

**CIRCULAR**

**GUIDING THE STATE QUALITY INSPECTION OF IMPORTED GOODS UNDER THE  
MANAGEMENT BY THE MINISTRY OF SCIENCE AND TECHNOLOGY**

**THE MINISTRY OF SCIENCE AND TECHNOLOGY**

*Pursuant to the November 21, 2007 Law on Product and Goods Quality;  
Pursuant to the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing the  
implementation of a number of articles of the Law on Product and Goods Quality;  
Pursuant to the Government's Decree No. 89/ 2006/ND-CP of August 30, 2006, on goods  
labeling;  
Pursuant to the Government's Decree No. 28/ 2008/ND-CP of March 14, 2008, defining the  
functions, tasks, powers and organizational structure of the Ministry of Science and Technology;  
The Minister of Science and Technology guides the order of, procedures for, and contents of,  
state quality inspection of imported goods under the management of the Ministry of Science and  
Technology, as follows:*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation and subjects of application**

1. This Circular provides for the contents and order of, and procedures for, state quality inspection of imported goods (below referred to as quality inspection of imported goods) under the management by the Ministry of Science and Technology prescribed in Clause 4, Article 69, of the Law on Product and Goods Quality.
2. This Circular applies to agencies performing the state management of product and goods quality, organizations and individuals importing goods (below collectively referred to as importers) and organizations and individuals engaged in the quality inspection of imported goods under the management of the Ministry of Science and Technology.

**Article 2. Objects of inspection**

1. Goods imported into Vietnam which are on lists of goods likely to cause unsafety (below referred to as lists of group-2 goods).

For imported goods outside lists of group-2 goods which have the latent possibility of causing unsafety and are likely to cause unsafety according to warnings from international, regional or foreign organizations, quality inspection may be carried out under this Circular.

2. This Circular does not apply to imported goods being personal luggage, diplomatic baggage, sample goods, goods for exhibition and fairs and gifts; goods, supplies and equipment temporarily imported for re-export; transited goods transported from or to border gate; goods stored in bonded warehouses; goods processed by Vietnamese enterprises for foreign traders; supplies, equipment and machinery imported for investment projects; goods used in security and

defense, national secret and nuclear radiation safety areas and other goods for non-business purposes as prescribed by law.

### **Article 3. Inspection grounds**

Grounds for goods quality inspection are technical regulations and standards announced to be applicable to goods, regulations on goods labeling and other provisions of law.

### **Article 4. Interpretation of terms**

In this Circular, the terms below are construed as follows:

1. Goods lot is a definite-quantity collection of commodity items of the same appellation, properties, labels, designs, technical characteristics which are produced by the same manufacturer and belong to a single import dossier set.
2. Inspection agencies are agencies assigned or decentralized to perform the state management of product and goods quality under the management by the Ministry of Science and Technology:
  - a/ The Department for Goods Quality Control under the Directorate for Standards and Quality;
  - b/ The Sub-Directorates for Standards and Quality of provinces or centrally run cities where exist border gates or imported goods inspection places.
3. Quality certificates include:
  - a/ Valid regulation-conformity certificates, granted by designated or accredited certification organizations for products and goods which are conformable to relevant technical regulations;
  - b/ Quality certificates or quality survey certificates, granted by designated or accredited certification or survey organizations, for goods lots which are conformable to announced applicable technical regulations or standards;
  - c/ Management system certificates, for products and goods subject to requirements on management systems.

### **Article 5. Quality conditions for imported goods to enjoy customs clearance**

1. Imported goods subject to state quality inspection may enjoy customs clearance only after an inspection agency prescribed in Clause 2, Article 4 of this Circular, issues a notice of the result of state quality inspection of imported goods, made according to the form provided in Appendix III to this Circular (not printed herein), stating the satisfaction of quality requirements.
2. In case imported goods are permitted by the customs office to enjoy temporary customs clearance before quality inspection is carried out. the customs office shall permit the temporary customs clearance only after the importer makes registration for state quality inspection of imported goods at the inspection agency according to the form in Appendix I to this Circular (not printed herein). After goods are temporarily cleared from customs procedures, the importer shall contact the inspection agency to inspect the quality of imported goods under Article 7 according to the order and procedures prescribed in Article 8 of this Circular. The customs office shall carry out procedures for official customs clearance only if imported goods satisfy the requirements in Clause 1 of this Article.

