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POLICY

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MOIT releases list of import and exports subject to MOIT regulation

Report Categories:

FAIRS Subject Report

Wine

Beverages

Dairy and Products

Approved By:

Mark Dries

Prepared By:

Nguyen Huong & Michael Ward

Report Highlights:

The Ministry of Industry and Trade (MOIT) published Decision 11039/QD-BCT on December 3, 2014, promulgating the list of import and export goods subject to quality, technical, and food safety regulation of MOIT before customs clearance. Decision 11039 includes a detailed list of the food and agricultural products subject to MOIT food safety jurisdiction as ordered in Vietnam's Decree 38/2012. This decision entered into force on December 3, 2014.

Summary:

MOIT issued Decision 11039/QD-BCT, dated December 3, 2014, promulgating the list of import and export goods, subject to quality, technical, and food safety regulations of MOIT. Decision 11039 further details the food and agricultural products subject to MOIT’s jurisdiction as defined by Decree 38/2012. Decree 38/2012 is the Food Safety Law’s implementing regulation and broadly outlines food safety jurisdiction within the Vietnamese Government. The list includes HS codes to the 4-digit level.

Relating to food and agricultural products, wine, beverages, processed milk and dairy products, vegetable oil products, flour and starch products (not including products with micronutrient supplements and functional products which are managed by the Ministry of Health (MOH)), bread, jams, and confectionery (excluding products with micronutrient supplements and functional products which are managed by MOH), are subject to quality, technical, and food safety regulations of MOIT before being granted customs clearance. Decision 11039 provides additional detail, at the 4-digit HS level, of what products are under MOIT’s food safety jurisdiction.

These products are then governed by MOIT’s Circular 28/2013/TT-BCT dated November 6, 2013 outlining the inspection procedures for food safety of imported foodstuff under the management responsibility of MOIT. Please see GAIN Report [VM4004](#) for more information about Circular 28/2013.

Should U.S. exporters have any questions regarding Decision 11039, please email: aghamoi@fas.usda.gov.

Below is an unofficially translated excerpt of the Decision 11039/QD-BCT, although the excerpt only includes portions covering food and agricultural products. The full Vietnamese version of Decision 11039, can be found at the following link:

<http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?vID=14462>

**MINISTRY
OF INDUSTRY AND TRADE**

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

No. 11039/QD-BCT

Hanoi, dated December 3, 2014

DECISION
ON PROMULGATING THE LIST OF IMPORT AND EXPORT GOODS, WHOSE QUALITY, TECHNICAL REGULATIONS AND FOOD SAFETY MUST BE CHECKED BEFORE THE CLEARANCE, UNDER THE MANAGEMENT RESPONSIBILITY OF THE MINISTRY OF INDUSTRY AND TRADE

THE MINISTER OF INDUSTRY AND TRADE

Pursuant to the Law on Product and Goods Quality dated November 21, 2007;
Pursuant to the Law on Standards and Technical Regulations dated June 29, 2006;
Pursuant to the Law on economical and efficient use of energy dated June 28, 2010;
Pursuant to the Law on Food Safety dated June 17, 2010;

Pursuant to Decree No. 132/2008/ND-CP dated December 31, 2008 of the Government detailing a number of articles of the Law on quality of products and goods;

Pursuant to Decree No. 127/2007/ND-CP dated August 1, 2007 of the Government detailing the implementation of some articles of the Law on Standards and Technical Regulations;

Pursuant to Decree No. 21/2011/ND-CP dated March 29, 2011 of the Government providing detailed regulations and measures to implement the Law on economical and efficient use of energy;

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

Pursuant to Decree No. 187/2013/ND-CP dated November 20, 2013 of the Government detailing the implementation of the Commercial Law regarding activities of international commodity trading and agency purchase, sale, processing and transit of goods with foreign countries;

Pursuant to Decree 202/2013/ND-CP dated November 27, 2013 of the Government on management of fertilizers;

Pursuant to Decree No. 95/2012/ND-CP dated November 12, 2012 of the Government on the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

At the request of the Department of Science and Technology,

DECIDES:

Article 1. To announce in conjunction with this Decision the list of export and import goods whose quality, technical regulations, and food safety must be checked before the clearance, under the management responsibility of the Ministry of Industry and Trade in the attached Annex.

Article 2. The Department of Science and Technology shall preside over and coordinate with the relevant units to propose the Leaders of Ministry to announce the list of goods subject to quality and food safety before customs clearance under the management responsibility of the Ministry of Trade and Industry in accordance with the management requirements.

Article 3. The decision takes effect from the date of its signing.

Article 4. The Director of the Office; Department of Science and Technology and importing and exporting organizations and individuals shall be responsible for the implementation of this Decision. /.

Recipients:

- As stated in Article 3;
- Minister (for report);
- The Deputy Minister (for knowledge);
- Ministry of Justice (Administrative Procedure Control Department);
- Ministry of Finance;
- The General Department of Customs;
- E-Portal of the Ministry of Industry and Trade;
- Kept archives: Office, Science and Technology.

