

## **THE GOVERNMENT**

### **DECREE No. 179/2004/ND-CP OF OCTOBER 21, 2004 PROVIDING FOR STATE MANAGEMENT OVER PRODUCT AND GOODS QUALITY**

#### **THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the December 24, 1999 Ordinance on Goods Quality;*

*At the proposal of the Minister of Science and Technology,*

#### **DECREES:**

##### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1.- Scope of regulation**

This Decree details the implementation of the Ordinance on Goods Quality and relevant law provisions on State management over product and goods quality, by State management agencies, organizations and individuals engaged and production and/or business, organizations operating in the field of product and goods standard and quality control.

##### **Article 2.- Application objects**

1. This Decree applies to products and goods in the process of production and circulation on the domestic market as well as in import and export.

2. The State management over quality of products and goods in the fields of security, national

defense and State secrets shall be provided for in other legal documents.

##### **Article 3.- Term interpretation**

In this Decree, the following words and phrases are construed as follows:

1. *Products* mean the results of activities or processes, including services, software, hardware and materials for processing or having been already processed. *Goods* mean products put in consumption through exchange and trading.

2. *Product and goods quality* means the overall properties of products and goods (their technical specifications and particularities), determined by measurable and comparable parameters in accordance with existing technical conditions, reflecting the capability of meeting the social and personal demands under certain production and consumption conditions, suitable to the utility of such products and goods.

The product and goods quality is reflected through their technical specifications and particularities.

3. *Management of product and goods quality* means activities of an organization, aimed at orientating development, raising and controlling product and goods quality.

4. *State management over product and goods quality* means State management agencies' activities aimed at orientating development, raising and controlling product and goods quality, thus achieving the socio-economic targets in each period.

##### **Chapter II**

#### **PROMULGATION AND APPLICATION OF PRODUCT AND GOODS QUALITY STANDARDS**

##### **Article 4.- Product and goods quality standards**

1. Product and goods quality standards mean technical documents prescribing properties of, and technical requirements on, products and goods; methods of testing their properties and technical requirements; requirements on packing, labeling, transportation and preservation of products and goods; requirements on the quality management system and other issues related to product and goods quality (responsibilities toward consumers, thrifty use of natural resources, environmental protection, etc.)

2. Product and goods quality standards shall be promulgated by the heads of competent agencies and organizations according to the set procedures. Such standards shall be formulated on the basis of scientific and technological achievements and reference to international, regional as well as foreign standards, with Vietnam's actual socio-economic conditions taken into account.

3. Product and goods quality standards must be regularly revised and adjusted to suit the scientific and technological development as well as international economic integration.

**Article 5.- System of product and goods quality standards**

1. Vietnam's system of product and goods quality standards comprises:

a/ Vietnam standards, that mean technical documents formulated according to the requirement of State management over quality and trade and applicable uniformly throughout the country. The Minister of Science and Technology shall direct the formulation and promulgation of such standards.

b/ Branch standards, that mean technical documents formulated according to the requirement of State management over quality of products and goods for which corresponding Vietnam standards have not yet been formulated.

These standards shall apply uniformly throughout the country and be formulated and promulgated under direction by the ministers or the heads of the ministerial-level agencies (hereinafter referred collectively to as ministries).

c/ Base standards, that mean technical documents promulgated by the heads of base units for application within such units. Base standards must not be contrary to relevant regulations of competent State agencies.

2. International, regional and foreign standards shall be used to formulate standards in the system of product and goods quality standards or shall be directly applied when necessary.

**Article 6.- Formulation of product and goods quality standards**

1. The Minister of Science and Technology shall prescribe procedures for formulation, promulgation and application of Vietnam standards; guide the formulation and application of branch and base standards; prescribe procedures for registration of branch standards and coordinate with the specialized management ministries in prescribing the application of international, regional and foreign standards; revise and decide on the branch standards which must be upgraded to Vietnam standards to accord with the list of products and goods subject to the application of Vietnam standards (provided for in Clause 1, Article 9 of this Decree), the list of products and goods subject to certification of quality conformity with Vietnam standards (provided for in Clause 1, Article 13 of this Decree, and the list of goods subject to quality examination (provided for in Clause 1, Article 24 of this Decree), which are promulgated annually.