In case imported goods are permitted by the customs office to enjoy temporary customs clearance before quality inspection is carried out. the importer may not market these goods until the quality inspection is completed as prescribed in this Circular.

## **Article 6. Dossiers of registration for quality inspection**

A dossier of registration for quality inspection consists of:

1. A registration for state quality inspection of imported goods, made according to the form provided in Appendix I to this Circular (not printed herein);
2. Copies of the contract and packing lists;
3. Authenticated copies of quality certificates;
4. Copies, with the importer's certification, of other relevant documents, including bill of lading, invoice and certificate of origin (C/O), if any; photos or descriptions of goods; specimens of goods labels with regulation-conformity marks and auxiliary labels (if the principal labels do not contain all necessary details as prescribed).

## **Chapter II**

### **INSPECTION CONTENTS, ORDER AND PROCEDURES**

#### **Article 7. Inspection contents**

Inspection agencies shall inspect according to the following contents:

1. The completeness of the dossier of registration for quality inspection of imported goods.
2. The conformity of the quality certificate of the goods lot with requirements of the announced applicable technical regulation or standard and current regulations.
3. The specimen label and regulation-conformity mark:
  - a/ Details which must be displayed on the label (and auxiliary label), including goods appellations, names and addresses of organizations and individuals responsible for the goods: goods origin and other details as prescribed for each type of goods; and conformity of the specimen label with the import dossier of the goods lot;
  - b/ The position, color, size and language of the label;
  - c/ The display of regulation-conformity marks on goods or goods packings.
4. For imported goods on lists of group-2 goods which have new properties with the latent possibility of causing unsafety but not yet specified in relevant technical regulations or imported goods outside lists of group-2 goods which appear for the first time in Vietnam and, according to warnings of international, regional or foreign organizations, are likely to cause unsafety, importers shall make registration and, at the same time, supply evidences to prove that these goods are safe to humans, animals, plants, property and the environment according to regulations, and shall obtain the Ministry of Science and Technology's acceptance of registration.
5. In case imported goods which are marketed fail to satisfy quality requirements, inspection agencies shall increase inspection of these goods. When requested, importers of these goods shall request designated conformity evaluation organizations to carry out conformity certification or survey for the imported goods lots. Expenses for conformity certification or survey shall be paid by importers to conformity evaluation organizations.
6. When receiving any complaints or denunciations or doubting about conformity evaluation results, inspection agencies shall take samples of these goods under the following regulations:

a/ Based on standards on test methods or technical regulations applicable to goods, they shall take random samples of imported goods in a quantity sufficient for testing necessary indicators as required;

b/ Samples must be sealed up and the taking of samples must be recorded in a minutes according to the form provided in Appendix V to this Circular (not printed herein);

c/ Samples must be sent to a designated testing organization for testing.

Testing results of designated testing organizations constitute a legal basis for inspection agencies to take subsequent steps in the inspection process.

d/ Sampling and testing expenses:

Expenses for taking and testing samples for quality inspection of imported goods under Clause 6, Article 7 of this Circular shall be paid by inspection agencies. Expenses for taking and testing samples shall be included in operation funds of inspection agencies.

In case the testing results show that imported goods are uncomformable with announced standards or relevant technical regulations, importers shall pay expenses for taking and testing samples to inspection agencies.

7. In case importers disagree with the sample-testing results stated at Point c, Clause 6. Article 7, of this Circular, within 2 days after receiving the results, they shall make a written reply and may request a designated conformity evaluation organization to evaluate the quality of the imported goods lot. The conformity evaluation results shall be used as a basis for inspection agencies to handle the case and make the final conclusion. Expenses for conformity evaluation shall be paid by importers.

