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**Working Party on the
Accession of Viet Nam**

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ACCESSION OF VIET NAM

Action Plan for the Implementation of the WTO Agreement on the
Application of Sanitary and Phytosanitary Measures (SPS)

Revision

The following submission, dated 7 October 2004, is being circulated at the request of the Delegation of the Socialist Republic of Viet Nam.

Major obligations	Existing system in Viet Nam	Action Plans	Timeframe for completion	Note
<p>1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles. (General provision)</p>	<p>The system of standards and regulations relating to SPS issues has been developed in a manner that is consistent with international norms. Followings are the key legal documents:</p> <p><u>Animal quarantine:</u></p> <ul style="list-style-type: none"> - Veterinary Ordinance dated 15 February 1993; - Decree No. 93/CP dated 27 November 1993 providing guidelines for implementing the Veterinary Ordinance and promulgating the Regulation on Quarantine, Slaughter Control and Veterinary Hygiene Inspection of animals and animal-related products. <p><u>Fishery</u></p> <p>The Fishery Law dated 26 November 2003 including provisions on SPS issues in the fishery sector.</p> <p><u>Plant quarantine:</u></p> <ul style="list-style-type: none"> - The amended Ordinance on Plant Protection and Quarantine on 25 July 2001 starting effect from 1 January 2002. - Decree No. 58/2002/ND-CP dated 3 June 2002 promulgating the Regulation on Plant Protection, Regulation on Plant Quarantine and Regulation on Agro-chemicals Management. <p><u>Food safety:</u></p> <ul style="list-style-type: none"> - The Ordinance on Food Safety and Hygiene issued on 26 July 2003. 	<p><u>Animal quarantine:</u></p> <ul style="list-style-type: none"> - Amending the Veterinary Ordinance; - Issuing the Government's Decree to guide the implementation of the amended Veterinary Ordinance and to promulgate the Regulation on Animal disease control, Animal quarantine and Inspection and Veterinary hygiene inspection, and Veterinary drug management 	<p>The amended Ordinance is expected to be promulgated by the Standing Committee of the National Assembly in the second quarter of 2004.</p>	

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	<p><u>Standards:</u></p> <p>Standards are regulated by various legal documents at the ministerial level.</p>	<p><u>Standards:</u></p> <p>Issuing the Ordinance on Standardization providing detailed guidelines for adopting standards, guidance or recommendation set out by international organizations, including those in the SPS area.</p>	To be presented to the Standing Committee of the National Assembly in the first quarter of 2007.	
2. Establishment and operation of a single Contact Point for information (“enquiry point-E.P and National Notification Authority- NNA”) (Article 7 and Annex B.3)	<p>The Government has appointed the Ministry of Agriculture and Rural Development as the National Enquiry Point and Notification Authority on SPS issues. The procedures for the formal establishment of the Enquiry Point and Notification Authority are being completed. The provisional focal point is:</p> <p>International Cooperation Department (ICD), Ministry of Agriculture and Rural Development (<i>MARD</i>) 2 Ngoc Ha, Ba Dinh, Hanoi, Viet Nam Tel. : 84-4-845 9672 Fax : 84-4-733 0752 E-mail : htqtmard@fpt.vn</p>	<p>Officially announcing the National Enquiry Point and Notification Authority on SPS issues at the Ministry of Agriculture and Rural Development.</p> <p>Starting operation of the National Enquiry Point and Notification Authority upon accession.</p>	<p>2004</p> <p>Upon accession</p>	Technical assistance is required
3. Transparency: notification and access to document (Article 7 and Annex B, also G/SPS/7)				
(a) Identification of authority responsible for making notification to the WTO and ensuring transparency obligations are met on an ongoing basis.	(a) The Government has assigned the Ministry of Agriculture and Rural Development as the authority responsible for making notifications to the WTO, including those relating to the SPS obligations.	(a) Establishing the Notification Authority and National Enquiry Point on SPS issues at the Ministry of Agriculture and Rural Development. Preparing necessary conditions and training staff to ensure effective operation of this body.	(a) In 2004	
(b) Establish guidance requiring publication of	(b) As stipulated in Article 1.19 of the amended Law on the Promulgation of Legal Documents dated	(b) Publicizing new SPS measures for comments in accordance with the amended Law on the Promulgation of Legal Documents.	(b) Upon accession	
		Starting operation of the National Enquiry Point and Notification Authority upon accession.	Upon accession	