2. The specialized management ministries shall have to formulate branch standards and participate in the formulation of Vietnam standards, international and regional standards; and direct the

application of Vietnam standards, branch standards as well as international, regional and foreign standards.

3. The specialized management ministries shall report on the demand for formulation of Vietnam standards for objects which need to be managed; and reach agreement on branch standard formulation plans with the Ministry of Science and Technology.

4. The Ministry of Science and Technology and the specialized management ministries shall annually popularize Vietnam and branch standard formulation plans for the interested organizations and individuals to be aware of and give their comments.

5. Vietnam standards shall be drafted and finalized by Vietnam Standard Technical Boards before they are submitted to the Minister of Science and Technology for promulgation. The Minister of Science and Technology shall submit to the Prime Minister for promulgation the Regulation on organization and operation of Vietnam Standard Technical Boards.

**Article 7.-** Obligations for formulation of product and goods quality standards

All organizations and individuals have the right to propose the formulation of Vietnam standards and branch standards; and are obliged to comment on, and provide information for the formulation of, Vietnam standards, branch standards as well as international and regional standards.

**Article 8.-** Principles for application of product and goods quality standards

1. Vietnam standards and branch standards shall apply on a voluntary basis.

2. Vietnam standards and branch standards shall be compulsory only for products and goods on the list of products and goods subject to standard

application prescribed in Article 9 of this Decree.

3. The Minister of Science and Technology shall prescribe contents and procedures for announcement of products and goods quality compatibility with standards and technical regulations promulgated by competent State agencies for compulsory application.

**Article 9.-** List of products and goods subject to application of standards

1. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the specialized management ministries in, formulating and promulgating list of products and goods subject to the application of Vietnam standards in each period for products and goods related to food, safety, hygiene, human health, environment and other objects subject to the application of Vietnam standards. The list of such products and goods shall be revised annually for addition of those subject to the application of Vietnam standards as prescribed by the branch-management ministries according to requirements of quality management on markets.

2. The specialized management ministries shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology in, formulating and promulgating lists of products and goods subject to the application of branch standards or other standards (including international, regional or foreign standards and Vietnam standards) according to requirements of State management over quality of products and goods not yet included in the list prescribed in Clause 1 of this Article.

**Article 10.-** Copyright, publication and registration of Vietnam standards and branch standards

1. Agencies promulgating Vietnam standards

and branch standards shall hold the copyright over, and take responsibility for publication and distribution of documents on, such standards.

2. The Ministry of Science and Technology shall effect the registration of Vietnam standards and branch standards.

### **Chapter III**

## **QUALITY CERTIFICATION AND RECOGNITION OF QUALITY MANAGEMENT SYSTEM**

**Article 11.-** Quality certification and recognition of quality management system

1. Quality certification means activities of evaluating and certifying product and goods quality and quality management systems as compatible with standards.

2. Recognition of quality management systems means activities of evaluating and certifying capabilities of the following organizations as compatible with the requirements of relevant standards:

- a/ Product and goods quality- testing divisions;
- b/ Product and goods quality- expertizing organizations;
- c/ Product and goods quality- certifying organizations;
- d/ Quality management system- certifying organizations.

**Article 12.-** Modes of certifying product and goods quality

1. The certification of product and goods quality may be conducted by one of the following modes:

- a/ Testing the typical samples;
- b/ Testing the typical samples and monitoring experimental samples taken from the market or production establishments;

c/ Testing the typical samples and evaluating quality assurance conditions;

d/ Testing product and goods lots;

e/ Testing or expertizing all products and goods.

2. Depending on the management requirements, the specialized management ministries shall select modes of certification prescribed in Clause 1 of this Article to certify product and goods quality according to the provisions of Article 18 of the Ordinance on Goods Quality.