### **Article 8. Order of, procedures for. and handling of violations in. the inspection process**

The inspection agency shall carry out inspection in the following steps:

1. Receiving the importer's dossier of registration for quality inspection.

2. Examining the completeness of the inspection registration dossier as soon as receiving the dossier of registration for quality inspection from the importer according to the form provided in Appendix II to this Circular (not printed herein):

a/ In case the dossier is complete: To receive the dossier and carry out the subsequent inspection steps as prescribed;

b/ In case the dossier is incomplete: To receive the dossier and, at the same time, point out insufficient items and request the importer to supplement and complete the dossier within the prescribed time limit. To carry out the subsequent inspection steps only after the importer completes the dossier.

In case the importer cannot complete the dossier, the inspection agency shall handle the case according to Point b, Clause 4, Article 8, of this Circular.

3. In case the dossier of registration for quality inspection is complete, within 3 working days after the receipt of the dossier, the inspection agency shall inspect the contents prescribed in Clauses 2, 3 and 4, Article 7 of this Circular, and handle the case as follows:

a/ In case the dossier of goods quality is complete and valid, the inspection agency shall send to the importer and the customs office a notice of the result of state quality inspection of imported

goods, made according to the form provided in Appendix III to this Circular (not printed herein), informing the satisfaction of quality requirements for carrying out customs clearance procedures for the goods lot.

b/ In case the dossier is invalid, the inspection agency shall handle the case as follows:

If imported goods fail to satisfy labeling requirements, the inspection agency shall send to the customs office and the importer a notice on the result of state quality inspection of imported goods, made according to the form in Appendix III to this Circular (not printed herein), informing the failure to satisfy quality requirement. The notice must clearly state unsatisfactory contents and, at the same time, request the importer to remedy label-related violations within the prescribed time limit. The inspection agency shall issue a notice of the imported goods lot's satisfaction of quality requirements only after the importer produces evidences of the successful remedy of violations.

In case the quality certificate of imported goods is unconfirmable with the dossier of the imported goods lot or with announced standards or relevant technical regulations, the inspection agency shall send to the customs office and the importer a notice of the result of state quality inspection of imported goods, made according to the form in Appendix III to this Circular (not printed herein), informing the failure to satisfy quality requirements. The notice must clearly state unsatisfactory contents. The importer may request a designated conformity evaluation organization to carry out conformity certification or survey for the imported goods lot. Expenses for certification or survey of the imported goods lot shall be paid by the importer to the conformity evaluation organization.

In case the conformity evaluation result shows that the imported goods lot satisfies quality requirements, the inspection agency shall handle the case according to Point a, Clause 4, Article 8, of this Circular.

In case the conformity evaluation result shows that the imported goods lot fails to satisfy quality requirements, the inspection agency shall handle the case according to Point b, Clause 4, Article 8, of this Circular.

4. When examining the dossier of registration for quality inspection, if detecting that imported goods must be inspected according to Clauses 5 and 6, Article 7 of this Circular, within 3 working days after receiving the dossier, the inspection agency shall send to the customs office and the importer a notice of the result of state quality inspection of imported goods, made according to the form provided in Appendix III to this Circular (not printed herein). The notice must clearly state contents to be further inspected and the inspection agency shall inspect contents specified in Clauses 5 and 6, Article 7 of this Circular. The inspection results shall be handled as follows:

a/ In case the conformity evaluation result shows that the imported goods are conformable with announced standards or relevant technical regulation, within 3 working days after obtaining the conformity evaluation result, the inspection agency shall send to the customs office and the importer a notice of the result of state quality inspection of imported goods, made to the form provided in Appendix III to this Circular (not printed herein), informing the satisfaction of quality requirements for carrying customs clearance procedures for the goods lot.

b/ In case the importer fails to complete the dossier within the prescribed time limit or the conformity evaluation result shows that the imported goods are unconfirmable with announced

standards or relevant technical regulations, within 3 working days after the deadline for supplementation of the dossier or the date of obtaining the conformity evaluation result, the inspection agency shall send to the importer and the customs office a notice of the result of state quality inspection of imported goods, made according to the form provided in Appendix III to this Circular (not printed herein). informing the failure to satisfy quality requirements. It shall, at the same time, send a report, made according to the form in Appendix IV to this Circular (not printed herein) to its superior agency for handling the case according to its competence as prescribed at Points a, b and c, Clause 2, Article 8, of the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing the implementation of a number of articles of the Law on Product and Goods Quality.

