

CIRCULAR

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

Pursuant to the Law on Product and goods quality dated November 21st 2007;

*Pursuant to the Government's Decree No. 132/2008/NĐ-CP dated December 31st 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/NĐ-CP dated August 30th 2006 on goods
labels;*

*Pursuant to the Government's Decree No. 28/2008/NĐ-CP dated March 14th 2008, defining the
functions, tasks, powers and organizational structure of the Ministry of Science and Technology;*

*The Minister of Science and Technology issues a Circular on the state inspection of quality of
imported goods under the management of the Ministry of Science and Technology.*

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

1. This Circular deals with the content, order, and procedure for the state inspection of quality of imported goods (hereinafter referred to as inspection of imported goods) under the management of the Ministry of Science and Technology prescribed in Clause 4 Article 69 of the Law on Product and goods quality.

2. This Circular is applicable to the agencies in charge of the State management of products and goods quality; the organizations and individuals that import goods (hereinafter referred to as importers); the organizations and individuals relevant to the inspection of imported goods under the management of the Ministry of Science and Technology.

Article 2. Subjects of inspection

1. The goods imported to Vietnam in the List of potentially dangerous goods (hereinafter referred to as the List of goods of group 2)

This Circular may apply to goods not in the List of goods of group 2 imported to Vietnam that are potentially dangerous according to the warnings from international, regional and foreign organizations.

2. This Circular is not applicable to the imported goods being personal belongings, diplomatic goods, exhibits at fairs, gifts; goods and supplies temporarily imported for re-export, goods in transit, goods in bonded warehouses; goods processed by Vietnamese enterprises for foreign traders; the imported machinery and equipment serving the projects of investment; the goods serving the National defense and security, state secrets, radiation and nuclear safety, and other kinds of non-commercial goods as prescribed by law.

Article 3. The basis for inspection

The basis for the goods quality inspection is the applicable standards, the regulations on goods labels, and other regulations of law.

Article 4. Interpretation of terms

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

1. A consignment is a group of a type of goods with an definite amount, having the same name, features, label, and technical characteristics, made by the same producer, and recorded in the same import dossier.
2. Inspecting agencies are the agencies appointed to perform the State management of goods quality under the management of the Ministry of Science and Technology
 - a) The Department of goods quality affiliated to the Directorate for Standards, Metrology and Quality;
 - b) The Sub-departments of Standards, Metrology and Quality in the central-affiliated cities and provinces having border checkpoint or import inspection post.
3. Standard certificates include:
 - a) The unexpired Certificate of conformity of the products and goods conformable with corresponding technical regulations issued by an appointed or accredited certifying organization.
 - b) The standard certificate or quality verification of the consignment conformable with the applicable standards and corresponding technical regulations, issued by an appointed or accredited certifying or verifying organization.
 - c) The certificate of management system of the goods.

Article 5. Conditions for the customs clearance

1. The imported goods being the subjects of state inspection of quality only receive customs clearance after an inspecting agency prescribed in Clause 2 Article 4 of this Circular issue a notification of the satisfactory result of the state inspection of imported goods quality (according to the form 3. TBKQKT in the Annex enclosed with this Circular).
2. When the customs grant the temporary customs clearance before the quality inspection, the customs only grant the temporary customs clearance after the importer has registered the state inspection of imported goods quality at the inspecting agency (according to the form 1. ĐKKT in the Annex enclosed with this Circular). After receiving the temporary customs clearance, the importer must contact the inspecting agency to carry out the inspection of imported goods quality as prescribed in this Circular. The customs only grant the official customs clearance when the goods satisfy the requirements in Clause 1 this Article.

When the customs grant the temporary customs clearance before the quality inspection, the importer may not put such goods into circulation on the market if the inspection of imported goods quality prescribed in this Circular has not finished.

Article 6. The dossier of registration for the inspection of imported goods

1. The dossier of registration for the inspection of imported goods includes:

- a) The “Application for the state inspection of imported goods quality” (04 copies, according to the form 1. ĐKKT in the Annex enclosed with this Circular).
 - b) The photocopies of the contract and the packing list (if any).
 - c) The copies of the standard certificates (the original must be presented for comparison, unless the copies are authenticated), or the original standard certificates.
 - d) Other relevant documents; the copies (certified by the importer) of the Bill of Lading; invoices; the import declaration; the Certificate of Origin (if any); the pictures or description of goods; the design of the imported goods label that bears the conformity mark and secondary labels (if the primary label is not sufficient as required); and the Certificate of Free sale (if any).
2. The importer is responsible for the validity and legitimacy of the dossier of registration for the inspection of imported goods.