**Article 13.-** List of products and goods subject to quality certification

1. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the specialized management ministries in, formulating and promulgating lists of products and goods subject to certification of quality compatibility with Vietnam standards in each period, on the basis of the lists of products and goods subject to the application of Vietnam standards prescribed in Clause 1, Article 9 of this Decree and shall guide the contents of, and procedures for, certification of product and goods quality.

2. The specialized management ministries shall promulgate lists of products and goods subject to certification of quality compatibility with branch standards or other standards (excluding Vietnam standards).

**Article 14.-** Quality-certifying organizations

1. Quality-certifying organizations shall certify product and goods quality and quality management systems.

2. Organizations defined in Clause 1 of this Article, including foreign organizations operating lawfully in Vietnam, must satisfy the following conditions:

a/ Being organizations that provide technical services, including:

- Non-business organizations providing technical services under the specialized management ministries;

- Enterprises established under the Enterprise Law or the State Enterprise Law;

- Foreign enterprises established under the Law on Foreign Investment in Vietnam that undertake the quality certification in the domains inscribed in their investment licenses;

- Vietnam-based branches of foreign certifying organizations, established under the Commercial Law and undertaking quality certification in the domains inscribed in their establishment licenses.

b/ Being organizations which operate independently and impartially, and are recognized by quality management system-recognizing organizations defined in Article 15 of this Decree as having full managerial and technical capabilities, meeting the requirements of relevant Vietnam standards.

3. Quality-certifying organizations must register their fields of operation, seals, logos and model quality certificates at the Ministry of Science and Technology.

**Article 15.-** Quality management system-recognizing organizations

1. Quality management system-recognizing organizations are non-business organizations that provide technical services of evaluating and recognizing quality management systems of the subjects defined in Clause 2, Article 11 of this Decree.

2. Quality management system-recognizing organizations must meet the following conditions:

a/ Meeting the requirements of relevant Vietnam

standards;

b/ Operating independently and impartially;

c/ The Ministry of Science and Technology shall submit to the Prime Minister for promulgation the Regulation on establishment and operation of quality management system-recognizing organizations.

3. The Minister of Science and Technology shall submit to the Prime Minister for promulgation the Regulation on organization and operation of the National Council for Recognition of Quality Management Systems. The Ministry of Science and Technology shall set up this Council and manage its operations as well as operations of quality management system-recognizing organizations.

**Article 16.-** Evaluation and recognition of quality management systems

1. Organizations and individuals having product and goods quality-testing divisions; product and goods quality-expertizing organizations; product and goods quality-certifying organizations and quality management system-certifying organizations may propose the recognizing organizations prescribed in Article 15 of this Decree to evaluate and recognize quality management systems.

2. Bases for evaluation and recognition of quality management systems are general requirements on capabilities and operations to satisfy the requirements of Vietnam standards and to comply with international standards.

3. The results of testing, expertise and certification of product and goods quality and quality management systems by relevant testing, expertizing and certifying organizations that have been recognized, shall be prioritized for use as legal documents in management of domestic product and goods quality and in trade relations with foreign

countries.

**Article 17.-** Participation in international cooperation on quality certification and quality management system recognition

The State encourages and creates conditions for recognizing and recognized organizations defined in Clause 1, Article 15 and Clause 1, Article 16 of this Decree to participate in activities of international and regional recognizing and certifying organizations; and accede to mutual recognition agreements on standards and compatibility evaluation.

#### **Chapter IV**

### **RESPONSIBILITIES OF PRODUCTION/ BUSINESS ORGANIZATIONS AND INDIVIDUALS FOR PRODUCT AND GOODS QUALITY**

**Article 18.-** Publicization of product and goods quality

Organizations and individuals producing and/or trading in products and/or goods on the list of products and goods prescribed in Article 9 of this Decree must publicize the compatibility of their product and goods quality with compulsory standards.