### **Chapter III**

#### **ORGANIZATION OF IMPLEMENTATION**

##### **Article 9. Responsibilities of the Directorate for Standards and Quality**

1. To provide professional guidance to, and examine the operation of, designated conformity evaluation organizations and inspection agencies in inspecting the quality of imported goods under the management of the Ministry of Science and Technology.
2. To direct the handling of and handle cases in which imported goods fail to satisfy quality requirements reported by the Department for Goods Quality Control.

##### **Article 10. Responsibilities of the Department for Goods Quality Control under the Directorate for Standards and Quality**

1. To inspect the quality of imported goods being petrol, diesel fuels and other goods under the direction of the Directorate for Standards and Quality. To handle violations according to its competence under by the law on product and goods quality,
2. To act as the focal point in receiving and processing information and reports from central and provincial-level inspection agencies for sum-up and submission to the Directorate for Standards and Quality for the latter to report to the Ministry of Science and Technology on the situation and results of quality inspection of imported goods according to the form provided in Appendix VI to this Circular (not printed herein).

##### **Article 11. Responsibilities of provincial-level Science and Technology Departments**

1. To direct the handling of and handle cases in which imported goods fail to satisfy quality requirements reported by Sub-Directorates for Standards and Quality.
2. To report to provincial-level People's Committees and the Ministry of Science and Technology (the Directorate for Standards and Quality) on the situation and results of quality inspection of imported goods in their localities.

##### **Article 12. Responsibilities of Sub-Directorates for Standards and Quality**

1. To inspect the quality of goods (other than petrol and diesel fuel) under the state management of the Ministry of Science and Technology at the border gates in their localities. To handle violations according to their competence under the law on product and goods quality,

2. To report to provincial-level Science and Technology Departments on the situation and results of quality inspection of imported goods in their localities according to the form provided in Appendix VI to this Circular (not printed herein).

**Article 13. Responsibilities of conformity evaluation organizations**

1. When requested, conformity evaluation organizations shall supply conformity evaluation results to inspection agencies and importers within the prescribed time limits.
2. To perform other obligations under the law on product and goods quality.

**Article 14. Responsibilities of involved parties in the disposal of imported goods failing to satisfy quality requirements**

1. Importers shall:

a/ Register for, and comply with regulations on, quality inspection of imported goods, for group-2 goods or when requested by inspection agencies;

b/ Abide by requests of agencies competent to decide on the re-export or destruction of goods subject to re-export or destruction.

c/ Perform other obligations under the law on product and goods quality.

2. For goods to be re-processed, inspection agencies shall assume the prime responsibility for inspecting the quality of products and goods after they are re-processed and report the inspection results to competent state agencies for notification to customs offices and other relevant agencies.

**Chapter IV**

**IMPLEMENTATION PROVISIONS**

**Article 15. Effect**

This Circular takes effect 45 days from the date of its signing.

**Article 16. Responsibilities of line ministries and branches**

Pursuant to this Circular, line ministries and branches shall guide the state quality inspection of imported goods under their management.

**Article 17. Implementation responsibilities**

Agencies performing the quality inspection of goods and products, importers and concerned agencies shall implement this Circular. The Directorate for Standards and Quality shall guide and examine the implementation of this Circular.

Any problems arising in the course of implementation should be promptly reported to the Directorate for Standards and Quality for sum-up and reporting to the Ministry of Science and Technology for guidance and amendment.

**FOR THE MINISTER OF  
SCIENCE AND TECHNOLOGY  
DEPUTY MINISTER**

**Tran Quoc Thang**