

Ministry of Science, Technology
and Environment

No: 2424/2000/QD-BKHCNMT

Socialist Republic of Vietnam
Independence-Freedom-
Happiness

Hanoi, 12th Dec. 2000

Decision No 2424/2000/QDD-BKHCNMT of the Minister of Science,
Technology and Environment
on " Temporary regulations on declaration of goods
conformity with standards"

The Minister of Science, Technology and Environment

Pursuant to the Ordinance on Goods Quality of 24 December
1999;

Pursuant to the Government's Decree No. 22/CP of 22 May
1993 on the functions, tasks, powers and organizational
structure of the Ministry of Science, Technology and
Environment;

Pursuant to the instructions of Prime Minister in
Government Office Letter No. 5397/VPCP-KG of 12 December
2000 on several temporary regulations of implementation
of the Ordinance on Goods Quality;

At the proposal of the Director General of Standards and
Quality.

Decides:

Article 1. To publish the " Temporary regulations of
goods compliance with standards" enclosed with this
Decision.

Article 2. The Directorate for Standards and Quality and
the relevant governmental organizations shall be
responsible for organizing, guiding and supervising the
implementation of the Decision.

Article 3. The Directorate for Standards and Quality and
the organizations, individuals shall be responsible for
the implementation of the Decision.

Article 4. The Decision takes effect as from 1 January 2001.

For the Minister of Science, Technology and Environment
Vice
Minister

Bui Manh Hai

Ministry of Science, Technology and Environment -----	Socialist Republic of Vietnam Independence-Freedom-Happiness -----
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**Temporary regulations on declaration of goods conformity
with standards**

*(attached to the Decision No. 2424/2000/QĐ-BKHCNMT of 1
December 2000 of the Minister of Science,
Technology and Environment)*

1. General Provisions

- 1.1. This document lays down the contents and procedures of declaration of goods conformity with standards in accordance with Articles 12 and 13 of the Ordinance on Goods Quality of 24 December 1999.
- 1.2. Declaration of goods conformity with standards means that the enterprises state their products conformed with the relevant standard(s).
The declaration of goods conformity with standards should be based on:
- a) The results conformity assessment fulfilled by certification body(s);
 - b) The results of conformity assessment fulfilled by the enterprises.

1.3. The forms of declaration of goods conformity with standards include:

- a) Voluntary declaration that is applied to goods in general, except these mentioned hereafter;
- b) Mandatory declaration that is subject to goods appeared in
 - the list of goods subject to the application of Vietnam Standards (TCVN), stipulated by the Ministry of Science, Technology and Environment;
 - the list of goods subject to the application of Branch Standards (TCN), stipulated by line ministries.

1.4 Goods in the lists of Clause 1.3 (b) are only marketed after the enterprises fulfil their declaration of goods conformity with standards.

2. Contents and procedures of the declaration

2.1 Contents of the declaration

Contents of the declaration are given in Annex 1

The additional information mentioned in Annex 1 may include:

- Name and address of the laboratory(s) or certification body(s) where goods of the enterprises were tested or certified;
- References from certificates of goods conformity with standards, granted by the above mentioned organizations;
- References from certificates of quality management system of the enterprise, granted by third-party certification body;
- References from certificates of accredited laboratory(s) of the enterprise, granted by the accreditation body.

2.2. Forms of declaration

- a) Separate form of declaration (see Annex 1);
- b) Standards conformity mark;

c) Standards conformity mark could be appeared on goods, directly; and/or on packages, catalog and user instruction manual thereof.

2.3. The form of standards conformity mark is demonstrated in TCVN 5680: 2000

In accordance with size or package of goods, this mark may be enlarged and reduced but should be clear, readable and durable. Colour of the mark depends on enterprises' decision.

3. Contents and procedures of conformity assessment and declaration

3.1. Conformity assessment and declaration based on the results of certification by goods quality certification (third- party) body:

In this case, the enterprises declare their goods in conformity with the relevant standards after their goods are assessed and certified by goods quality certification body(s).

Certification activities of certification bodies should be carried out under the regulations of the Ministry of Science, Technology and Environment.

3.2. Conformity assessment and declaration by enterprises:

Enterprises' assessment of goods conformity with standards should be based on quality assurance conditions of their own premises and results of type testing of that goods; and followd the procedure as belows:

3.2.1. Preparation of assessment

a) Establishment or completion of a set of technical documents mentioned in the Annex 2 and carrying out the measures to ensure the conformity of goods with standards in the production and relevant processes;

- b) Identification of the testing capacity of enterprise facility in accordance with requirements and norms of the relevant standard(s). For the characteristics of goods that the enterprise could not test in their own facility, they can choose the outside laboratories to do these tests prior to the accredited ones.
- c) Planning of the sampling and testing of type sample as required by the standard(s).
- d) Establishment of the internal audit team consisting of people from technical and quality control units.
 - e) Planning of conformity assessment works including the review of system of technical documents and examination of measures fulfilled in order to ensure the conformity of goods with standard(s).