**Article 19.-** Compulsory certification and examination of product and goods quality

Organizations and individuals producing and/or trading in products and goods on the lists of products and goods subject to compulsory quality certification prescribed in Article 13 of this Decree and the lists of products and goods subject to quality examination prescribed in Clause 1, Article 24 of this Decree must have their product and good quality certified or examined before such products

and goods are marketed.

#### **Chapter V**

### **ASSIGNMENT OF RESPONSIBILITIES FOR STATE MANAGEMENT OVER PRODUCT AND GOODS QUALITY**

**Article 20.-** Contents of State management over product and goods quality

The Ministry of Science and Technology shall take responsibility before the Government for uniformly exercising the State management over the quality of products and goods circulated on the domestic market as well as import and export goods, with the following specific tasks:

1. Formulating and submitting to competent authorities for promulgation or promulgating according to its competence and organizing the implementation of policies, plannings and plans on product and goods quality;
2. Promulgating or submitting to competent authorities for promulgation legal documents on product and goods quality, and organizing the implementation of such legal documents;
3. Coordinating the organization and managing the operations of product and goods quality management agencies of ministries, branches and localities;
4. Setting principles, conditions and criteria for operations of product and goods quality-recognizing, -certifying, -expertizing and -testing organizations and managing operations of such organizations;
5. Promulgating and setting procedures for formulation and application of Vietnam standards; guiding the formulation and application of branch and base standards; prescribing procedures for registration of branch standards and coordinating



with the specialized management agencies in prescribing the application of international, regional and foreign standards;

6. Assuming the prime responsibility for, and coordinating with the concerned ministries and branches in, concluding and implementing international agreements and treaties on mutual recognition in activities of recognizing and certifying product and goods quality;

7. Organizing scientific research and application of technical advances to the field of product and goods quality; regularly supplying information on the results of scientific research and application of technical advances to the ministries, branches and production and business establishments;

8. Coordinating with relevant agencies and localities in propagating and popularizing knowledge and legislation on product and goods quality.

9. Conducting activities of international cooperation on product and goods quality;

10. Inspecting and examining the observance of the legislation on product and goods quality; settling complaints and denunciations about, and handling law violations regarding, product and goods quality;

11. Assuming the prime responsibility for organizing the settlement of disputes over product and goods quality under law provisions.

The General Department of Standardization, Metrology and Quality Control under the Ministry of Science and Technology shall assist the Minister of Science and Technology in exercising the State management over product and goods quality.

**Article 21.-** State management responsibilities of specialized management ministries for product and goods quality

To ensure the uniformity of State management

over product and goods quality and conformity with international agreements which Vietnam has signed or acceded to as well as with the requirements of international economic integration, the specialized management ministries shall, according to their functions, tasks and powers, have to assume the prime responsibility for, and coordinate with the Ministry of Science and Technology in, performing the following tasks:

1. To promulgate legal documents on product and goods quality management that falls within the scope of branch management, in accordance with the State's legal documents on management of product and goods quality; formulate and promulgate technical documents prescribing compulsory technical criteria for products and goods related to food, safety, hygiene, human health and environment and other objects subject to product and quality management under law provisions.

2. To promulgate branch standards and register branch standards at the Ministry of Science and Technology; promulgate lists of products and goods subject to the application of branch standards or other standards prescribed in Article 9 of this Decree; and guide the formulation and application of branch and base standards in the domains assigned to them for management.

3. To organize the announcement and certification of product and goods quality compatibility with branch standards or other standards that fall within the branches or domains under their assigned management, in accordance with the provisions of this Decree.

4. To promulgate or submit to competent agencies for promulgation necessary mechanisms and policies for management of product and goods quality; formulate and implement programs on raising product and goods quality under their

management.

5. To inspect and examine product and goods quality-related activities of branches or base units so as to ensure the observance of law provisions on product and goods quality and handle law violations in this regard.

