

**THE MINISTRY OF
AGRICULTURE AND
RURAL DEVELOPMENT**

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THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

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CIRCULAR

**PRESCRIBING CERTIFICATION OF COMPLIANCE WITH GOOD AGRICULTURAL
PRACTICES ON PRODUCTION AND PROCESSING OF FISHERY, CROP AND
LIVESTOCK PRODUCTS**

Pursuant to the Government's Decree No. 01/2008/ND-CP dated January 03, 2008 defining the functions, duties, powers and organizational structure of the Ministry of Agriculture and Rural Development; the Government's Decree No. 75/2009/ND-CP dated September 10, 2009 amending Article 3 of the Decree No. 01/2008/ND-CP;

Pursuant to the Law on Food Safety dated June 17, 2010;

Upon the request of the Director of the Agency of Crop Production;

The Ministry of Agriculture and Rural Development hereby adopts regulations on certification of compliance with Good Agricultural Practices on production and processing of fishery, crop and livestock products as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope and subjects of application

1. This Circular shall lay down procedures and documentation requirements for designation and management of operations of certification organizations, audit and certification, responsibilities of entities, organizations and individuals for certification of compliance with Good Agricultural Practices on production and processing of fishery, crop and livestock products.
2. This Circular shall apply to entities or persons whose operations relate to certification of compliance with Good Agricultural Practices on production and processing of fishery, crop and livestock products.

Article 2. Definitions

For the purpose of this Circular, terms used hereunder shall be construed as follows:

1. *Good Agricultural Practices (GAP)* refers to a set of criteria that an organization, a single country or a group of member countries adopts as manuals that producers can apply to ensure food quality and safety standards, access to product origin, environmental and human health protection and social welfare for employees;
2. *Regulatory procedures (rules) for Good Agricultural Practices* refers to GAPs that the Ministry of Agriculture and Rural Development adopts to apply to specific products, groups of fishery, crop and livestock products (Vietnamese Good Agricultural Practices - VietGAP).
3. *Organization granting certification of compliance with VietGAP on production and processing of fishery, crop and livestock products (hereinafter referred to as VietGAP*

certification organization) refers to a public service provider, enterprise or branch of a foreign certification organization in Vietnam conforming to requirements referred to in Article 5 and 6 hereof that is designated by a state regulatory authority to provide VietGAP certification services;

4. *VietGAP certification* refers to audit and verification of compliance with VietGAP on production and/or processing (production/processing) of products that are granted by a VietGAP certification organization;

5. *Agricultural production establishment* refers to an enterprise, cooperative, cooperative union or association (multi-member production establishment or group of production households), farm, household (single member production establishment or production household) that produces/processes fishery, crop and livestock products in conformity with VietGAP;

6. *Internal audit* refers to the process of self-assessment that is conducted by an agricultural production establishment in a systematic and independent manner and is documented as evidence for determination of the degree of implementation of and maintenance of compliance with VietGAP during the process of production/processing of its products;

7. *VietGAP consultancy* refers to the activity in which an agricultural production establishment is provided with training, coaching and instructions for application of VietGAP and internal audit.

8. *Typical example of product* refers to a sample that represents a specific type or kind of product that is produced/processed according to the same procedures, under the same conditions and on the basis of use of the same input material.

Article 3. Fees and charges

1. Fees and charges for audit conducted prior to designation and for inspection of a VietGAP certification organization shall be paid under applicable laws and regulations on fees and charges.

2. VietGAP certification costs shall be paid by an organization or individual applying for grant of such certification as agreed upon with the VietGAP certification organization.

Article 4. Regulatory authorities designating and inspecting operations of VietGAP certification organizations

1. Directorate of Fisheries shall be the regulatory authority in charge of designating and inspecting operations of VietGAP certification organizations in the fishery sector.

2. Agency of Crop Production shall be the regulatory authority in charge of designating and inspecting operations of VietGAP certification organizations in the crop growing sector.

3. Agency of Crop Production shall be the regulatory authority in charge of designating and inspecting operations of VietGAP certification organizations in the livestock sector.

