

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 11/4/2014

GAIN Report Number: VM4057

Vietnam

Post: Hanoi

MARD Reissues Quarantine and Pest Risk Analysis Regs

Report Categories:

Sanitary/Phytosanitary/Food Safety

Fresh Fruit

Dried Fruit

Tree Nuts

Approved By:

Mark Dries

Prepared By:

Nguyen Huong and Michael Ward

Report Highlights:

On September 5, 2014, the Ministry of Agriculture and Rural Development (MARD) released Circular 30/2014/TT-BNNPTNT publishing the lists of regulated articles for plant quarantine and articles subject to pest risk analysis before importation into Vietnam. This new Circular replaces MARD's Circular 30/2012/TT-BNNPTNT and the Circular 40/2012/TT-BNNPTNT. This new Circular will enter into force on January 1, 2015.

Policy:

On September 5, 2014, the Ministry of Agriculture and Rural Development (MARD) released Circular 30/2014/TT-BNNPTNT publishing the list of regulated articles for plant quarantine and articles subject to pest risk analysis before importation into Vietnam.

Article 1 of Circular 30/2014 outlines the list of regulated articles subject to plant quarantine, requiring a plant quarantine inspection at the Vietnamese port of entry and phytosanitary certification, or equivalent certification, in order to be granted customs clearance in Vietnam.

Article 1. List of regulated articles subject to plant quarantine

1. Plants:

Living plants and living part(s) of plants;

2. Plant products:

- a. Tubers/bulbs, fruits, seeds, flowers, leaves, stems, branches, stocks, roots, bark;
- b. Broken rice, bran, dried plant meal, raw natural fibre, coconut fibre;
- c. Starch, powder with plant origin (except dough and modified starches);
- d. Tobacco stem, tobacco fiber, feed yeast, raw cotton, cotton by-products, rice straw, and aquatic plants;
- dd. Log, sawn timber, wood pallets, wood chips, sawdust;
- e. Feedstuff or materials from plant origin for processing;
- g. Growing media made from plant.

3. Mushrooms (except all salted, frozen and canned mushrooms, mushroom yeast).

4. Silkworm cocoon, silkworm cocoon without silk, lac.

5. Insects, spiders/mites, fungus, nematodes, bacteria, virus, phytoplasma, viroids, weeds for diagnostics, training, biological control and scientific research.

6. Means of conveyance, storage of regulated articles.

7. Other objects capable of harboring quarantine pests, subject to confirmation of the Plant Protection Department and to be reported to the Minister of Agriculture and Rural Development for final decision.

8. In the case of export of articles, which are not in the List regulated in this Article, plant quarantine should be carried out subject to requirement of the importing country and all international treaties to which Vietnam is a party.

Article 2 of this Circular outlines the list of regulated articles subject to a pest risk analysis before being granted import approval by MARD's Plant Protection Department. For the current regulation on Vietnam's pest risk analysis process please see the Decision 4096/QD-BNN-KHCN issued on December 29, 2006 by the Minister of Agriculture and Rural Development publishing the Specialized Standard 10 TCN 955:2006 - Phytosanitary: *Pest Risk Analysis Procedure for imported plants and plant products*.

Note: Decision 4096 will be replaced by SPS/VMN 56 which was notified to the WTO's SPS Committee on May 23, 2014.

1. Living plants and living part(s) of plants.
2. Fresh fruits, roots.
3. Grass, and grass seeds.
4. Beneficial organisms to be used in plant protection.
5. Articles of plant origin imported into Vietnam with carrying any regulated pests of Vietnam.
6. Other objects subject to plant quarantine, with high risk of being capable of harbouring quarantine pests, subject to confirmation of the Plant Protection Department and to be reported to the Minister of Agriculture and Rural Development for final decision.