**Article 22.-** State management responsibilities of the provincial/municipal People's Committees for product and goods quality

1. The provincial/municipal People's Committees shall, within the ambit of their tasks and powers, have to exercise the State management over product and goods quality in their respective localities with the following tasks:

a/ To promulgate legal documents guiding the management of product and goods quality;

b/ To elaborate and organize the implementation of plannings and plans and to reserve appropriate funding for the construction of material and technical bases and procurement of equipment necessary for the management of product and goods quality;

c/ To organize the implementation, propagate and educate people in the implementation of the State's regulations on product and goods quality;

d/ To direct, inspect and examine the implementation of law provisions on product and goods quality; and sanction administrative violations according to law provisions;

e/ To organize the reception and settlement of complaints and denunciations about, and proposals on, product and goods quality or transfer them to competent agencies for settlement.

2. The provincial/municipal Services of Science and Technology shall assume the prime responsibility for, and coordinate with the relevant services, departments and branches in, assisting

the provincial/municipal People's Committees in performing the function of State management over product and goods quality in their respective localities.

The provincial/municipal Departments of Standardization, Metrology and Quality Control under the provincial/municipal Services of Science and Technology shall directly assist the latter in exercising the State management over product and goods quality in their respective localities.

**Article 23.-** Assignment of State management responsibilities for quality of particular products and goods

1. The specialized management ministries shall exercise the State management over product and goods quality according to their assigned functions, tasks and powers. For particular products and goods, the Government assigns specifically as follows:

**a/ The Ministry of Health:** assorted raw materials for medicine production and assorted medicines for human disease prevention and treatment, assorted vaccines and medical biologicals; sanitary supplies and medical equipment, soaps and domestic-use chemicals, talcum powder, toothpaste, cosmetics; food safety and hygiene, drinking water and daily-life water.

**b/ The Ministry of Agriculture and Rural Development:** plant varieties and animal breeds, biologicals in service of cultivation and husbandry; veterinary medicines; agricultural, forestry and salt-making supplies; agricultural and forestial preservatives and irrigation projects.

**c/ The Ministry of Fisheries:** aquatic products, export aquatic food, aquatic animal breeds, aquatic feeds, aquatic veterinary medicines, assorted supplies, chemicals and biologicals used in aquaculture; fishing nets and tools; and equipment



subject to strict requirements on fishery safety.

**d/ The Ministry of Transport:** motorized traffic means and equipment related to safety assurance for people and means of communication and transport (airway, waterway, road and railway); specialized loading, unloading and construction means and equipment; containers, steamers, pressure cylinders and other special-use means and equipment for land, railway, waterway, maritime and civil-aviation transportation; oil and gas exploration and exploitation means, equipment and works on the sea, and traffic infrastructure works.

**e/ The Ministry of Construction:** construction works and materials.

**f/ The Ministry of Industry:** industrial chemicals and explosives; technical machines and equipment used for industry and consumption; special-use means and equipment for exploration, mining and metallurgy; equipment for production of chemicals and explosives; production equipment used in food processing industry.

**g/ The Ministry of Labor, War Invalids and Social Affairs:** machines, equipment, supplies and substances subject to stringent requirements on labor safety and safety for public recreational works.

**h/ The Ministry of Post and Telematics:** post, telecommunications and information technology products.

**i/ The Ministry of Culture and Information:** cultural, literary, artistic products and press information.

**j/ The Ministry of Natural Resources and Environment:** topographic and mineral-geological products, basic survey products and forecasts on environmental resources; environmental elements such as land, water and air.

**k/ The Trade Ministry:** commercial and e-commerce services;

**l/ The Ministry of Education and Training:** textbooks, teaching aids and technical equipment used in schools, study books and scientific and technical books.

**m/ The Finance Ministry:** products related to national reserves, lottery business, securities activities; insurance, accounting and auditing services, financial, tax, price evaluation and customs consultancy.

**n/ The State Bank of Vietnam:** monetary and banking activities, specialized banking equipment.

**o/ The Physical Training and Sport Committee:** sport projects, training and competition facilities for physical training and sport establishments and for sports.