Chapter II

DESIGNATION AND MANAGEMENT OF OPERATIONS OF VIETGAP CERTIFICATION ORGANIZATION

Article 5. Eligibility requirements for VietGAP certification organization

A public service unit providing technical services, enterprise, or branch of any foreign certification organization operating within Vietnam, shall be designated as an authorized VietGAP certification organization when satisfying the following requirements:

1. It is established in accordance with laws, and has obtained registration for its functions and scope of operations in the product or commodity certification domain;
2. Its management system and competence in carrying out certification activities meet either the national standard TCVN 7457:2004 or the international standard ISO/IEC Guide 65:1996 – General requirements for bodies operating product certification system (hereinafter referred to as TCVN 7457:2004) in respect of the sector requested in the application for designation;
3. It always has at least 02 professional auditors for specific sectors, and irrespective of whether they hold tenured posts or work under permanent employment contracts, these assessors are required to meet requirements defined in Article 6 hereof.

Article 6. Eligibility requirements for professional auditors

1. Eligibility requirements for professional auditors:

a) They must hold at least an undergraduate degree in the fishery and aquaculture, fish veterinary or biology with respect to the fishery sector; plant cultivation, plant protection, agronomy or biology with respect to the crop growing sector; animal farming, veterinary or biology with respect to the livestock sector;

b) Their professional experience in the respective sector must be audited during the period of at least 02 successive years;

c) They must hold the certificate for completion of training for provision of VietGAP audit services in the respective sectors, issued by the designating entity;

d) Their audit competence must meet regulations laid down in the national standard TCVN ISO 19011:2003 or the international standard ISO 19011:2002 – Guidance on auditing quality and/or environmental management systems;

dd) They must hold the training certificate for TCVN ISO 9001:2008 or ISO 9001:2008 or versions of ISO 9001 - Quality management system – Requirements in the case of audit of multi-member production establishments, issued by the domestic or foreign entity whose functions or duties relate to grant of such certificate (hereinafter referred to as TCVN ISO 9001:2008).

2. The certification organization must have at least 01 (one) professional auditor that fully meet regulations laid down in Point a Clause 1 of this Article; if other auditor holding the undergraduate degree in this sector wishes to apply for permission for becoming an auditor in another sector, (s)he must additionally submit the certificate of professional and technical training in that requested sector that is issued by a relevant specialized higher education institution under the detailed instructions of the designating and inspecting entity (or the designating entity).

3. Auditors that meet all requirements specified in Clause 1, 2 of this Article shall be awarded the identity card for a VietGAP auditor according to the form given in the Appendix I hereto attached.

Article 7. Documentation requirements for applying for designation as an authorized VietGAP certification organization

1. Composition of an application package

- a) The certificate of registration of VietGAP certification according to the form given in the Appendix II hereto attached;
 - b) The duplicate copy of the Establishment Decision or the Certificate of Business Registration or the Investment Certificate (a notarized copy thereof or a photocopy submitted along with the original copy thereof for verification purposes);
 - c) The quality control handbook issued in compliance with TCVN 7457:2004, including instructions for application dossiers; process and schedule of audit, issuance, re-issuance, renewal and extension of scope of application of the VietGAP certification; post-certification inspection; warning, suspension or termination of the VietGAP certification; other relevant technical documents, quality standards or regulations;
 - d) The sample VietGAP Certification of the certification organization whose contents conform to instructions given in the Appendix III hereto attached;
 - dd) The list of auditors compiled according to the form given in the Appendix IV hereto attached, together with the duplicate copy of the degree or training certificate evidencing conformity with requirements referred to in Clause 1 and 2 Article 6 hereof;
 - e) The result of certification performance achieved in the requested sector (where available).
2. The number of application packages to be submitted shall be 01 (one) set.