Article 3 of Circular 30/2014 states the list of articles subject to exemption of pest risk analysis. All articles mentioned in Article 2 of this Circular are exempt from pest risk analysis before importation into Vietnam in the following cases:

1. Plant varieties for scientific research;
2. Beneficial organisms for scientific research;
3. Other special cases which the Director General of the Plant Protection Department reports to the Minister of Agriculture and Rural Development for final decision.
4. Import of all articles regulated in Points 1, 2, and 3 of this Article require an import permit for plant quarantine, and implementation of plant quarantine must be carried out as per regulation.

Article 4 of Circular 30/2104 stipulates the transitional period during the implementation of this Circular. According to the Article, for all articles/objects, which are imported into Vietnam before the entry into force date of this Circular, and for which the pest risk analysis (PRA) has not yet been done, plant quarantine authority of exporting country should provide information to the Plant Protection Department to conduct a PRA as per regulation. Based on results of PRA, the Plant Protection Department will stipulate the additional mitigation methods to grant entry of those products into Vietnam.

Circular 30/2014 is an aggregation of two older MARD Circulars, namely: Circular 30/2012/TT-BNNPTNT dated August 13, 2012 and Circular 40/2012/TT-BNNPTNT dated August 15, 2012. There are very few substantive changes from the old Circulars 30 and 40 and the new Circular 30.

However, the past the implementation of Circular 40/2012/TT-BNNPTNT has created significant confusion among Vietnamese importers and foreign exporters due to the interpretation of regulated articles. In the past, PPD has stated that some processed products of plant origin, not subject to any plant health related trade requirements in other markets, require a government competent authority issued phytosanitary certificate. As Circular 30/2014 provides little additional detail into regulated articles, Post assumes this new Circular could also continue to cause similar uncertainty regarding the status of many processed plant origin products, especially pre-packaged products for human consumption. Please refer to Post voluntary GAIN report [VM4005](#).

Additionally, there remains confusion regarding the import status of U.S. fruits for which the pest risk analysis is ongoing between APHIS and PPD, and not yet finalized, prior to the January 1, 2015 entry in

force of the Plant Health Law and Circular 30/2014. Some of these PRAs have been ongoing for a number of years.

Circular 30/2014 was notified to the World Trade Organization (WTO) Sanitary and Phytosanitary Committee as G/SPS/N/VNM/53 on April 15, 2014. The U.S. Government sent its official comments on this notification on June 12, 2014. Vietnam has not officially responded to those comments, although PPD officials recently revealed in a meeting with visiting U.S. state agriculture officials that they intend to develop a list of products (by HS code) that require a phytosanitary certificate. Circular 30/2014 will come into force since January 1, 2015.

FAS-Vietnam will continue working closely with PPD to clarify the interpretation of regulated articles and make sure that the implementation of the new regulation will minimally impact trade of agricultural products from the United States. Should U.S. exporters of plant and plant origin products have any questions please email: aghanoi@fas.usda.gov with questions.

An unofficial English translation of Circular 30/2014/TT-BNNPTNT follows:

**MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT**

**SOCIALIST REPUBLIC OF
VIETNAM
Independent - Freedom -
Happiness**

No: 30/2014/TT-BNNPTNT

Hanoi, September

5, 2014

CIRCULAR

For publishing the list of regulated articles subject to plant quarantine; List of regulated articles subject to pest risk analysis before importing into Vietnam

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

Pursuant to Decree 199/2013/ND-CP on November 26, 2013 of Government stipulating mission, power and structure for Ministry of Agriculture and Rural Development;

At the proposal of the Director General of Plant Protection Department;

Hereafter is the guide by the Minister of Agriculture and Rural Development for publishing the list of regulated articles; list of regulated articles subject to pest risk analysis before importing into Vietnam:

Article 1. List of regulated articles subject to plant quarantine

1. Plant:
 - Living plants and living part(s) of plants;
2. Plant products:
 - e. Tubers/bulbs, fruits, seeds, flowers, leaves, stems, branches, stocks,