**g/ The Ministry of Science and Technology:** Nuclear radiation safety equipment; radioactive sources; measuring means and instruments and other products and goods (excluding products and goods mentioned at Points a, b, c, d, e, f, g, h, i, j, k, l, m, n and o above and products and goods in the domain of national defense, security and secrets).

2. In case of overlapping and coincidence in the management domains assigned to the specialized management ministries prescribed in Clause 1 of this Article, the Ministry of Science and Technology shall have to sum up and report such to the Prime Minister for consideration and decision.

## Chapter VI

### REGULATION ON EXAMINATION OF PRODUCT AND GOODS QUALITY

**Article 24.-** List and bases for examination of products and goods

1. Basing itself on quality management requirements in each period, the Ministry of Science

and Technology shall assume the prime responsibility for, and coordinate with the concerned management ministries in, drawing up and submitting to the Prime Minister for promulgation a list of products and goods subject to quality examination, enclosed with examination bases and list of organizations designated to examine product and goods quality. Annually, the Ministry of Science and Technology shall have to assume the prime responsibility for, and coordinate with the other ministries in, revising and supplementing the above-mentioned list of products and goods and the list of organizations before submitting them to the Prime Minister for consideration and decision.

2. Bases for quality examination of products and goods on the list prescribed in Clause 1 of this Article are law provisions related to requirements on assurance of quality, safety, hygiene and human health, environment and other subjects under law provisions.

**Article 25.-** Methods and use of the results of announcement and recognition of product and goods quality in product and goods quality examination activities

1. The examination of product and goods quality shall be conducted through methods prescribed by the specialized management ministries, in conformity with the assigned management domains prescribed in Clause 1, Article 23 of this Decree and the guidance of relevant international or regional standardization organizations, with Vietnam's practical conditions taken into account.

2. To encourage the use of results of standard compatibility announcement by production/business organizations and individuals, which have already been certified by the State management agencies and results of standard compatibility certification by product and goods quality-certifying

organizations, in service of product and goods quality examination.

**Article 26.-** Product and goods quality-examining organizations

1. Organizations designated to examine product and goods quality includes:

a/ Non-business organizations providing technical services, belonging to the specialized management ministries;

b/ Expertise service business organizations set up under the Government's Decree No. 20/1999/ND-CP of April 12, 1999 on goods expertise service business, which are evaluated and recognized by recognizing organizations prescribed in Article 15 of this Decree as being compatible with international standards for quality expertizing organizations.

Organizations examining product and goods quality must fully meet the conditions prescribed by the Ministry of Science and Technology and specialized management ministries.

2. The Ministry of Science and Technology shall coordinate with the specialized management ministries in specifying conditions and procedures for designation of organizations to examine product and goods quality.

**Article 27.-** Examination of quality of products and goods circulated on the market, and import and export goods

1. Product and goods quality management agencies shall, based on the list of products and goods subject to quality examination prescribed in Article 24 of this Decree, have to organize the examination of quality of products and goods circulated on the domestic market as well as import and export goods.

2. Products and goods imported for

consumption in Vietnam must comply with the regulations on quality of products and goods circulated on the domestic market.

In cases where the quality of products and goods circulated on the market and of export goods fails to conform to regulations, the product and goods quality management agencies defined in Chapter V of this Decree shall have the power to suspend the circulation of such products and/or goods on the market and handle them according to law provisions.

3. The quality of products and goods exported from Vietnam to foreign countries shall be agreed upon by the concerned parties, which, however, must not be contrary to international agreements which Vietnam has signed.

Vietnam's products and goods exported to foreign countries but returned must comply with law provisions on the quality of products and goods circulated domestically.

