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INDEPENDENCE – FREEDOM - HAPPINESS

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## LAW ON STANDARDS AND TECHNICAL REGULATIONS

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam as amended by Resolution 51-2001-QH10 of Legislature X of the National Assembly at its 10<sup>th</sup> session on 25 December 2001;

This Law provides for regulations on standards and technical regulations,

### Chapter I GENERAL PROVISIONS

#### **Article 1. Scope of regulation**

This Law provides for the development, adoption and application of standards; the development, approval and application of technical regulations; the assessment of the conformity with standards and technical regulations.

#### **Article 2. Subjects of application**

This Law is applicable to Vietnamese agencies, organizations, individuals; foreign organizations, individuals; and overseas-Vietnamese carrying out standardization and technical regulatory activities in Vietnam.

#### **Article 3. Interpretation of basic terms**

In this Law, the following terms shall be construed as follows:

1. “**Standard**” that means a document prescribing technical characteristics and requirements that products, goods, services, process, environment and other subjects should meet, in order to improve productivity, quality and socio-economic performance. Standard is adopted by an organization in written form for voluntary application.
2. “**Technical regulation**” that means a document prescribing technical characteristics, requirements and administrative provisions with which products, goods, services, process, environment and other subjects of socio-economic activities shall comply, to ensure human health and safety, animal, plant and environmental protection, national interests and security, consumers’ interests and other essential socio-economic needs. Technical regulation is approved by the State management authority in written form for mandatory application.
3. “**Standardization**” that means the activities of development, adoption and application of standard, technical regulation, and assessment of conformity with standards, technical regulations.

4. “**Subjects of standardization**” that cover products, services, processes, the environment, quality and environment management system, occupational safety and health, food safety and hygiene, issues of social responsibilities, technical competence of the technical service providers with respect to standardization, general scientific and technological matters and other subjects in socio-economic activities.
5. “**Conformity assessment**” that means the determination of conformity of standardization subjects with the requirements of standards and technical regulations.  
Conformity assessment includes, inter alia, the activities such as testing, inspection, declaration of conformity, certification of conformity with standards and technical regulations, accreditation of the competence of testing and calibration laboratories, conformity certification bodies and inspection bodies;
6. “**Certification of conformity**” that means the evaluation and confirmation by conformity certification bodies in respect of the conformity of standardization subjects with standards (called as CoC to standards) or to technical regulations (called as CoC to technical regulations);
7. “**Declaration of conformity**” that means the declaration of organizations and individuals in respect of the conformity of standardization subjects with standards (called as DoC to standards) or to technical regulations (called as DoC to technical regulations);
8. “**Accreditation**” that means the evaluation and confirmation by authorized accreditation organization on the competence of the testing laboratory, calibration laboratory, certification organization, and inspection body in conformity with the requirements of relevant standards.

#### **Article 4. Law Application**

1. Where it is otherwise stipulated on standards and technical regulations in this Law and other laws, then the provisions hereof shall prevail.
2. Where it is otherwise stipulated on standards and technical regulations in this Law and an international treaty to which Vietnam is a member, then the provisions of such international treaty shall prevail.

#### **Article 5. Basic principles of standardization activities**

1. Standardization activities should ensure non-discrimination to goods, products and services wherever they originated from; not to cause unnecessary obstacles to the production, trade and commercial activities; and should ensure transparency and publicity.
2. The development of standards and technical regulation shall be based on scientific and technological achievements, practical experiences, current needs and socio-economic development trends; and use of international, regional standards as wide a basis as possible for development of standards and technical regulations, except where such standards are inappropriate to Vietnam’s climatic, geographical, technological and technical factors, or damage the national benefit; and wherever appropriate, they should be based on product requirements in terms of performance rather than design or descriptive characteristics; ensure the unification of system of standards and system of technical regulations of Vietnam.
3. Standards and technical regulations shall meet the requirements in terms of safety; national security and secrecy; human health, safety and hygiene; the legitimate interests

and rights of related parties; animal, plant and environment protection.