Article 8. Procedures for designation of VietGAP certification organization

- 1. The VietGAP certification organization prepares all documents required by Article 7 hereof.
- 2. The VietGAP certification organization submits application documents, whether directly or by post, to the designating entity as prescribed by Article 4 hereof.
- 3. The designating entity receives, processes submitted application documents, and guides the applicant to provide additional documents (in case of submission of the application directly), or handles such submitted application within 03 (three) working days of receipt of the submitted application (in case of submission of the application by post).
- 4. Within the duration of 20 (twenty) business days of receipt of all required documents, the designating entity establishes the audit team and carries out audit in accordance with Article 9 hereof.
- 5. The audit team sends an audit report to the designating entity. Within the duration of 05 (five) business days of receipt of the report from the audit team, the designating entity decides whether or not the requesting VietGAP certification organization is designated.

Where it is established that requirements for designation are not fully met, the designating entity shall send the applicant a written notification of this in which reasons for rejection should be clearly stated.

- 6. The validity duration of the decision shall be 05 (five) years.

Article 9. Audit of the organization applying for registration of VietGAP certification services

1. The designating entity shall establish the audit team composed of 3-5 members, including at least 01 (one) member who is an expert holding the certificate for training in TCVN 7457:2004 and TCVN ISO 9001:2008.

2. Auditing of the degree of conformity with requirements for a certification organization shall be based on regulations laid down in Article 5 and 6 hereof.

3. Procedures and methods for auditing an organization applying for registration of its certification services that has not yet obtained the certificate of recognition of compliance with TCVN 7457:2004 shall be as follows:

a) The leader of the audit team commands all members or assigns single members to carry out on-site audit of the quality management system and competence of the certification organization in uniformity with requirements of TCVN 7457:2004 and instructions given in the Appendix V hereof;

b) The audit team makes an audit report according to instructions given in the Appendix VI hereto attached, including the conclusion stating whether or not the requesting certification organization is qualified for designation;

c) Where the requesting certification organization has revealed certain incompliances that may be corrected, the audit team shall list out these ones, proposes the duration to correct them and notifies audit results to the requesting certification organization. The requesting certification organization shall correct such incompliances and send a report to the designating entity (the leader of the audit team). The audit team shall verify the report on correction of such incompliances and, where necessary, shall carry out an on-site audit.

4. Procedures and methods for auditing an organization applying for registration of its certification services that has obtained the certificate of recognition of compliance with TCVN 7457:2004 shall be the same as those prescribed by Clause 3 of this Article, but shall be simplified by removal of the requirement for audit of compliance in terms of quality management system.

Article 10. Renewed designation of VietGAP certification organization

1. The VietGAP certification organization wishing to apply for renewed designation must submit 01 (one) set of application documents for re-designation (directly or by post) to the designating entity 03 (three) months before the duration of the designation decision expires.

2. Composition of an application package

a) The certificate of registration of VietGAP certification according to the form given in the Appendix II hereto attached;

b) The report on VietGAP certification results that the designated certification organization has achieved during the designation period;

c) The quality control handbook stating any supplementation or change of organizational or personnel structure, equipment, procedures, instructions or forms (if any);

d) The list of auditors and codes of their issued identity cards that are arranged into the list as stipulated by Point dd Clause 1 Article 7 hereof with respect to those who have not held the identity card for VietGAP auditor or those who wish to expand the scope of audit activities compared with the scope defined on the issued card.

3. Implementation procedures

- a) Processing of application for renewed designation shall be subject to Clause 3 Article 8 hereof;
- b) Based on the application for renewed designation and inspection results, within the duration of 15 business days of receipt of all required documents, the designating entity shall establish the audit team and carry out audit as prescribed by Article 9 hereof;
- c) Handling of the results received from the audit team and validity of the designation decision shall be subject to Clause 5 and 6 Article 8 hereof.

Article 11. Expansion of the scope of the VietGAP certification organization

1. The VietGAP certification organization wishing to apply for expansion of its scope of operations must submit 01 set of application documents for such expansion, whether directly or by post, to the designating entity.

2. Composition of an application package

- a) The certificate of registration of VietGAP certification according to the form given in the Appendix II hereto attached;
- b) The report on VietGAP certification results in the designated scope;
- c) The quality control handbook stating any supplementation or change of organizational or personnel structure, equipment, procedures, instructions or forms (if any);
- d) The list of auditors and codes of their issued identity cards that are arranged into the list as stipulated by Point dd Clause 1 Article 7 hereof with respect to those who have not held the identity card for VietGAP auditor or those who wish to expand the scope of audit activities compared with the scope defined on the issued card.
- dd) Technical documents or standards relating to the sector requested in the application for expansion of its designated scope.

