, genetically modified foods are defined as: *“Foods derived from organisms whose genetic material (DNA) has been modified in a way that does not occur naturally, e.g., through the introduction of a gene from a different organism.”*

Post continues to seek more clarification and request Vietnam to notify this draft Amendment to WTO for further consideration. Should U.S. exporters have any questions regarding this draft Amendment, please feel free to reach out to FAS/Hanoi at: aghanoi@usda.gov.

Attachments:

[Draft Amendment to LAW ON FOOD SAFETY \(rough translation\).docx](#)