4. The development of standards should ensure the involvement and consensus of the related parties; standards should improve productivity, quality, performance of socio-economic activities; ensure the competitiveness of products, goods and services in domestic and international markets; ensure the reasonable use of natural resources.

#### **Article 6. Policy for standardization development**

1. The State shall attach importance to investment on, and building the technical infrastructure and human resource training necessary for State management in development and application of national standards and technical regulations.
2. The State shall support and facilitate scientific research, application and technological development serving standardization activities .
3. The State shall encourage all organizations and individuals, either domestically or overseas, and overseas Vietnamese residing overseas to involve in the development and application of national standards, organization's standards and technical regulations; to invest in the development of standardization activities in Vietnam; and take part in training on standardization in different economic-technical fields.

#### **Article 7. International cooperation in the field of standardization**

1. The State shall encourage extending the cooperation in the standardization activities with various nations and territories, international organizations, regional organizations and foreign organizations and individuals; to take the benefit of assistance from countries, international and regional organizations on the basis of respect for the independence, sovereignty; and of equality and mutual benefits.
2. The State shall encourage and create favorable conditions in order to conclude bilateral and multilateral arrangements on mutual recognition of results of conformity assessment to facilitate trade between Vietnam and other countries, customs territories.

#### **Article 8. Activities to be strictly prohibited**

1. Taking advantage of standardization activities to create illegal obstacles to the production, trade, service of organizations and individuals;
2. Untruthful advertisement and acts in standardization activities;
3. Taking advantage of standardization activities to damage national benefits, defense, security, social order and safety.

### **Chapter II**

#### **DEVELOPMENT, ADOPTION AND APPLICATION OF STANDARDS**

#### **Article 9. System and symbols of standards**

System of standards of Vietnam consists of:

1. National standard, symbolized as TCVN;
2. Organization's standard, symbolized as TCCS.

**Article 10. Authority to develop, appraise, adopt and publicize standards**

1. Ministers, Heads of ministerial-level agencies and Government's agencies shall organize the development and adoption of draft national standards .
1. The Minister of Science and Technology organizes the appraisal of draft national standards and publicizes national standards.
3. Organizations, who are responsible for the development and adoption of their organization's standards, consist of:
  - a) Economic organizations
  - b) State agencies, national defense units and self-financing agencies;
  - c) Social organizations, socio-professional organizations;
  - d) Other organizations stipulated by law.

**Article 11. Types of standards**

1. Basic standard is a standard that has a wide-ranging coverage or contains general provisions for one particular field.
2. Terminology standard that is concerned with terms and definitions of standardization subject;
3. Technical requirement standard that includes parameters, specifications, and requirements for standardization subject;
4. Testing standard that is concerned with methods of sampling, measuring, determining, analyzing, examining, testing, inspecting specifications and requirements for standardization subject;
5. Standard on labeling, packaging, transporting and storing that specifies relevant requirements for labeling, packaging, transporting and storing product/ goods.

**Article 12. Bases for standards development**

Standards are developed on one or combination of the following bases:

1. International, regional, and foreign standards;
2. Results of scientific research, technological development and achievements;
3. Practical experiences;
4. Results of assessment, experiment, testing and inspection.

**Article 13. Mater-planning and work-programming of the development of national standards**

1. Mater-planning and work-programming of the development of national standards including master plan, long term and annual work programme shall be prepared on the following bases:
  - a) Demands of socio-economic development;
  - b) Requests irements of organizations and individuals.
2. A master plan or work program for national standards development is prepared by Ministry of Science and Technology in coordination with relevant ministries,

ministerial level agencies and governmental agencies; and publicized by this ministry for comments' collection before adoption.

Ministry of Science and Technology shall approve and publicize master plans and work programs for national standard development within 30 days as from the date of approval.

3. Where necessary, master plans and work programs for national standard development shall be amended and supplemented by decision of Ministry of Science and Technology.

**Article 14. Rights of organizations, individuals participating in development of national standards**

1. Proposing and/or making comment on, the master plan and work program of national standard development.
2. Presiding over development or take part in the development of draft national standard; and submit this draft to Ministry of Science and Technology for appraisal and publication.
3. Making comment on draft national standards.