3. Implementation procedures

- a) Processing of application for such expansion shall be subject to Clause 3 Article 8 hereof;
- b) Based on the application for scope expansion and inspection results, within the duration of 15 business days of receipt of all required documents, the designating entity shall establish the audit team and carry out audit as prescribed by Article 9 hereof;
- c) Handling of the results received from the audit team and validity of the designation decision shall be subject to Clause 5 and 6 Article 8 hereof.

Article 12. Designation code

- 1. The designated VietGAP certification organization shall keep its own code for managerial purposes. The code is specified in the designation decision.
- 2. The method for assigning a code to the designated VietGAP certification organization shall be subject to instructions provided in the Appendix VII hereto attached.

Article 13. Inspection of operations of the designated VietGAP certification organization

1. The designating entity shall draw up the plan to inspect operations of the designated VietGAP certification organization at least twice during the validity period of the designation decision, unless otherwise required in certain sudden situations.
2. The inspection results achieved shall be the bases for the designating entity's making its decision on continuation, application of warning measure to, suspension or termination of the designation decision.
3. The designating entity shall establish the audit team composed of 3-5 members, including at least 01 (one) member who holds the certificate for training in TCVN 7457:2004 and TCVN ISO 9001:2008; 01 (one) public officer of the Department of Agriculture and Rural Development of the local jurisdiction where the on-site inspection is conducted at the certified production establishment.
4. Inspection procedures and requirements:
 - a) The designating entity notifies the regular inspection plan to the certification organization at least 05 (five) business days in advance;
 - b) The inspection team examines compliance of the quality management system and competence of the certification organization in conformity with TCVN 7457:2004 and instructions given in the Appendix V hereto attached;
 - c) The inspection team examines auditing, inspection activities and certification results of at least 01 (one) production establishment awarded the VietGAP certification. When necessary, it will collect product samples to check food safety indicators;
 - d) The inspection team makes an inspection report as guided in the Appendix VI and VIII hereto attached;
 - dd) The inspection team sends a report on its inspection results to the designating entity no later than 15 (fifteen) business days after completion of such inspection;
 - e) Where the inspected VietGAP certification organization shows certain incompliances, it is required to take corrective actions and send a report on correction results to the inspection team for its assessment.

The inspection team shall assess the results of such corrective actions based on the said report; where necessary, another on-site inspection shall be carried out.

Chapter III

VIETGAP AUDITING AND CERTIFICATION

Article 14. Form of audit conducted by the designated VietGAP certification organization

1. Initial audit shall be carried out after the production establishment has signed the VietGAP certification agreement.
2. Audit of corrective action shall be carried out in the event that the production establishment, after being audited, has shown that it has not satisfied requirements for eligibility for issuance, maintenance or expansion of the scope of the VietGAP certification.
3. Re-audit shall be carried out upon the request of the production establishment for its VietGAP certification which has expired.

4. Supervisory audit shall be carried out after the production establishment has obtained the VietGAP certification. The supervisory audit may be carried out in a regular (with prior notification) or sudden (without prior notification) manner; the frequency of supervisory inspection shall vary depending on the certification organization's decision under certain specific circumstances in order to ensure continued application of VietGAP in the production establishment.

5. The sudden audit shall be performed when:

- a) There is any complaint about the production establishment's incompliance with VietGAP;
- b) There is an evidence that VietGAP-certified products fail to meet quality standards and food safety requirements;
- c) The state regulatory authority makes a request for such sudden audit.

Article 15. Auditing approach

The approach to auditing products in compliance with VietGAP on production/processing: Auditing the production/processing stage and testing typical examples; carrying out audit through assessment of the production/processing and testing samples collected at the production/processing establishment.

Article 16. Auditing procedures and requirements

1. Audit the production stage according to auditing criteria and instructions defined in VietGAP with respect to specific types of products.