Chapter 2.

THE CONTENT, ORDER, AND PROCEDURE FOR INSPECTION

Article 7. The inspection content

The inspection shall be carried out as follows:

1. Inspect the sufficiency of the dossier of registration for the inspection of imported goods as prescribed in Article 6 of this Circular.
2. Inspect the result of the conformity assessment, the conformity mark, the goods labels (if the goods must be labeled), and the documents attached to the inspected goods:
 - a) Inspect the conformity of the standard certificates of the imported consignment with the applicable standards, technical regulations, and the current regulations; inspect the accuracy and consistency of the dossier of registration for the quality inspection;
 - b) Inspect the compulsory information on the label and secondary label, including the goods name, addresses of the organizations and individuals responsible for the goods; the origins of goods, and other information about each kind of goods; the conformity of the label design with the import dossier;
 - c) Inspect the positions, colors, sizes, and languages of the label;
 - d) Inspect the display of the conformity mark on the goods or their packages.
3. Inspect the written approval as prescribed by the Ministry of Science and Technology, applicable to the imported goods in the List of goods of group 2 having new and potentially dangerous characteristics that are not specified in corresponding technical regulations.

Article 8. The order, procedures, and measures during the inspection

The inspecting agency shall carry out the inspection and handle the inspection in the following order:

1. Receive the dossier of registration for quality inspection from the importer (according to the form 2. TNHS in the Annex enclosed with this Circular); and enter it in the register, then sign and stamp on the application for the quality inspection submitted by the importer.
2. Carry out the inspection as follows:

a) If the dossier is complete and conformable: within 03 working days from the date on which the dossier of registration for the quality inspection is received, the inspecting agency shall send a notification that the result of the state inspection of imported goods quality satisfy the quality requirements (according to the form 3. TBKQKT in the Annex enclosed with this Circular) to the importer for carrying out the customs clearance procedure.

b) If the dossier is complete but not conformable:

If the goods do not satisfy the requirements of labels, the inspecting agency shall send the importer the notification of unsatisfactory result of the state inspection of imported goods quality (according to the form 3. TBKQKT in the Annex enclosed with this Circular), specifying the unsatisfactory content, and request the importer to rectify the labels within 10 working days. The inspecting agency only issue the notification of satisfactory imported consignment when the importer provides the proof of the rectification or standard certificates of the consignments.

If the standard certificates of the imported goods are not conformable with the imported consignment, or the standard certificates are not conformable with the applicable standards and corresponding technical regulations, the inspecting agency shall send the customs and the importer the notification of unsatisfactory result of the state inspection of imported goods quality (according to the form 3. TBKQKT in the Annex enclosed with this Circular), specifying the unsatisfactory content, and send a report to a superior managing agency (according to the form 4. BCKĐCL in the Annex enclosed with this Circular) for handling the situation in accordance with Point a, b, and c Clause 2 Article 18 of the Government's Decree No. 132/2008/NĐ-CP dated December 31st 2008, detailing the implementation of a number of articles of the Law on Product and goods quality.

c) If the dossier is not complete, the inspecting agency shall determine the missing items and request the importer to complete the dossier within 25 working days. If the dossier is not complete after this period, the importer must send written explanation to the inspecting agency and specify the time of completion. The next inspection steps are only taken after the importer complete the dossier.

If the importer fails to complete the dossier within the prescribed period, within 03 working days from the deadline from completing the dossier, the inspecting agency shall send the importer and the customs a notification of the result of the state inspection of imported goods quality (according to the form 3. TBKQKT in the Annex enclosed with this Circular), specifying that the dossier of the consignment is not complete”, and cooperate with relevant inspecting agencies in carrying out the state inspection of goods quality at the facility of the importer.

