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Committee on Sanitary and Phytosanitary Measures

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**CIRCULAR NO. 04/2020/TT-BNNPTNT "NATIONAL TECHNICAL REGULATION,
ANIMAL FEEDS - MAXIMUM ALLOWABLE LIMITS OF SAFETY INDICATORS IN ANIMAL
FEEDS AND INGREDIENTS FOR PRODUCTION OF AQUATIC FEEDS"; DECREE 13/2020
"DETAILING THE LAW ON ANIMAL HUSBANDRY"**

SUBMISSION FROM THE UNITED STATES OF AMERICA

The following document, received on 12 June 2020, is being circulated at the request of the delegation of the United States.

1 VIETNAM'S MEASURES FOR FEED AND FEED INGREDIENTS: NATIONAL TECHNICAL REGULATIONS AND CERTIFICATE OF FREE SALE

1.1. At the outset, we thank Vietnam for our bilateral engagement to date on its new testing and certification requirements on imported feed and feed ingredients for livestock and aquatic animals.

1.2. However, the United States remains concerned regarding the requirements contained in Vietnam's Circular 4/2020 promulgating National Technical Regulation (NTR) 190:2020 – Maximum Allowable Levels (MLs) of Safety Indicators in Animal Feed and Feed Ingredients.

1.3. We are also concerned about Vietnam's Decree 13/2020, detailing the Animal Husbandry Law and Certificate of Free Sale (CFS) requirement for feed and feed ingredients.

1.4. Vietnam issued these measures in January and March 2020, respectively. Yet, Vietnam has not notified these measures to WTO Members.

1.5. The United States understands that this NTR Circular will require examinations of imported animal feed and feed ingredients for compliance with MLs for several microorganisms, heavy metals, and mycotoxins, beginning July 1, 2020. Imports subject to testing would include products intended for animal or aquaculture feed, such as cereal grains, rice, wheat, corn, oilseeds, cotton seeds, and additional agricultural products.

1.6. The United States notes that the NTR Circular sets a zero-tolerance policy for *Salmonella*, with no distinction for serotype, as well as for *Escherichia coli*, and renews MLs for heavy metals and mycotoxins in feed ingredients.

1.7. Decree 13/2020 requires that imported animal feeds and feed ingredients, including corn, rice, wheat, soybeans, and additional agricultural products, be accompanied by a Certificate of Free Sale for registration of quality examination prior to arrival of shipments. The United States notes that Vietnam has suspended Decree 13/2020 until further notice.

1.8. We anticipate that both the NTR Circular and Decree, if implemented, would create significant trade disruptions for Members that export feed and feed ingredients to Vietnam.

1.9. We request that Vietnam notify these measures to the WTO SPS and TBT Committees and allow for comments and consultations from Vietnam's trading partners and take such comments into account in finalizing the measures.

1.10. We also request that Vietnam delay implementation of the NTR Circular until 2021, to allow sufficient time for exchange of technical information regarding sampling, testing, and corrective procedures, as well as time to discuss an assessment of risk and health concern for each ML.