**Article 15. Technical committee for national standards development**

1. Technical committee for national standard shall be set up by the Ministry of Science and Technology for each standardization field.
2. Members of the technical committee for national standard consist of representatives from government agencies, scientific and technological organizations, other related organizations, enterprises, consumers, and experts.
3. The technical committee for national standard shall have the following duties:
  - a) Propose master plans, work programs, various projects, and solutions of development of national standards;
  - b) Develop draft national standards on the basis of the drafts proposed by organizations or individuals (to be referred as the proposed drafts); or directly develop national standards.
  - c) Take part in developing and commenting on draft international or regional standards.
  - d) Take part in activities of consultancy and dissemination national standards and other standards.
  - e) Take part in drafting technical regulation, if requested.

**Article 16. Order and procedures for development, appraisal, adoption and publication of national standard**

1. With respect to draft national standards developed and adopted by ministries, ministerial-level and Government agencies:
  - a) Based on the approved work programme of national standards development, ministries, ministerial-level and governmental agencies shall organize the preparation of draft national standards;
  - b) Ministries, ministerial-level and Government agencies shall collect comments from the related organizations and individuals on draft national standards; wherever appropriate, hold the seminars to collect comments from the related parties. The

period of time for public comment is at least 60 days from date of notification, except for urgent cases of health, safety, environment or national security this period could be shortened;

- c) Ministries, ministerial-level and governmental agencies shall complete the draft national standards, set up dossiers, and adopt the draft national standards and circulate the drafts to Ministry of Science and Technology for appraisal;
  - d) Ministry of Science and Technology shall establish a council for appraisal of draft national standards;
  - e) Where the appraisal results are in favour of the draft national standards, Ministry of Science and Technology shall proceed to publication of these standards;
  - f) Where the appraisal results are not in favour of the draft national standards, Ministry of Science and Technology send the appraisal results to the agency in charge of developing and adopting draft national standard for completion. After the completion, Ministry of Science and Technology shall publicize standards.
2. With respect to draft national standard proposed by other organizations and individuals:
- a) Organizations and individuals shall propose draft national standard or recommend the existing standard to Ministry of Science and Technology for consideration (hereinafter referred to as proposed draft standards);
  - b) Ministry of Science and Technology shall assign the technical committee for developing draft national standard on a basis of proposed draft standard of organizations and individuals; organize the collection of comments on the draft standards from the related organizations and individuals; wherever appropriate, hold the seminars to collect direct comments from the related parties on the draft national standards. The period of time for public comment is at least 60 days from date of notification, except for urgent cases of health, safety, environment or national security, this period could be shortened;
  - c) Technical committee of national standards shall study and review the comments from organizations and individuals; complete the draft standards; and set up dossiers for submission of draft national standard to Ministry of Science and Technology for consideration;
  - d) Ministry of Science and Technology shall establish a council for appraisal of, and publicize, national standards.
3. With respect to draft national standards prepared by Ministry of Science and Technology:
- a) Based on the approved work programme of national standards development, Ministry of Science and Technology shall appoint the relevant technical committee to prepare the draft national standards as specified in para b) and c), clause 2 of this Article;
  - b) Ministry of Science and Technology establishes an appraisal council and publicizes the national standards after adoption.

**Article 17. Revision, amendment, replacement, withdrawal of national standards**

1. Ministry of Science and Technology shall preside over, in cooperation with other ministries, ministerial-level and governmental agencies, the triennial review as from the publicizing date of national standard or earlier if necessary.
2. The amendment, supplement, or replacement of national standards shall be carried out in accordance with order and procedures specified in Article 16 of this Law; and on the basis of the review by, or at the request of, the related organizations or individuals;
3. The withdrawal of national standards shall be based the results of review by, or at the request of, ministries, ministerial-level, governmental agencies and other organizations and individuals.

Ministry of Science and Technology shall appraise dossiers of national standard requested for withdrawal and declare the withdrawal of national standards after having the written agreement from ministries, ministerial-level and government agencies in charge of development and adoption of the national standards in question.