In particular, products in the fishery sector; vegetable, fruit and tea products in the crop growing sector; dairy cows, poultry, pigs or bees in the livestock sector, shall be audited according to audit criteria defined in the Appendix IXA, IXB and IXC hereto attached until a new version of VietGAP is released.

2. Collect samples of environmental factors (soil, water or ambience), inputs, waste substances or typical examples of products and determine analysis indicators according to VietGAP (in the event that the production establishment is unable to provide analysis results or provides inappropriate analysis results); the sampling and testing method shall be subject to technical or other regulations. If there are none of regulations on this, the sampling and testing method employed by a recognized or designated laboratory shall be applied.

3. Audit the multi-member production establishment:

- a) Audit the internal quality management system according to the Appendix X hereto attached;
- b) Audit archived documents;

c) Audit the member representing the group of members: The number of members representing the group of members that is subject to audit shall be subject to the certification organization's decision in certain specific circumstances but equal at least the square root (in case of initial audit) or at least $\frac{2}{3}$ of the square root (in case of re-audit) or at least $\frac{1}{2}$ of the square root (in case of supervisory audit) of total member in the group.

4. Pursuant to Point c Clause 1 Article 7 and 17 hereof, the VietGAP certification organization shall establish detailed instructions for application documents, audit procedures and subject

matters, duration of audit and grant of the VietGAP certificate for specific products, and notify organizations or individuals applying for the VietGAP certification.

Article 17. VietGAP certification

1. Validity duration of the VietGAP certification

- a) The VietGAP certification shall remain valid for the minimum period of 02 (two) years from the issue date;
- b) The VietGAP certification shall be extended for the maximum period of 03 (three) months in the event that the production establishment awarded such certification does not continue to apply for renewal by the expiration date.

2. Where the production establishment has various production locations applying for audit at the same time, the VietGAP certification must clearly specify addresses, product names, raising/production acreage and expected production quantity at respective locations.

3. Where there are various members in the same production location, the VietGAP certification must include the list of members (their addresses, product names, raising/production acreage and expected production quantity).

4. VietGAP certification code

- a) The VietGAP certification code shall be subject to instructions given in the Appendix XI hereto attached.
- b) Issuing the VietGAP certification code online via the website in effect from January 1, 2013 shall be subject to instructions given by the Directorate of Fisheries, Agency of Crop Production and Agency of Livestock.

Chapter IV

REGULATORY AUDIT AND HANDLING OF VIOLATION

Article 18. Regulatory audit

1. The competent authority shall have powers to carry out inspection of the designating entity, the production establishment and the VietGAP certification organization in accordance with laws on regulatory audit.
2. Where the designating entity commits any act, the auditing entity shall consider making a decision to impose any action against such act in accordance with laws.
3. Where the VietGAP certification organization commits any act, the auditing entity shall send a notice of audit to the designating entity for its review and imposition of any action against such act in accordance with laws.
4. Where the VietGAP-certified production establishment commits any act, the auditing entity shall send a notice of audit to the certification organization for its review and imposition of any action against such act in accordance with laws.

Article 19. Resolution of violation committed by the production establishment

Based on the inspection and audit results, the certification organization shall issue a decision to impose relevant actions on VietGAP-certified producers in the following forms:

1. A written warning which is sent to the violating production establishment when it is established that that production establishment has certain incompliances as required by VietGAP. Upon receipt of such warning, the violating production establishment must agree with the certification organization on the duration of correction of such incompliances and take corrective actions in a timely manner. After completion of correction of these incompliances, the production establishment must send a written report to the certification organization.

2. Suspension of the VietGAP certification and determination of the duration during which the production establishment must correct their incompliances in case that it is subject to the abovementioned warning and fails to take corrective actions in a timely manner. The duration to correct these incompliances shall not exceed 06 (six) months from the date of entry into force of the suspension decision.

3. The VietGAP certification shall be terminated when:

a) The violating production establishment does not take action to correct incompliances on a timely manner after being subject to the suspension of the VietGAP certification;

b) The production establishment requests postponement of inspection by the certification organization in 02 (two) successive times without giving any good and sufficient reason;

c) The production establishment does not use the VietGAP logo, logo or mark of the certification organization in accordance with regulations imposed by the competent authority or requirements of the written authorization issued by the certification organization;

d) Within the period when corrective actions are taken from the date of entry into force of the decision on termination of the VietGAP certification, the production establishment shall not be allowed to obtain the VietGAP certification. After completion of these corrective actions, the production establishment shall be required to re-apply for the certificate if it wishes to obtain such certificate.