- roots, bark;
 - f. Broken rice, bran, dried plant meal, raw natural fibre, coconut fibre;
 - g. Starch, powder with plant origin (except doughs and modified starches);
 - h. Tobacco stem, tobacco fibre, feed yeast, raw cotton, cotton by-products, rice straw, and aquatic plants;
 - ee. Log, sawn timber, wood pallets, wood chips, sawdusts;
 - e. Feedstuff or materials from plant origin for processing;
 - h. Growing media made from plant.
3. Mushrooms (except all salted, frozen and canned mushrooms, mushroom yeast).
 4. Silkworm cocoon, silkworm cocoon without silk, lac.
 5. Insects, spiders/mites, fungus, nematodes, bacteria, virus, phytoplasma, viroids, weeds for diagnostics, training, biological control and scientific research.
 6. Means of conveyance, storage of regulated articles.
 7. Other objects capable of harbouring quarantine pests, subject to confirmation of the Plant Protection Department and to be reported to the Minister of Agriculture and Rural Development for final decision.
 8. In the case of export of articles, which are not in the List regulated in this Article, plant quarantine should be carried out subject to requirement of the importing country and all international treaties to which Vietnam is a party.

Article 2. List of regulated articles subject to pest risk analysis before importing into Vietnam including:

1. Living plants and living part(s) of plants.
2. Fresh fruits, roots.
3. Grass, and grass seeds.
4. Beneficial organisms to be used in plant protection.
5. Articles of plant origin imported into Vietnam with carrying any regulated pests of Vietnam.
6. Other objects subject to plant quarantine, with high risk of being capable of harbouring quarantine pests, subject to confirmation of the Plant Protection Department and to be reported to the Minister of Agriculture and Rural Development for final decision.

Article 3. Articles subject to exemption of pest risk analysis

Articles mentioned in the Article 2 of this Circular, subject to exemption of pest risk analysis before importing into Vietnam in the following cases:

1. Plant varieties for scientific research;
2. Beneficial organisms for scientific research;
3. Other special cases, Director General of the Plant Protection Department reports to the Minister of Agriculture and Rural Development for final decision.
4. Import of all articles regulated in Points 1,2,3 of this Article requires Import permit for plant quarantine and implementation of plant quarantine must be carried out as per regulation.

Article 4. Transitional period

For all articles/objects, which are imported into Vietnam before the effective date of this Circular, and of which the pest risk analysis (PRA) has yet been done, plant quarantine authority of exporting country

should provide information to the Plant Protection Department for PRA as per regulation. Based on results of PRA, the Plant Protection Department will regulate necessary additional method of plant quarantine to effectively prevent those regulated articles.

Article 5. Entry into force

1. This circular will come in to force since 1 January 2015.
2. This circular will fully replace the Circular No. 39/2012/TT-BNNPTNT of August 13, 2012 of Minister of Agriculture and Rural Development for publishing the list of regulated articles subject to pest risk analysis before importing into Vietnam; the Circular No. 40/2012/TT-BNNPTNT of August 15th, 2012 publishing the list of regulated articles subject to plant quarantine of the Socialist Republic of Vietnam.
3. Chief of MARD office, Director General of the Plant Protection Department and relevant organizations and individuals are responsible to implement this Circular.

During enforcement, all involved units submit reports on difficulties to the Ministry of Agriculture and Rural Development (via Plant Protection Department) for summary and report to be submitted to the Minister for consideration and decision.

ON BEHALF OF MINISTER

VICE MINISTER

(Signed)

Le Quoc Doanh

Recipients:

- Office of Government;
- Ministries;
- Department of Agriculture and Rural Development of provinces, cities;
- Ministry of Justice (Department of legal document control)
- Government Gazette;
- Government website; MARD;
- MARD's departments and offices;
- Regional plant quarantine offices;
- Provincial plant protection sub-departments;
- Filling in PPD office (185);