3. When inspecting the dossier, if the goods must be inspected as prescribed in Clause 1, Clause 2 Article 9 of this Circular, then within 03 days from the date on which the dossier of registration for the quality inspection is received, the inspecting agency shall send the importer a notification of the the result of the state inspection of imported goods quality (according to the form 3. TBKQKT in the Annex enclosed with this Circular), specifying the contents that need inspection, and carry out the inspection in accordance with Clause 2, Clause 2 Article 9 of this Circular. The result shall be handled as follows:

a) If the imported goods is conformable with the applicable standards and corresponding technical regulations, Point a Clause 2 this Article shall apply.

a) If the imported goods is not conformable with the applicable standards and corresponding technical regulations, Point b Clause 2 this Article shall apply.

Article 9. The application of intensified inspection

1. The inspecting agency shall apply the intensified inspection to the imported goods of suspicious quality. Apart from being inspected in accordance with Article 7 and Article 8 of this Circular, the conformity of such imported goods must be certified or verified by an appointed conformity-assessing organization if it is requested by the inspecting agency. The importer shall pay the certification or verification cost to the conformity-assessing organization.

2. If there are complaints or denunciation against the imported goods, or the result of the conformity assessment is suspicious, apart from carrying out the inspection in accordance with Article 7 and Article 8 of this Circular, the inspecting agency shall take and test the samples of such goods as follows:

a) The inspecting agency shall take samples of the imported goods randomly and enough for testing, according to the standards of test methods or applicable standards and technical regulations;

b) The samples taken must be sealed (according to the form 5b. TNPM in the Annex enclosed with this Circular) and make a sampling record (according to the form 5a. BBLM in the Annex enclosed with this Circular);

c) The goods samples shall be sent to an appointed laboratory for testing. The test result given by the appointed laboratory is the legal basis for the inspecting agency to proceed the inspection.

d) Within 03 days from the date on which the sample test result is received, the inspecting agency shall send the sample test result to the importer so that he or she can fulfill the responsibility and obligations prescribed in Point dd Clause 2 and Clause 3 this Article.

dd) The of goods sampling and testing costs:

The costs of sampling and testing for the inspection of imported goods prescribed in Clause 2 this Article shall be paid by the inspecting agency. The sampling and testing costs are included in the budget estimate of the inspecting agency.

If the test result shows that the imported goods is not conformable with the applicable standards and corresponding technical regulations, the importer shall pay the sampling and testing cost to the inspecting agency.

When complaints or denunciations are made, and the test result shows that the imported goods is conformable with the applicable standards and corresponding technical regulations, the person that makes the complaint or denunciation shall pay the sampling and testing cost to the inspecting agency.

3. If the importer does not concur with the sample test result prescribed in Point c Clause 2 this Article, the importer shall request, in writing, the inspecting agency to appoint another laboratory to test the samples within 02 working days from the date on which the sample test result is received. The result of the conformity assessment is the basis for the inspecting agency to give the final conclusion. The importer shall pay the conformity assessment cost.

4. Every six months or irregularly, the inspecting agency shall preside and cooperate with relevant agencies in carrying out the state inspection of goods quality at the warehouses of

importers. The inspection content is provided in the Circular No. 26/2012/TT-BKHCN dated December 12th 2012 of the Minister of Science and Technology, on the state inspection of quality of goods in circulation.

Article 10. The fees for state inspection of quality

The fees for the state inspection of imported goods quality are specified in the Circular No. 231/2009/TT-BTC dated December 19th 2009 of the Minister of Finance, on the collection, payment, management, and use of fees for the activities of standards, metrology and quality.

Chapter 3.

IMPLEMENTATION ORGANIZATION

Article 11. Responsibility of the Directorate for Standards, Metrology, and Quality

1. Guide the techniques and inspect the operation of the appointed conformity-assessing organizations and inspecting agencies in the quality inspection of imported goods under the management of the Ministry of Science and Technology.
2. Direct and handle the imported goods that fail to satisfy the quality requirements reported by the Department of goods quality management. The cases beyond the authority of the Directorate for Standards, Metrology and Quality shall be reported to the Ministry of Science and Technology for consideration and decision.