4. Where violations committed by the production establishment have been detected and subject to penalties requested by the regulatory audit entity, the certification organization must inform the regulatory audit entity promptly after the date on which the decision to impose actions is signed.

Article 20. Handling of violation committed by the VietGAP certification organization

Based on the inspection and audit results, the designating entity shall issue a decision to impose relevant actions against violations on VietGAP certification organization in the following forms:

1. Warning in the event that the designated certification organization has shown incompliances that has not yet had any impact on the certification result;

2. Suspension of the designation decision in the event that there are any technical incompliances but they are likely to be corrected and have not yet resulted in any serious consequences;

a) Corrective actions defined in inspection reports have not been taken in a sufficient manner;

b) The certification organization fails to perform the reporting regime in accordance with Article 22 hereof;

c) Within the period when corrective actions are taken from the date of entry into force of the decision on suspension of the designation decision, the certification organization shall not be

allowed to carry out VietGAP certification activities. After completion of corrective actions, the certification organization must send a report on correction results to the designating entity. Based on that report, the designating entity shall issue a decision to allow the certification organization to continue its certification activities; where necessary, the designating entity may carry out another on-site inspection at the certification organization.

3. The designation decision shall be cancelled if:

a) The certification organization fails to meet requirements referred to in Article 5 and 6 hereof;
b) The certification organization is not honest or unbiased during the process of inspection and certification.

c) Within the duration of at least 01 (one) year from the date on which the designation decision is terminated, the certification organization shall not be allowed to apply for the license to carry out VietGAP certification activities. If the certification organization wishes to resume its activities after such duration, it must follow requirements concerning application for and audit of re-designation in accordance with Article 10 hereof and make a commitment that violation of such kind will not recur. Where the certification organization lets violations recur, it shall be subject to lifetime prohibition.

4. Where violations committed by the certification organization have been detected and subject to penalties requested by the regulatory audit entity, the designating entity must inform the regulatory audit entity promptly after the date on which the decision to impose actions is signed.

Chapter V

RIGHTS AND RESPONSIBILITIES OF ORGANIZATIONS OR INDIVIDUALS

Article 21. Rights and responsibilities of the VietGAP-certified production establishment

1. Responsibilities:

- a) Ensure and maintain production/processing conditions; carry out the internal audit in conformity with VietGAP requirements;
- b) Implement VietGAP within the certified scope. Whenever there is any change in implementation of VietGAP, it must promptly inform the certification organization for its examination and supervision;
- c) Take corrective actions against incompliances on time when receiving the decision on warning or suspension or termination of the VietGAP certification;
- d) Make full payments to the certification organization for its VietGAP certification services in accordance with Article 3 hereof;
- dd) Display authentic information about VietGAP-certified products on their labels and take responsibility concerning compliance of products with VietGAP.
- e) When finding that any product lot does not conform to food safety requirements, it must temporarily cease distribution of this product lot, recall products if they have been sold in the market, carry out investigation to identify causes of failure to conform to food safety requirements and take corrective actions as well as keep a record of such actions in its files. Where it is impossible to mitigate risks of failure to comply with food safety requirements, it

must inform the Department of Agriculture and Rural Development at the local jurisdiction where it is operating and the certification organization to seek any proper action.

2. Rights:

- a) Record any opinion on disagreement with the audit and inspection result of the audit or inspection team;
- b) File a petition against the certification, audit, inspection and assessment result in accordance with laws;
- c) Use the VietGAP certification code, VietGAP logo in accordance with regulations imposed by the competent authority, or logo or mark of the certification organization under the arrangement with the certification organization;
- d) Select the designated VietGAP certification organization and laboratory. Where there is any change to the certification organization, the production establishment must provide necessary information and declare the previous VietGAP certification code to the new certification organization;
- dd) The certification that its products that are produced/processed in compliance with VietGAP is the basis on which the production establishment submits its declaration of conformity with safety requirements for its products to the Department of Agriculture and Rural Development in accordance with laws.
- e) Select and hire organizations or individuals providing consultancy services during the process of preparation, registration and assessment of VietGAP certification.

