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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

Revision

The following document, received on 10 July 2020, is being circulated at the request of the delegation of the United States.

1.1. At the outset, we thank Viet Nam 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 Viet Nam'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. Viet Nam issued NTR 190:2020 in March 2020 but only notified it as G/SPS/N/VNM/113 to WTO Members on 23 June 2020, with a 39-day public comment period ending on 31 July 2020, after multiple requests from the United States to do so.

1.4. 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. 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.

1.5. 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.

1.6. We anticipate that the NTR Circular, if implemented, would create significant trade disruptions for Members that export feed and feed ingredients to Viet Nam.

1.7. We appreciate that Viet Nam delayed implementation of the NTR Circular until 2021. We request that Viet Nam engage in technical discussions with interested Members regarding sampling, testing, procedures for registration of foreign laboratories, and corrective procedures, as well as allow time to discuss an assessment of risk and health concern for each ML.

1.8. We also request that Viet Nam take into consideration comments received during the open consultation period prior to proceeding with implementation of the NTR. Moreover, we request that Viet Nam clarify if they will consider all comments to this regulation before finalizing it.

1.9. We are also concerned about Viet Nam's Decree 13/2020, issued in January 2020, detailing the Animal Husbandry Law and Certificate of Free Sale (CFS) requirement for feed and feed ingredients.

1.10. Decree 13/2020 requires that imported animal feeds and feed ingredients, including corn, rice, wheat, soybeans, and additional agricultural products, be accompanied by a CFS for registration of quality examination prior to arrival of shipments. The United States appreciates that Viet Nam has suspended Decree 13/2020 until further notice.

1.11. We anticipate that Decree 13/2020 would create significant trade disruptions for Members that export feed and feed ingredients to Viet Nam. However, Viet Nam has not yet notified this measure to the WTO.

1.12. We request that Viet Nam notify this measure to the WTO TBT Committee and allow for comments and consultations from Viet Nam's trading partners and take such comments into account in finalizing the Decree.