**Article 28.-** Exemption or reduction of examination of product and goods quality

1. Products and goods on the list of those subject to quality examination according to the provisions of Clause 1, Article 24 of this Decree shall enjoy quality examination exemption or reduction in the following cases:

a/ Products and goods with quality certified by quality-certifying organizations prescribed in Article 14 of this Decree as being compatible with Vietnam standards, branch standards or other standards.

b/ Import products and goods enclosed with standard-compatibility certificates or stamps of exporting countries, recognized by Vietnam under treaties or agreements on mutual recognition of standards and standard compatibility, which Vietnam has signed or acceded to.

c/ Products and goods of production/business

organizations and individuals having quality management systems certified by certifying organizations prescribed in Article 14 of this Decree.

2. Products and goods enjoying examination exemption or reduction as mentioned above may be subject to extraordinary examination if signs of violations of the legislation on product and goods quality management are detected. Basing themselves on the examination results, the management agencies prescribed in Chapter V of this Decree shall decide on cancellation or continuation of exemption or reduction of quality examination of such products and/or goods.

**Article 29.-** Guidance for implementation of product and goods quality examination mechanism

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the relevant specialized management agencies in, guiding the implementation of the regulation on product and goods quality examination prescribed in Chapter VI of this Decree.

## **Chapter VII**

### **PRODUCT AND GOODS QUALITY SPECIALIZED INSPECTORATE**

**Article 30.-** The product and goods quality specialized inspectorate

1. The product and goods quality inspectorate is the specialized inspectorate.

2. The contents of product and goods quality specialized inspection cover the inspection of observance of the legislation on product and goods quality, the sanctioning, the application or request for application, according to competence, measures to prevent and stop acts of violating the

legislation on product and goods quality.

The inspection shall be conducted by inspection teams or inspectors.

3. The mode of, and procedures for, specialized inspection of product and goods quality shall comply with law provisions on inspection.

**Article 31.-** Tasks of product and goods quality specialized inspectorate

Product and goods quality specialized inspectorate shall have the following tasks:

1. To participate in the formulation of legal documents on product and goods quality; formulation of product and goods inspection programs and plans and submit them to competent agencies for decision;

2. To provide professional training on product and goods quality inspection for product and goods quality specialized inspectors;

3. To receive complaints and denunciations; verify, conclude and propose measures for the settlement of such complaints and denunciations according to law provisions;

4. To inspect and make conclusions on the implementation of law provisions on product and goods quality;

5. To sanction administrative violations regarding product and goods quality under law provisions.

**Article 32.-** Powers of product and goods quality specialized inspectorate

The product and goods quality specialized inspectorate shall have the power to:

1. Propose the heads of agencies of the same level or superior inspection organizations to take post-inspection preventive and handling measures;

2. Request concerned organizations and

individuals to provide necessary information and documents in service of the inspection work, and request relevant agencies and organizations to appoint persons to take part in the inspection work;

3. Suspend the execution of decisions of agencies and units under the management by agencies of the same level or of subordinate levels that are related to the inspection cases, affairs or subjects, if deeming that the execution of such decisions obstructs the inspection;

4. Suspend acts of violating the regulations on product and goods quality and the management thereof if deeming that such acts violate laws, cause harms or threaten to cause harms to the State's interests or the legitimate rights and interests of agencies, organizations and/or citizens;

5. Seal up documents and distrain assets; request competent agencies to temporarily seize money or objects, to invalidate or withdraw relevant written certifications or certificates in cases where there are grounds to confirm law violations which must be prevented or handled promptly by appropriate measures;

6. Solicit expertise;

7. Apply preventive measures and sanctions according to law provisions on the handling of administrative violations;

8. Transfer dossiers of law violation acts to the criminal investigation agency for handling according to law provisions if deeming that there are signs of crimes;

9. Product and goods quality specialized inspectors shall be granted inspector cards and equipped with uniforms;

10. The product and goods quality specialized inspectorate shall be entitled to use its own seal in its inspection activities and may open custody accounts at the State treasuries;

11. To exercise other powers under law provisions.

**Article 33.-** Execution of requests and decisions of product and goods quality specialized inspectorate

Organizations and individuals being inspection subjects or related to inspection of product and goods quality shall have to execute requests, proposals and decisions on inspection according to law provisions, create conditions for inspecting organizations and inspectors to fulfil their tasks; inspection subjects mentioned in this Article shall have the right to explain and complain about conclusions, proposals and/or decisions of inspectors according to law provisions.