Article 22. Rights and responsibilities of the VietGAP certification organization

1. Responsibilities:

- a) Carry out VietGAP auditing and certification activities in accordance with this Circular; auditors are required to wear VietGAP auditor's identity cards while on duty;
- b) Pursuant to regulations laid down in this Circular and requirements of TCVN 7457:2004, the certification organization shall set up detailed guidance on application dossiers; process and schedule of audit, issuance, re-issuance, renewal, inspection, warning, suspension, termination of the VietGAP certification; funds for issuance of the VietGAP certification to specific products, and notify entities, organizations or individuals concerned through the website or other means of mass media;
- c) Ensure a fair and unbiased view in VietGAP certification activities;
- d) Protect confidentiality of information, data and results of auditing of conformity during the process of auditing and certification, unless otherwise required by competent authorities;
- dd) Do not perform VietGAP consultancy services for the production establishment that has signed the VietGAP certification agreement;
- e) Bear legal liability for VietGAP certification results;
- g) Report to the designating entity and the Department of Agriculture and Rural Development of the local jurisdiction where VietGAP certification activities are carried out promptly after issuance, re-issuance, renewal, warning, suspension or termination of the VietGAP certification held by the production establishment in order to provide information to customers on time;

h) Report to the designating entity on any change to legal status, organizational and management structure, policies and procedures, address or telephone number within the duration of 15 (fifteen) days from the date of change.

In case of supplementation or expansion of the scope of operations of auditors, it must send the list of auditors and their degrees or certificates in accordance with Point dd Clause 1 Article 7 hereof to the designating entity; shall only be allowed to issue the VietGAP auditor's identity card upon receipt of consent in writing from the designating entity.

i) Release the result of issuance, re-issuance, renewal, inspection, warning, suspension and termination of the VietGAP certification;

k) Issue the VietGAP code online through the website in accordance with this Circular.

2. Rights:

a) Issue the VietGAP auditor's identity card in accordance with this Circular;

b) Issue, re-issue, renew, impose warning on, suspend or terminate the VietGAP certification in accordance with this Circular;

c) Supervise implementation of the good agricultural production practices of the VietGAP-certified production establishment within the certified scope.

d) Receive certification payments in accordance with the agreement with the production establishment that wishes to obtain the certificate of compliance of products with VietGAP.

Article 23. Powers and responsibilities of the designating entity

1. Responsibilities:

a) Receive application documents, assess, designate and re-designate, expand the scope of designation, supervise, inspect the certification organization, VietGAP auditors in accordance with this Circular;

d) Ensure a fair and unbiased view in auditing and designation activities;

c) Protect confidentiality of information and data during the process of inspection, assessment and supervision of the certification organization;

d) Notify Departments of Agriculture and Rural Development and release on the website or means of mass media the list of VietGAP certification organizations which are designated, subject to warning actions, suspension or termination of the designation decision and the list of production establishments eligible for issuing, re-issuing, renewing, subject to warning actions, suspension or termination of the VietGAP certification across the nation;

dd) Organize training or coaching for grant of the certificate in provision of VietGAP auditing services, issuance of VietGAP auditors' identity cards;

e) Resolve any complaint relating to the VietGAP certification in accordance with laws.

2. Powers:

a) Issue, maintain and impose warning or termination of the decision on designation of the certification organization in accordance with laws;

b) Request the VietGAP certification organization to impose any action for violations committed by the production establishment.

c) Inspect the production establishment obtaining the VietGAP certification and supervise VietGAP auditing and certification activities carried out by the certification organization.