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<p>proposed measures at an early stage for comment.</p> <p>(c) Provision in administrative procedure to provide copies of proposed measures to WTO members.</p> <p>(d) Require in administrative procedure, a reasonable period of time for comment from members and public, and establishment of a process to take comments into account without discrimination.</p>	<p>16 December 2002, the Office of the Government is responsible for publicizing certain types of legal documents on the mass media and the Internet for comments by institutions, organizations and individuals.</p> <p>(c) Up to now, Viet Nam has not issued any legal documents on this matter.</p> <p>(d) As stipulated at Item 2, Article 1 of the amended Law on the Promulgation of Legal Documents dated 16 December 2002, the agencies responsible for drafting legal documents are required to publicize their drafts for comments from the public, especially from those directly affected by these documents.</p>	<p>(c) Addressing this issue in the Government Decision on the establishment of the National Enquiry Point and Notification Authority on SPS issues.</p> <p>(d) Completing the mechanism for consultation with and comments by parties that are affected by the proposed SPS measures.</p>	<p>(c) Upon accession</p> <p>(d) Upon accession</p>	
<p>4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health (Article 2.2)</p>	<p>All the existing SPS legal documents and those being proposed are constructed on the necessity basis.</p>	<p>Ensuring that SPS measures are applied only to the extent necessary to protect human, animal or plant health.</p>	<p>Upon accession</p>	
<p>5. Regulations based on science: regulations governing animal and plant health and food safety shall be based on scientific evidence. (Article 2.2, 3.3 and 5.2)</p>	<p>Existing SPS regulations are generally based on scientific evidence. However, Viet Nam faces difficulties in the implementation stage due to limitations on technical facilities, human resources and information with respect to scientific evidence provided by international organizations or other countries.</p>	<p>Strengthening training and education of staff, investment in equipment and working facilities, as well as cooperation with international organizations and WTO Members in order to fully implement this obligation.</p>	<p>Upon accession</p>	<p>Technical assistance required</p>

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<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendation in establishing SPS measures (Article 3.1, 3.3 and 3.4)</p>	<p>Viet Nam is a member of Codex, FAO and IOE. National standards are based on those provided by Codex, FAO and WHO, or based on regional or developed countries' standards.</p> <p>Viet Nam has actively participated in the harmonization of standards in such regional arrangements as ASEAN, APEC and ASEM.</p> <p>Due to technical and understanding limitations, Viet Nam has difficulties in adopting international standards in its specific conditions. With its best efforts, only about 60% of Codex standards on food and foodstuff have been transferred to national standards.</p>	<p>Issuing the Ordinance on Standardization by 2007 to provide detailed guidelines for referring to the standards, guidance and recommendations of international organizations, including those in the SPS area.</p> <p>During this time, Viet Nam will make its best efforts to apply SPS measures based on standards, guidance and recommendations of international organizations.</p>	1 July 2008	Technical assistance required
<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection. (Article 4)</p>	<p>Viet Nam has signed a number of bilateral agreements and arrangements on food hygiene and safety, sanitary and phyto-sanitary with other countries. However, most of national standards are still lower than international standards.</p> <p>Viet Nam has also learnt experience from many WTO Members in applying SPS measures. However, knowledge in SPS measures and in the level of protection of SPS measures is still very limited.</p>	<p>Signing further bilateral agreements and arrangements on SPS issues with WTO Members.</p> <p>Training staff and enhancing the exchange and information channels with WTO members.</p>	1 July 2008	Technical assistance required
<p>8. Risk Assessment: develop scientific evidence and conduct risk assessment to ensure that measures are based on science and applied only to the extent necessary to protect health. (Article 5.1, 5.2 and 5.3)</p>	<p>Viet Nam has difficulties in conducting risk assessment, especially in developing software for analyzing and assessing pest risks, sanitary and phytosanitary in accordance with international standards.</p> <p>Viet Nam is not familiar with procedures relating to risk assessment techniques of international organizations, information on disease areas and non-disease areas, as well as on regional ecological and environmental conditions etc.</p>	<p>Gradually enhancing techniques and procedures for risk assessment via cooperating with international organizations and WTO Members.</p>	Upon accession	Technical assistance required

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9. Regional conditions (Article 6 and Annexes A.6 and A.7)	Viet Nam does take into account regional conditions for the purpose of applying SPS measures.	<p>Ensuring this principle when applying SPS measures.</p> <p>Enhancing technical and equipment capacity to ensure this principle.</p>	Upon accession	Technical assistance required
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers. (Article 2.3, and Annex C.1(a) and (d))	<p>Currently, measures and procedures being applied are consistent with the non-discriminatory principle.</p> <p>In 2002, Viet Nam issued the Ordinance on Most Favour Nation and National Treatment in International Trade which provides for the non-discriminatory principle.</p>	Ensuring this principle when applying SPS measures.	Upon accession	
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerance for contaminants in food, beverages, or feedstuff comply with the Agreement (Article 8 and Annex C).	<ul style="list-style-type: none"> - Currently, procedures for inspection, supervision and approval are applied according to the guiding legal documents at the ministerial level. - Viet Nam promulgated Joint Circular No.17/2003/TTLT-BTC-BNN&PTNT-BTS dated 14 March 2003 guiding the examination and supervision of exports and imports which are animals, plants and fishery products subject to inspection. This joint circular was intended for simplifying the examination and supervision procedures applied to imports. - However, there is no qualified inspection system at border gates, especially at such large airports as Noibai and Tan Son Nhat. For this reason, procedures for inspection, supervision and approval are often still delayed. In particular, there is an urgent need for quick diagnosis equipment. 	Further enhancing the capacity of staff and equipment, investing in new machinery and developing reasonable procedures for inspection, supervision and approval.	1 July 2008	Technical assistance required