**Article 34.-** Organization of product and goods quality specialized inspection

1. The specialized inspectorates of the ministries and branches shall perform the function of product and goods quality inspection within the ambit and in the domains assigned to them for management according to the provisions of Article 23 of this Decree.

2. The Ministry of Science and Technology shall perform the function of product and goods quality specialized inspection according to their assigned tasks and decentralized powers; and formulate a system of product and goods quality specialized inspectorates to be submitted to the Government for consideration and decision.

3. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the State Inspectorate in, providing detailed guidance for product and goods quality inspection activities of the ministries and branches according to the provisions of Clause 1 of this Article and of product and goods quality specialized inspectorates prescribed in Clause 2 of this Article.

## **Chapter VIII**

### **SANCTIONING OF LAW VIOLATIONS REGARDING PRODUCT AND GOODS QUALITY**

**Article 35.-** Sanctioning of violations of production/business organizations and individuals

1. Individuals and organizations that violate law provisions on management of product and goods quality shall, depending on the nature and seriousness of their violations, be sanctioned for administrative violations or examined for penal liability and, if causing damage, pay compensation therefor under law provisions;

2. The sanctioning of administrative violations regarding product and goods quality shall comply with a separate decree of the Government.

**Article 36.-** Sanctioning of violations of organizations and individuals belonging to State management agencies

Persons who abuse their positions and/or powers to obstruct lawful activities or violate the legislation on product and goods quality shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability and, if causing damage, have to pay compensation therefor under law provisions.

**Article 37.-** Settlement of complaints and denunciations

Competent organizations and agencies shall have to settle complaints and denunciations about product and goods quality according to law provisions on complaints and denunciations, the legislation on product and goods quality and relevant law provisions.

## **Chapter IX**

### **IMPLEMENTATION PROVISIONS**

**Article 38.- Implementation effect**

This Decree takes effect 15 days after its publication in the Official Gazette. The previous regulations contrary to this Decree are hereby annulled.

The Minister of Science and Technology shall have to guide the implementation of this Decree.

**Article 39.- Implementation responsibility**

The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

*On behalf of the Government*

*Prime Minister*

**PHAN VAN KHAI**

**THE MINISTRIES****THE MINISTRY OF POST AND TELEMATICS****THE MINISTER OF POST AND TELEMATICS**

*Pursuant to the May 25, 2002 Ordinance on Post and Telecommunications;*

*Pursuant to the Government's Decree No. 90/2002/ND-CP of November 11, 2002 defining the functions, tasks, powers and organizational structure of the Ministry of Post and Telematics;*

*Pursuant to the Government's Decree No. 160/2004/ND-CP of September 3, 2004 detailing the implementation of a number of articles of the Ordinance on Post and Telecommunications;*

*At the proposal of the director of the Department for Post, Telecommunications and Information Technology Quality Management,*

**DECIDES:**

**Article 1.-** To promulgate together with this Decision the list of telecommunications equipment which must be affixed with standard conformity stamps.

**Article 2.-** This Decision takes effect as from January 1, 2005.

**Article 3.-** The director of the Office, the director of the Department for Post, Telecommunications and Information Technology Quality Management, the heads of the agencies and units under the Ministry of Post and Telematics and organizations and individuals engaged in the manufacture, trading in, or import of, telecommunications equipment shall have to implement this Decision.

**DECISION No. 42/2004/QĐ-BBCVT OF OCTOBER 5, 2004 PROMULGATING THE LIST OF TELECOMMUNICATIONS EQUIPMENT WHICH MUST BE AFFIXED WITH STANDARD CONFORMITY STAMPS**

*For the Minister of Post and Telematics*  
**Standing Vice Minister**  
**MAI LIEM TRUC**