Article 24. Powers and responsibilities of the Department of Agriculture and Rural Development

1. Responsibilities:

a) Inspect and audit the production establishment obtaining the VietGAP certification and GAP auditing and certification activities carried out by the designated certification organization within its local jurisdiction;

b) Resolve any complaint relating to the VietGAP certification within its local jurisdiction in accordance with laws;

c) Cooperate with the designating entity in supervision of operations of VietGAP certification organizations;

d) Provide VietGAP training for agricultural production/processing organizations or individuals within its local jurisdiction.

2. Powers:

a) Handle violations and notify the handling results to the designating entity or request the designating entity to impose actions against violations committed by the VietGAP certification organization in accordance with laws;

b) Handle violations and notify the handling result to the VietGAP certification organization or request the VietGAP certification organization to impose any action for violations committed by the production establishment.

Chapter VI

IMPLEMENTATION

Article 25. Transitional provisions

1. VietGAP certification organization that is designated under the Decision No. 84/2008/QĐ-BNN dated July 28, 2008; the Decision No. 121/2008/QĐ-BNN dated December 17, 2008 of the Ministry of Agriculture and Rural Development:

a) continue its VietGAP certification activities within the scope and duration designated under the decision of the Agency of Crop Production, Agency of Livestock or the Department of Agriculture and Rural Development;

b) carry out self-assessment of the management system and competence compared with requirements for eligibility for designation, specified herein. If these requirements have been fully met, they must take corrective actions on time. If it is impossible to correct any incompliance, they must notify termination of the whole or part of their services falling within the designated sector. Send a self-assessment report to the Agency of Crop Production, Agency of Livestock by December 31, 2012 at the latest according to instructions provided by the Agency of Crop Production and Agency of Livestock.

2. Based on the designation dossiers, self-assessment report of the certification organization, the Agency of Crop Production and the Agency of Livestock shall undertake or cooperate with the Department of Agriculture and Rural Development in audit of the application documentation or on-site audit at the production establishment to make a decision on re-designation or expansion of the scope of designation (if required) in accordance with this Circular by June 30, 2013 at the latest.

Article 26. Implementary provision

1. This Circular shall enter into force from November 10, 2012 and replace:

a) The Decision No. 56/2008/QD-BNN dated April 29, 2008 of the Ministry of Agriculture and Rural Development issuing regulations on inspection and certification of fishery and aquaculture with a view to promoting sustainability;

b) Article 3 of the Circular No. 24/2011/TT-BNNPTNT dated April 6, 2011 of the Ministry of Agriculture and Rural Development on “amending, supplementing and repealing certain regulations on administrative formalities in the fishery sector” in accordance with the Resolution No. 57/NQ-CP dated December 15, 2010;

c) The Decision No.84/2008/QD-BNN dated July 28, 2008 of the Ministry of Agriculture and Rural Development issuing regulations on certification of the good agricultural practices (VietGAP) for safe vegetable, fruits and tea products;

d) Article 1 of the Circular No. 17/2011/TT-BNNPTNT dated April 6, 2011 of the Ministry of Agriculture and Rural Development on amending, supplementing and repealing certain regulations on administrative formalities in the crop growing sector in accordance with the Resolution No. 57/NQ-CP dated December 15, 2010;

dd) The Decision No.121/2008/QD-BNN dated December 17, 2008 of the Minister of Agriculture and Rural Development issuing “Regulations on certification of the production establishment’s compliance with the good animal husbandry practices (VietGAHP) for dairy cows, swine, poultry and bees”;

e) The Circular No. 08/2010/TT-BNNPTNT dated February 11, 2010 of the Ministry of Agriculture and Rural Development providing regulations on requirements for the VietGAHP certification organization in the dairy cow, swine, poultry and bee farming sector;

g) Article 8 of the Circular No. 19/2011/TT-BNNPTNT dated April 6, 2011 of the Ministry of Agriculture and Rural Development on amending, supplementing and repealing certain regulations on administrative formalities in the livestock sector in accordance with the Government’s Resolution No. 57/NQ-CP dated December 15, 2010.

2. In the course of implementation of this Circular, if there is any difficulty that may arise, organizations or individuals concerned should send their feedbacks to the Ministry of Agriculture and Rural Development (the designating entity) for any timely solution./.

**PP. THE MINISTER
THE DEPUTY MINISTER**

Bui Ba Bong

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