**Article 18. Order and procedures of development, publication, revision, amendment, supplement and withdrawal of organization's standards.**

1. Order and procedures of development, publication, revision, amendment, supplement and withdrawal of organization's standards shall be carried out by guidelines of Ministry of Science and Technology.
2. Organization's standards should not be contrary to other relevant technical regulations and legislation.

**Article 19. Publishing and distributing standards**

1. Ministry of Science and Technology shall reserve the right of publishing and distributing national standards.
2. Agency which represent for Vietnam as a member in international and/or regional standardization organizations, conduct publishing and distributing the respective international and/or regional standards under their rules. The publication and distribution of foreign standards shall be based on arrangements with the respective foreign standardizing body.
3. Agencies and organizations, which issue organization's standards, shall reserve the right of publication and release of such standards.

**Article 20. Notification, and dissemination of national standards**

Ministry of Science and Technology shall have the following responsibilities:

1. To notify publicly the adoption, amendment, supplement, replacement or withdrawal of national standards within at least 30 days as from the date of the decision;
2. To preside over, in cooperation with ministries, ministerial-level and governmental agencies, the dissemination and guidelines of application of national standards.
3. To publish periodically a list of national standards.

**Article 21. Principles of standards application**

1. National standards shall be applied on the voluntary basis.

The whole or a part of a standard shall be compulsory application to the relevant parties as specified in legal documents, technical regulations or in contract.

3. Organization's standards shall be applied within organizations issuing such standards.

**Article 22 Methods of standards application**

1. Standards shall be applied directly or as references in other documents.
2. Standards shall be used as a basis for conformity assessment activities.

**Article 23. Financial sources for standard development**

1. Financial sources for development of national standard comprise the followings:
  - a) Funds allocated out of the State budget in accordance with the approved annual budget estimates;
  - b) Voluntary funding from local and overseas organizations, individuals;
  - c) Other legitimate sources.
2. The financial sources for development organization's standards are allocated by organizations or individuals, which are regarded as reasonable expenditures before tax calculation.
3. The Government shall stipulate the management and usage of financial sources for development of national standards.

**Chapter III**

**DEVELOPMENT, APPROVAL AND APPLICATION  
OF TECHNICAL REGULATIONS**

**Article 24. System of technical regulations and their symbol**

System of technical regulations and their symbol consist of:

1. National technical regulations, symbolized as QCVN;
2. Local technical regulations, symbolized as QCDP.

**Article 25. Authority of developing, appraising and approving technical regulations**

1. With respect to national technical regulations:
  - a) The Ministers, Heads of ministerial-level agencies shall direct the development and issuance of national technical regulations within the scope of their management sectors and areas authorized by the Government;
  - b) Ministry of Science and technology organizes the appraisal works for national technical regulations;
  - c) The Government specifies the development and approval of inter-ministerial technical regulations.
2. With respect to local technical regulations:
  - a) The People's Committee of a province or city under central authority shall develop and approve local technical regulations within the scope of their management areas authorized by the Government for specialized products, goods of the localities and

specific environmental requirements in order to meet geographical, climate, hydrographical factors, socio-economical development level of the province or city.

- b) Local technical regulations specified in clause 2 of this Article shall be approved after having the appraisal of the competent State management agency provided in paragraph a), clause 1 of this Article.

#### **Article 26 Types of technical regulations**

1. General technical regulations that specify technical and administrative requirements applicable to a management sector or a group of products, goods, services, processes.
2. Technical regulations on safety that include:
  - a) Parameters, specifications and requirements related to biological, fire, explosive. mechanical, industrial, construction, heat, chemical, electrical, health equipment's, nuclear and radiation safety; and electro-magnetic compatibility;
  - b) Parameters, specifications and requirements related to food, pharmaceutical, cosmetic safety in terms of human health;
  - c) Parameters, specifications and requirements related to hygiene and safety of animal feeds, fertilizers, plant protection agents, veterinary medicines, biological and chemical agents applicable to animals and plants.
3. Environmental technical regulations that specify parameters, specifications and requirements of quality of the environment and of wastes.
4. Process technical regulations that specify the requirements of hygiene and safety in production, operation, exploitation, processing, storing, transportation, usage and maintenance of products, goods
5. Service technical regulations that specify the requirements of safety and hygiene in trading, commerce activities, post-telecommunication, construction, education, finance, science and technology, health care, entertainment, culture, sport, transport, environment sectors, and of services in other sectors.