3.2.2. Steps of conformity assessment

- a) To assess the quality assurance conditions and conformity assurance measures in accordance with plan in e) 3.2.1.
- b) To carry out the sampling and testing in accordance with plan in c) 3.2.1;
- c) To complete the conformity assessment file, including:
 - Technical documents directly relating to goods (for example, goods design drawings, technological process flowchart, standards...);
 - Plans of testing and conformity assessment mentioned in c) 3.2.1 and e) 3.2.1 respectively;
 - Reports of assessment results of quality assurance conditions and type testing;
 - Report of non-conformity and corrective actions;
 - Final Report (where the conclusion of conformity of goods with standard(s) is appeared);
 - Supervision and continuous conformity assurance plan after the declaration;

- Quality management certificate or accredited laboratory certificate (if any).

In the case the enterprises are granted the quality management certificates such as: ISO 9000, HACCP, GMP, Vietnam Quality Award, they are not necessary to carry out the assessment operations on quality assurance conditions mentioned in Clauses 3.2.1 a), d) and e). In that case, certification documents and certificate(s) shall be included in the file.

3.2.3. Declaration of conformity

After the accomplishment of assessment, if goods is found conformed to standard(s), the enterprise would declare their goods conformity in accordance with content and form of declaration specified in Clause 2 of this Decision.

Within 7 days from date of official declaration, the enterprise shall send the form of declaration to the following agencies:

- Department of Standards and Quality of province where the enterprises are located in;
- The agencies assigned by the line ministries as mentioned in 5.1 hereafter.

4. The enterprises' responsibility for goods declared conformed with standard(s)

4.1. Goods shall not be declared to conform with standards if it conforms only some requirements of the relevant standard(s), except permitted by the competent agencies.

4.2. During the production and distribution process, if the enterprises do not assure the conformity conditions or goods is found not conformed with the relevant standard(s), they shall inform the competent agencies and carry out actions as the followings:

In case of voluntary declaration:

- To suspend the use of Standards conformity mark;
- To take all measures to correct the nonconformities.

In case of mandatory declaration:

- To suspend the circulation of the nonconformity goods;
- To take all measures to correct the nonconformities.

4.3. After fulfillment of corrective actions of nonconformity, the enterprises are allowed to use the Standards conformity mark and circulate goods as continuously; and inform the agencies mentioned in 3.2.3.

4.4. The enterprises have responsibility to keep files of goods declared as conformed with standard(s) and present them to the competent agencies whenever required.

5. Implementation of Decision

5.1. Pursuant to the 8 December 1995 Decree 86/CP of the Government on responsibility assignment of state management over goods quality, the line ministries shall be responsible for instructing organization and individuals to follow this Decision in declaration of goods conformity with standard(s); appointing the agencies responsible for controlling the operations of declaration of goods conformity with standard(s) in the branch and localities; notifying list of these agencies to the enterprises and the Ministry of Science, Technology and Environment.

5.2. The Directorate of Standards and Quality and the appointed agencies of line ministries shall take responsibility for instructing and guiding declaration of goods conformity with standard(s) in accordance with this Decision.

5.3. The Provincial Departments of Standards and Quality shall be responsible for management of declaration of goods, except ones belonging to responsibility of line ministries; and shall cooperate with the appointed agencies of line ministries in province in management of goods declared as conformed with standard(s).

5.4. Quarterly, the agencies mentioned in Clauses 5.1, 5.2 and 5.3 within the ambit of their tasks shall report to their line ministries and Ministry of Science, Technology and Environment on the implementation of declaration of goods conformity with standard(s) within the assigned area or territory.

6. Examination, inspection, handling of violations

6.1. The competent agencies shall examine, inspection and handle violations of announcement of goods conforming to standards under the regulations of this Decision and the other current relevant ones.

6.2. Organizations and individuals that violate the regulations on declaration of goods conformity with standard(s) shall, depending on the nature and seriousness of their violations, be fined as prescribed by law.

For the Minister of Science, Technology and Environment
Vice Minister

(Signed)

Bui Manh Hai

Annex 1

Form of declaration of goods conformity with standards

No:.....

Enterprise's name

Address:

Tel:

Fax:

Email:

Declares:

Products (*name, type, code*)

is in conformity with standard(s) (number and title)

.....
.....

Additional information:.....

Sample of the standards conformity mark:.....

Place....., day.....month.....year

Representative of the enterprise
(*Name, position*)

Annex 2

Technical documents

Technical documents include:

1. Standard(s) of goods (TCVNs, industry standards and other standards); and other technical specifications;
2. General description of goods (characteristics and performance);
3. Design and construction drawings and chart of parts and components;
4. Results of research and development; and testing;
5. Production process and quality control chart.