

**DECISION No. 444/QĐ-TTg OF MAY 26, 2005  
APPROVING THE SCHEME ON  
IMPLEMENTATION OF THE AGREEMENT ON  
TECHNICAL BARRIERS TO TRADE**

**THE PRIME MINISTER**

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

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

**DECIDES:**

**Article 1.-** To approve the scheme on implementation of the Agreement on Technical Barriers to Trade (hereinafter called the TBT Agreement for short) with the following principal contents:

**1. Objectives**

a) To make preparations for the fulfillment of the obligations of the TBT Agreement from the time Vietnam joins the World Trade Organization (WTO) and keeps implementing this Agreement while Vietnam is a member of this organization in order to develop trade ties with the WTO member countries and at the same time to achieve the objectives of socio-economic development and international economic integration set by the Party and the State.

b) To ensure that the system of technical regulations, standards and processes of assessment of conformity with Vietnamese laws while satisfying the fundamental principles of the TBT Agreement, including the principle of non-discrimination, non-obstruction of trade and

transparency in the course of formulation and enforcement.

c) To enhance the coordination of action among ministries, branches and localities in the implementation of the TBT Agreement in Vietnam with a view to fulfilling the obligations of the Agreement and to ensuring the nation's legitimate interests.

d) To raise the awareness of ministries, branches and localities, particularly of enterprises, in order to make full use of opportunities and cope with challenges arising from the accession to the WTO in general and the implementation of the TBT Agreement in particular.

## 2. Specific tasks

a) To perfect the system of technical regulations.

To review the technical regulations on the properties of products or commodities or the production processes and methods related to such properties and the provisions related to subjects of application, scope of regulation and implementation effect, satisfying the fundamental principles and requirements of Vietnamese law on legal documents and the TBT Agreement.

On the basis of the review results, the ministries, branches and localities shall amend improper regulations and formulate new ones in accordance with their delegated competence to promulgate legal documents.

b) To perfect the system of Vietnamese standards.

To formulate and scrutinize the system of Vietnamese standards and branch standards with a view to gradually raising the harmony of this system with the international system on the basis

of ensuring common socio-economic interests and raising the competitiveness of enterprises when Vietnam becomes a member of the WTO.

c) To intensify activities of assessing the conformity with technical regulations and standards.

Conformity-assessing activities must be planned and carried out focally, avoiding scatteredness, overlapping and inefficiency; at the same time comply with the guidance of relevant international organizations to better serve the requirements of state management over the quality of products and goods as well as production and business requirements.

d) To set up an Inter-Branch Committee for Technical Barriers to Trade (called the Inter-Branch TBT Committee).

The Inter-Branch TBT Committee is tasked to advise the Ministry of Science and Technology and other state management agencies on coordinating measures to ensure the performance of obligations of the TBT Agreement in Vietnam, particularly matters related to mechanisms for implementation of the Agreement, advise on the settlement of disputes related to technical barriers to trade between member countries with Vietnam and between Vietnam and other member countries.

The Inter-Branch TBT Committee is composed of:

- Its head being a representative of the leadership of the Ministry of Science and Technology;

- A deputy-head being a representative of the leadership of the General Department of Standardization, Metrology and Quality Control;

- A secretary being the director of the National Standardization, Metrology and Quality Control Notification Authority and Enquiry Point (called Vietnam's TBT Office for short);

- Other members being representatives at the departmental leadership level or equivalent of the ministries of Trade; Industry; Culture and Information; Post and Telematics; Construction; Labor, War Invalids and Social Affairs; Natural Resources and Environment; Transport; Agriculture and Rural Development; Fisheries; Health, Justice; Finance; Science and Technology; and the Government Office.

In case of necessity, the Inter-Branch TBT Committee may invite specialists of domestic and foreign organizations or individuals at home and abroad to advise on specific professional matters.

e) To set up a network of Vietnamese TBT Notification Authorities and Enquiry Points (called the Vietnam's TBT network for short).

To form a information-providing network to ensure that Vietnam's TBT Office observe the TBT Agreement's provisions on transparency, aiming:

- To inform Vietnam's TBT Office for notifying WTO member countries (through the TBT Committee of the WTO) of to be-promulgated technical regulations, conformity-assessing processes may hinder trade among WTO member countries;

- To supply information to the concerned parties at home and abroad and answer inquiries on matters related to technical barriers within its management scope.

f) To propagate and disseminate the TBT Agreement and relevant matters.

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with other ministries, branches and localities in, formulating and implementing annual programs on the TBT Agreement propagation, dissemination and training according to the guidance of the National Committee for International Economic Cooperation.

To raise the awareness of all levels, branches, particularly enterprises and consumers, about opportunities and challenges upon the implementation of the TBT Agreement in Vietnam, thereby to take initiative in making full use of opportunities and coping with challenges to develop production and business, to protect the legitimate interests of consumers.

#### **Article 2.- Implementation measures and schedule**

##### **1. Implementation measures**

##### **a) For the system of technical regulations**

The amendment and supplementation of technical regulations which directly affect the process of negotiations on the accession to the WTO must be completed before August 15, 2005.

The ministries, branches and localities, before promulgating technical regulations according to their respective competence, should obtain the consent of the Ministry of Science and Technology in order to avoid contradictions in technical contents.