#### **Article 27. Mater-planning and programming of development of technical regulations**

1. The master-planning and work programming of development of technical regulations consist of long term mater plans, work programmes and annual work programmes based on the following:
  - a) Needs of socio-economic development;
  - b) Needs of the state management;
  - c) Requests of organizations and individuals.
2. A master plan or work programme for the development of technical regulations shall be prepared by the approving technical regulations agency in cooperation with Ministry of Science and Technology and other related organizations. They shall be publicized for comment before approval.

The approving technical regulations agency shall adopt and publicize a master plan and work programme of the development of technical regulations no later 30 days since the date of approval.

3. If necessary, a master plan or work programme for the development of technical regulations shall be amended and supplemented by decision of the approving technical regulations agency.

#### **Article 28. Bases for development of technical regulation**

Technical regulations are developed on one or more basis as follows:

1. National standards;
2. International standards, regional standards and foreign standards;
3. Achievements of scientific-technological research and technical advances;
4. Results of assessment, testing, experiments, examination, inspection.

#### **Article 29. Rights of agencies, organizations, individuals participating in the development of technical regulations**

1. Proposing and make comment on the master plans and work programs for development of technical regulations.
2. Presiding over drafting of technical regulation in order to propose the authorities stipulated at Article 25 for consideration and promulgation, if applicable.
3. Taking part in drafting technical regulation upon allocation of the approving technical regulation agency.
4. Providing comments on draft technical regulations.

#### **Article 30. Order and procedures for development, appraisal and approval of technical regulations**

1. With respect to national technical regulations:
  - a) Based on the approved work programme of development of technical regulations specified in Article 25 of this Law, the approving technical regulations agency shall organize the development of the technical regulations with the involvement of representatives from state management agencies, scientific and technological organizations, enterprises, professional organizations, consumers and experts;
  - b) The approving technical regulations agency shall organize the collection of comments from the relevant organizations and individuals; provide workshop (s) with participation of the related parties for commenting draft technical regulation. The period of time for comment on draft technical regulation is at least 60 days, except in cases where urgent problems of health, safety, environment or national security arise this period may be shortened by decision of the approving technical regulations agency;
  - c) The approving technical regulations agency shall take into account the comments

received from organizations and individuals; complete the draft technical regulation, set up the dossier of technical regulation in question after reaching agreement of the related ministries and agencies on its content and send this dossier with completed draft technical regulation to Ministry of Science and Technology for appraisal;  
d) Ministries and ministerial-level agencies shall approve the national technical regulations.

2. With respect to local technical regulations:

- a) The order and procedure of development of local technical regulations shall follow the provisions specified in paragraph a) and b), clause 1 of this Article;
- b) The People's Committee of province or city under central authority shall take into account the comments of organizations and individuals, set up the dossier of technical regulation in question and send this dossier with completed draft technical regulation to the relevant approving national technical regulations agency(s) specified in paragraph a), clause 1 of Article 25 for appraisal;
- c) The People Committees of provinces and cities under central authority shall approve the local technical regulations.

**Article 31. Effect of technical regulations**

1. Technical regulation shall take effect after at least 6 months from the date of issue, except for cases stipulated in clause 2 of this Article
2. In cases due to the reasons of national security, safety, health or environment, this period may be shortened as decided by the approving technical regulation agency.