ON BEHALF OF MINISTER
DEPUTY MINISTER

Cao Quoc Hung

APPENDIX

LIST OF EXPORT AND IMPORT GOODS SUBJECT TO QUALITY, TECHNICAL REGULATIONS AND FOOD SAFETY CHECK BEFORE CUSTOMS CLEARANCE

(Issued together with Decision No. 11039/QĐ-BCT dated December 3, 2014 of the Ministry of Industry and Trade)

No	Name of goods	HS Code	Applicable documents	Dated of application
2	Food industry:		Law on Food Safety	Decree 38/2012 took effect on June 11, 2012
2.1	Wine (not including medicated wine and cordials managed by the Ministry of Health)	2204;2206; 2207;2208	- Decree 38/2012/ND-CP dated April 25, 2012 detailing implementation of some articles of the Law on Food Safety. - Circular 28/2013/TT-BCT dated November 6, 2013 providing the inspection procedure for food safety of imported food and agricultural products under the management responsibility of MOIT.	Circular 28/2013 took effect on December 20, 2013.
2.2.1	Wine	2204		
2.2.2	Non-aerated wine	2204		
2.2.3	Aerated wine (sparkling wine)	2204		
2.2.4	Fruit wine	2206		
2.2.5	Liqueurs	2208		
2.2.6	Spirits	2208		
2.2.7	White wine, Vodka	2208		
2.2.8	Other alcoholic beverages	2207		
2.2	Beer	2203		
2.2.1	Draught beer	2203		
2.2.2	Bottled beer	2203		
2.2.3	Canned beer	2203		
2.3	Beverages (including honey drinks, tea and coffee to be used as drinks)	2209		
2.3.1	Canned beverages, including vegetables and fruit juice	2209		
2.3.2	Drinks need to be diluted before use	2209		
2.3.3	Soft drinks for immediate consumption (not including mineral water and purified water which are managed by the Ministry of Health)	2209		
2.4	Processed milk (not including products with the micronutrient supplements, functional and products, which are managed by the Ministry of Health)	0401;0402; 0403;0404; 0405; 0406		

2.4.1	Liquid milk (including liquid milk with added flavoring or other food additives)	0401; 0402; 0404		
a	Products sterilized by Pasteurization			
b	Product sterilized by UHT method or other sterilization methods of high temperature			
2.4.2	Fermented milk	0403		
a	In liquid form	0403		
b	In condensed form	0403		
2.4.3	In powder	0401;0402		
2.4.4	Condensed milk	0401;0402		
a	Added sugar	0402		
b	No added sugar	0401		
2.4.5	Milk cream	0401;0402		
a	Sterilized by Pasteurization	0401;0402		
b	Sterilized by UHT method	0401;0402		
2.4.6	Other products from milk			
a	Butter	0405		
b	Cheese	0406		
c	Other products	0403;0404		
2.5	Vegetable oil (not including products with the addition of micronutrients and functional products which are managed by the Ministry of Health)	1507;1508; 1509;1510; 1511;1512; 1513;1514; 1515		
2.5.1	Sesame oil	1515		
2.5.2	Rice bran oil	1510		
2.5.3	Soybean oil	1507		
2.5.4	Peanut oil	1508		
2.5.5	Olive oil	1509		
2.5.6	Palm oil	1511		
2.5.7	Sunflower oil	1512		
2.5.8	Safflower oil	1512		
2.5.9	Cotton-seed oil	1512		
2.5.10	Coconut oil	1513		

	Palm kernel oil or babassu oil	1513		
2.5.11	Rape or colza oil or mustard oil	1514		
2.5.12	Linseed oil	1515		
2.5.13	Castor oil	1515		
2.5.14	Other oil	1510		
2.6	Flour, starch (not including products with the micronutrient supplements and functional products which are managed by the Ministry of Health)	1101;1102; 1106; 1107; 1108; 1109; 1902;1903		
2.6.1	Wheat or meslin flour	1101		
2.6.2	Cereal flour	1102		
2.6.3	Potato flour	1106		
2.6.4	Malt: roasted or unroasted	1107		
2.6.5	Starch: wheat, corn, potatoes, manioc (cassava) and other	1108		
2.6.6	Inulin	1108		
2.6.7	Wheat gluten	1109		
2.6.8	Pasta, whether or not cooked, such as spaghetti, macaroni, noodles, instant noodles, lasagna, gnocchi, ravioli, cannelloni, instant rice porridge, pancakes	1902		
2.6.9	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms	1903		
2.7	Bread, jams, confectionery (excluding products with micronutrient supplements and functional products which are managed by the Ministry of Health)	1905; 1704; 1806; 2007; 2008		
2.7.1	Sweet biscuits, salty biscuits or unsweetened biscuits, unsalted biscuits	1905		

2.7.2	Rusks, toasted bread and similar toasted products	1905		
2.7.3	Pastries	1905		
2.7.4	Crispy bread	1905		
2.7.5	Cakes	1905		
2.7.6	Hard confectionary, soft confectionary with sugar and without cocoa	1704		
2.7.7	Chewing gum, whether or not sugar-coated	1704		
2.7.8	Chocolate confectionary of all kinds	1806		
2.7.9	Jams, fruit jellies, fruit or nut puree and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter.	2007		
2.7.10	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit,	2008		