For technical regulations of which the amendment and supplementation depend on laws or ordinances, the schedule for amendment and supplementation of these regulations shall comply with the schedule for amendment and supplementation of relevant laws or ordinances.

The Ministry of Science and Technology shall have to detail the revision criteria for use as the basis for the ministries, branches and localities to conduct uniform revision.

b) For the system of Vietnamese standards

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, perfecting the system of Vietnamese standards before December 31, 2009, ensuring to abolish outmoded standards which fail to meet the requirements of state management over quality, the production and business requirements and fail to conform with international practices; revise and formulate new standards along the direction of harmonizing them with international or regional standards in order to facilitate trade, boost export, satisfy the national interests, including domestic consumers' increasing demands for high-quality products, goods and services.

The concerned ministries and branches shall coordinate with the Ministry of Science and Technology in revising the system of branch standards on the domains assigned to them for management in order to eliminate outmoded or overlapping standards, which are incompatible with management objectives, and to consider the possibility of step by step upgrading branch standards to Vietnamese standards.

The state management agencies must extensively use Vietnamese standards or branch standards (when there are no corresponding Vietnamese standards) in the formulation of technical regulations in service of management objectives in their assigned domains.

c) For activities of assessing the conformity with

technical regulations and standards

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, preparing a scheme on organization of conformity-assessing activities for submission to the Prime Minister before December 31, 2005.

The ministries, branches and localities shall, on the basis of the scheme on organization of conformity-assessing activities already approved by the Prime Minister, deploy schemes on mobilization of resources, investment to enhance the material and technical capability in service of conformity-assessing activities in Vietnam.

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the agencies functioning for border-gate control in, studying and submitting to the Prime Minister before December 31, 2005 a scheme on controlling and preventing poor-quality goods from being introduced into the Vietnamese market, thus protecting the interests of domestic production and/or business enterprises as well as of consumers and creating favorable conditions for import of goods in service of domestic production and consumption.

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, studying measures to step up negotiations, conclusion and implementation of treaties or agreements on mutual recognition of standards and quality with WTO member countries so as to better support the facilitation of trade between Vietnam and these countries.

d) Propagation and dissemination of the TBT



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d) Propagation and dissemination of the TBT

Agreement and relevant issues shall focus on the following forms:

- Dissemination of general integration knowledge on the TBT Agreement at conferences and on the mass media, websites and specialized bulletins;

- Compilation of documents, training textbooks and organization of intensive training in knowledge on TBT and on activities of standardization, measurement management and quality control.

#### 2. Implementation schedule

The scheme shall be executed from 2005 to 2010 with the following schedule:

- a) In 2005: Realizing contents which aim to accelerate negotiations on Vietnam's accession to the WTO.

- b) In 2006-2007: Continuing to realize contents of ensuring the full implementation of TBT Agreement.

- c) In 2008: Preliminarily reviewing two years' implementation of the scheme, assessing the impacts of implementation of the TBT Agreement on production and trade, proposing necessary recommendations.

- d) In 2010: Making final review of 5 years of implementation of the scheme.

#### **Article 3.-** Funds for implementation of the scheme

1. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment, the Ministry of Finance in, making a general funding estimate for implementation of the scheme on implementation of the TBT Agreement in

accordance with the State Budget Law, and completing it before July 15, 2005.

2. Annually, on the basis of the above-said general funding estimate, the Ministry of Finance shall consult with the Ministry of Science and Technology in determining the funds from the central budget for implementation of the scheme; prioritize the addition of 2005 funds for the implementation of the scheme in service of negotiations on the accession to the WTO by the end of 2005.

3. The funds for implementation of the scheme in the subsequent years: from the state budget and technical assistance of international and foreign organizations (if any).

#### **Article 4.-** Implementation effect

This Decision takes effect 15 days after its publication in the "CONG BAO."

#### **Article 5.-** Implementation responsibilities

1. The Minister of Science and Technology is answerable to the Prime Minister for organizing the implementation of the scheme.

2. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, drafting the Regulation on organization and operation of the network of Vietnamese Notification Authorities and Enquiry Points regarding Technical Barriers to Trade, and submit it to the Prime Minister for promulgation before May 30, 2005.

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, elaborating and promulgating the Regulation on

operation of the Inter-Branch TBT Committee; setting up and supporting this Committee in its operation strictly according to the prescribed functions.

The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology and the concerned ministries and branches in, elaborating and promulgating before December 31, 2005 regulations on the forms, charge rates, order of collecting, remitting and managing charges on activities of TBT inquiries by agencies in the network of TBT Notification Authorities and Enquiry Points.

The Ministry of Science and Technology shall have to guide and urge the other ministries, ministerial-level agencies and the provincial/municipal People's Committees to implement this scheme; biannually report to the Prime Minister on the results of implementation of the scheme.

3. The ministers, the heads of relevant ministerial-level agencies and the presidents of provincial/municipal People's Committees shall organize and inspect the realization of the scheme's contents strictly according to the set requirements and schedule.

4. In the course of implementing the scheme, if detecting any mishaps, the ministries, branches and localities shall take initiative in discussing with the Ministry of Science and Technology about remedial measures; in case of divergence of opinions, they must promptly report thereon to the Prime Minister for consideration and decision.

*Prime Minister*  
**PHAN VAN KHAI**