**Article 32. Revision, amendment, supplement, replacement and annulment of technical regulations**

- 1 The approving technical regulations agencies shall review technical regulations periodically once every 5 years and earlier if necessary.
2. The amendment, supplement or replacement of technical regulations shall be carried out under the provisions of Article 30 of this Law and on the basis of the review results or at the request of the related organizations or individuals
3. The approving technical regulations agency shall annul the technical regulations under the following procedures:
  - a) Preparing the dossier of annulment of technical regulation on basis of review results or request of the related organizations or individuals;
  - b) Considering the dossier and deciding the annulment of technical regulation after having the appraisal results of Ministry of Science and Technology.

**Article 33. Notification, dissemination, registration, publication and distribution of technical regulations**

The approving technical regulation agencies shall have the following duties:

1. Publicize the approval of technical regulations and the amendment, supplement, replacement or annulment thereof in a period of at least 30 days from the date of issuing decision;
2. Organize the dissemination, guidance and application of technical regulations;
3. Send the approved technical regulation to Ministry of Science and Technology for registration and publication in a periodical list of technical regulations;
4. Publish and distribute technical regulations.

**Article 34 Responsibilities of application of technical regulations**

1. All agencies, organizations and individuals are responsible for complying with technical regulations;
2. In process of application of technical regulations, agencies, organizations and individuals shall be responsible for promptly reporting or making proposals on their queries or outstanding matters of non-conformity to the approving technical regulations agency for consideration.

Within a time limit of 30 days from the date of receipt of such proposals from an agency, organization or individual, the approving technical regulations agency must provide a written response thereon.

**Article 35 Methods of application of technical regulations**

1. Technical regulations shall be applied on a compulsory basis in production, business and other socio-economic activities.
2. Technical regulations shall be used as a basis for conformity assessment activities.

**Article 36. Financial sources for development of technical regulations**

1. Financial sources for development of technical regulations comprise the followings:
  - a) Funds allocated out of the State budget on the basis of annually approved budget estimates;
  - b) Voluntary funding from local and overseas organizations, individuals;
  - c) Other legitimate sources.
2. The Government shall stipulate the management and usage of financial sources for development of technical regulations.

**Chapter IV**

**CONFORMITY ASSESSMENT TO STANDARDS AND TO TECHNICAL REGULATIONS**

**Session 1**

**General provisions of conformity assessment**

**Article 37. Basic requirements for conformity assessment**

1. To ensure that the information about procedures of conformity assessment shall be provided in a clear and transparent manner to all related parties.
2. To ensure that all the information and data relating to the organization subject to conformity assessment shall be kept confidential.

3. To ensure non-discriminatory treatment among production and business organizations, individuals or with regard to origins of goods, services, products or processes.
1. To ensure the harmonization of conformity assessment procedures with international recommendations and practices.

**Article 38. Classification of conformity assessments**

1. Conformity assessment comprises conformity assessment to standard and to technical regulation.
2. Conformity assessment to standard shall be carried out voluntarily at the request of an organization or individual in the form of testing, inspection, CoC to standards and DoC to standards.
3. Conformity assessment to technical regulation shall be carried out compulsorily in accordance with the State management requirements in the form of testing, inspection, CoC to technical regulations and DoC to technical regulations.

**Article 39. Requirements for the standards and technical regulations used as the basis for conformity assessment**

The standards and technical regulations used as the basis for conformity assessment must set forth specific criteria and requirements which can be assessed by using existing national and foreign methods and facilities.

**Article 40. Conformity mark to standard and technical regulation**

1. Conformity mark to standard and technical regulation shall be an evidence of conformity of products and goods with respective standard and technical regulation.
2. Conformity mark to standard shall be granted to products or goods after their CoC to standards.
3. Conformity mark to technical regulation shall be granted products or goods after their CoC to technical regulation and DoC to technical regulation.

**Section 2**

**Conformity assessment to standard**

**Article 41. Standard conformity certification**

1. Standard conformity certification carried out by an agreement between organizations, individuals who require a certification with certification organization is stipulated at Article 47. of this Law.
2. Standards used for CoC to standards shall be national standards, international standards, regional standards or foreign standards that meet requirements specified in Article 39 of this Law.