Article 12. Responsibility of the Department of goods quality management affiliated to the Directorate for Standards, Metrology, and Quality

1. Organize the quality inspection of imported goods being gasoline, diesel fuel, biofuel, and other goods in accordance with the direction from the Directorate for Standards, Metrology, and Quality. Comply with the laws on goods quality.
2. Receive, process, and send the information and reports from central and provincial inspecting agencies to the Directorate for Standards, Metrology, and Quality for sending reports to the Ministry of Science and Technology on the developments and results of the inspection of imported goods (according to the form 6. BC in the Annex enclosed with this Circular).

Article 13. Responsibility of the Services of Science and Technology

1. Direct and handle the imported goods that fail to satisfy the quality requirements reported by the Sub-department of Standards, Metrology and Quality. The cases beyond the authority of the Services of Science and Technology shall be reported to the provincial People's Committees for consideration and decision.
2. Make and send reports to provincial People's Committees and the Ministry of Science and Technology (the Directorate for Standards, Metrology, and Quality) on the developments and results of the local inspection of imported goods every six months and every year. The report must be sent before the 15th of the last month of the reporting period.

Article 14. Responsibility of the Sub-departments of Standards, Metrology and Quality

1. Organize the quality inspection of the goods at the local border checkpoints (except for the goods prescribed in Clause 1 Article 12). Comply with the laws on goods quality.

2. Report the developments and results of the local inspection of imported goods to the Services of Science and Technology (according to the form 6. BC in the Annex enclosed with this Circular).

Article 15. Responsibility of appointed conformity-assessing organizations

1. Provide the results of conformity assessment to inspecting agencies and importers within the prescribed period.
2. Cooperate with inspecting agencies in the conformity assessment of imported goods.
3. Fulfill order obligations prescribed by the laws on goods quality.

Article 16. Responsibility of relevant parties for handling the imported goods that fail to satisfy the quality requirements

1. The importer shall:

- a) Register and comply with the regulation on the inspection of imported goods applicable to the imported goods in group 2, or at the requests of inspecting agencies; satisfy the requirements of inspecting agencies when applying the intensified inspection;
- b) Satisfy the requirements of competent agencies when re-exporting or destroying the goods that must be re-exported or destroyed.

If the consignment is recycled, the importer shall be responsible for the recycling and apply for the state inspection of quality after recycling.

c) Fulfill order obligations prescribed by the laws on goods quality.

2. The inspecting agencies shall:

- a) When re-exporting or destructing the goods of which the quality is not conformable with the applicable standards and corresponding technical regulations, the inspecting agency shall send the documents about the inspection to the customs where the importer made the customs declaration sheet during the import procedure for handling.
- b) When recycling the goods of which the quality is not conformable with the applicable standards and corresponding technical regulations, the importer shall suggest the recycling plan to the inspecting agency, and the inspecting agency shall send a report to an superior managing agency for decision. The inspecting agency shall carry out the state inspection of the quality after the recycling.

Chapter 4.

REGULATIONS ON THE IMPLEMENTATION

Article 17. Effects

1. This Circular takes effect on January 27th 2013, and supersedes the Circular No. 17/2009/TT-BKHCN dated June 18th 2009 of the Minister of Science and Technology, guiding the state inspection of quality of imported goods under the management of the Ministry of Science and Technology, and Article 1 of the Circular No. 13/2010/TT-BKHCN dated July 30th 2010 of the Minister of Science and Technology, amending and supplementing some regulations in the Circular No. 17/2009/TT-BKHCN dated June 18th 2009 and the Circular No. 01/2007/TT-BKHCN dated February 14th 2007.

2. If the documents related to this Circular are amended, supplemented, or superseded during the implementation of this Circular, the new documents shall apply.

Article 18. Responsibility of the managing Ministries

According to this Circular, the managing Ministries shall guide the state inspection of quality of imported goods under their management.

Article 19. Implementation responsibility

1. The agencies in charge of the product quality inspection, the importers, and relevant agencies are responsible for the implementation of this Circular. the Directorate for Standards, Metrology, and Quality shall guide and inspect the implementation of this Circular.

2. Inspecting agencies are recommended to send feedbacks on the difficulties arising during the course of implementation to the Directorate for Standards, Metrology, and Quality for summarizing and sending reports to the Ministry of Science and Technology for guidance and amendment./.

**FOR THE MINISTER
DEPUTY MINISTER**

Tran Viet Thanh