**Article 42. Rights and obligations of organizations, individuals who request a CoC to standard**

1. Rights:
  - a) Free in selection of a conformity certification organization;
  - b) Be granted standard conformity certificate to products, goods, services, processes and environment that conformed to standard.
  - c) Use standard conformity mark on products, goods, their package; or in documents of the certified subjects;

- d) Complain about result of CoC to standard and violations of conformity certification contract by certification organization;
  - e) Other rights stipulated by law provisions.
2. Obligations:
- a) Assure the conformity of products, services and processes with the standards used for certification;
  - b) Display information given in the standard conformity certificate on the products, their package goods; and in documents of subjects that have passed certified CoC to standard and DoC to standard.
  - c) Notify to the certification body when the amendments, supplements are made in standards used for certification;
  - d) Pay for standard conformity certification
  - e) Other obligations stipulated by laws.

**Article 43. Declaration of conformity to standard**

1. Organizations and individuals shall declare the conformity of their products, goods, services and processes to respective standard based on results of standard conformity certification by conformity certification bodies or by themselves.
2. Organizations and individuals that declare the conformity to standard shall register such declaration form of DoC to standard at a State authorized agency.

**Session 3**

**Conformity assessment to Technical Regulations**

**Article 44. CoC to Technical regulation**

1. CoC to technical regulations shall be mandatory to products, goods, services or processes provided for in relevant technical regulations.
2. Ministries, ministerial-level agencies, People Committees of provinces and cities under central Government specified in clause 1 and 2 of Article 25 of this Law have the right to designate conformity certification bodies to carry out CoC to technical regulations approved themselves, based on the selection of bodies specified in Article 47 of this Law.
3. Conformity certification bodies shall carry out CoC to technical regulations in the methods stipulated by the State authorized agencies.

**Article 45. Rights and obligations of organizations and individuals requesting for CoC to technical regulations**

1. Rights:
  - a) Select a conformity certification body out of the designated certification bodies pursuant to clause 2 of Article 47 of this Law;
  - b) Be granted conformity certificate to technical regulation for products, goods, services, processes and environment certified in conformance with technical

regulation.

- b) Use the mark of technical regulation conformity on the products, goods; their packages; or documents relating to the products/goods in respect of which CoC and DoC to technical regulations have been done;
  - c) Complain about results of conformity certification to technical regulation, and violations of contract by conformity certification body.
  - d) Other rights stipulated by law provisions.
2. Obligations:
- a) Assure the conformity of products, goods, services and processes with the respective technical regulations;
  - b) Right display information given in the technical regulation certificate or declaration on the products and goods, their package or documents of subjects that have passed CoC to technical regulation and DoC to technical regulation. ;
  - c) Submit documents which prove the technical regulation conformity assurance of the products, goods, services, processes at the request of the State authorized agency or conformity certification bodies;
  - d) Suspend temporarily the provision of the products, service, process which are non-conformed with the respective technical regulations by decision of the State authorized agency;
  - e) Pay for conformity certification to technical regulation.
  - f) Other obligations stipulated by law provisions.

#### **Article 46. Declaration of conformity to technical regulation**

1. Organizations and individuals producing products and goods or providing with services or processes subject to technical regulations shall be responsible for DoC to technical regulation.
2. A DoC to technical regulation made by organizations, individuals to their products, goods, services and processes shall be based on results of CoC to technical regulation given by a certification body(s) designate in accordance with provisions of clause 2, Article 44 of this Law.
3. Organizations, individuals shall register their declaration forms of DoC to technical regulations at State authorized agencies.

### **Session 4**

#### **CONFORMITY CERTIFICATION BODIES**

#### **Article 47. Conformity certification bodies**

1. Self-financing organizations providing with technical services under Ministries, ministerial-level agencies and Government agencies.
2. Enterprises established pursuant to Law on Enterprises.
3. Foreign certification bodies' branches established in Vietnam pursuant to Law on

Commerce.

**Article 48. Operational conditions of conformity certification bodies**

1. Conformity certification bodies shall:
  - a) Have organizational structure and competence to meet general requirements for a conformity certification body as provided for in national standard and international standard;
  - b) Establish and maintain management system in conformance with requirements of national standard and international standard;
  - c) Register the field of conformity certification at State authorized agency.
2. Conformity certification bodies shall not play consultancy works to organizations, individuals requesting for certification.

**Article 49. Rights and responsibilities of conformity certification bodies**

1. Rights:
  - a) Grant certificates of CoC to standards or technical regulations to the certified products, goods, services, processes or environment in conformity with standards of technical regulations;
  - b) Delegate right of using standard or technical regulation certification mark to organizations and individuals of certified products, goods;
  - c) Withdraw certificates of CoC to standard or technical regulation; the right of using granted marks of CoC to standard or technical regulation;
  - d) Other rights stipulated by law provisions.
2. Responsibilities:
  - a) Certify the conformity in respect to register field of certification on a basis of contract signed with organizations and individuals requesting certification.
  - b) Ensure impartiality and equality in conformity certification activities;
  - c) Ensure the confidentiality of information collected during certification process.
  - d) Supervise certified subject to maintain its conformity with respective standard or technical regulation;
  - e) Take responsibility for their activities before law;
  - f) Publicize on the media the withdrawal of certificates and right of using marks of CoC to standard or technical regulation certification;

**Session 5**

**ACCREDITATION AND MUTUAL RECOGNITION**

**Article. 50. Accreditation**

1. Subjects of accreditation
  - a) Testing laboratory;
  - b) Calibration laboratory;

- c) Certification organization;
- d) Inspection body
2. Basis for accreditation operation are national standards or international standards.
3. Accreditation activities shall be carried out by accreditation bodies stipulated in Article 51 of this Law.

**Article .51. Accreditation bodies**

1. Accreditation body shall be an organization authorized to evaluate and accredit the competence of bodies stipulated in clause 1, Article 50 of this Law.
2. Accreditation body shall operate independently;
3. The Government stipulates the statute of organization and operation of an accreditation body.

**Article 52. Operational conditions of accreditation body**

1. Accreditation body shall:
  - a) Establish and operate pursuant to general requirements stipulated, to accreditation bodies, in respective national standards and international standards;
  - b) Have an organizational structure and competence to meet general requirements for a conformity certification body as provided for in national standard and international standard; and recognized by international or regional accreditation organizations;
  - c) Establish and maintain management system in conformance with requirements of national standard and international standard;
2. Accreditation organization shall not give consultancy services to accredited bodies specified in clause 1, Article 50 of this Law.

**Article 53. Rights and responsibilities of accreditation body**

1. Rights:
  - a) To issue accreditation certificates to the bodies specified in clause 1, Article 50 of this Law.
  - b) To revoke accreditation certificates.
  - c) To have other rights as provided for by laws.
2. Responsibilities:
  - a) To ensure objectivity and impartiality during the accreditation activities.
  - b) To carry out accreditation activities on a basis of contract signed with organizations and individuals requesting accreditation
  - c) Ensure the confidentiality of information collected during accreditation process.
  - d) Supervise accredited bodies to maintain their conformity with the respective standard
  - e) Take responsibility for their activities before law;

**Article 54. Rights and obligations of bodies entitled to accreditation**

1. Rights:
  - a) To be given priority to using results of conformity assessment activities on certification, testing, calibration and inspection upon request of State management.

- b) To complain about accreditation results by, and violation of, the accreditation bodies in terms of accreditation contract.
  - c) Certification bodies specified in Para c, clause 1, Article 50 of this Law
  - d) Other rights stipulated by law
2. Obligations:
- a) Ensure an organizational structure and technical competence that have been accredited in conformity with the respective standards;
  - b) Maintain the management system in conformity with the requirements specified in national and international standards
  - c) Ensure the objectivity and impartiality during the conformity assessment activities.
  - d) Certification bodies specified in Para c clause 1, Article 50 of this law shall also fulfill the obligations specified in clause 2, Article 49 of this Law;
  - e) Other obligations as provided for by laws.

**Article 55. Mutual recognition arrangements**

1. Mutual recognition arrangements comprise:
- a. Vietnam's recognition of the results of conformity assessments of a country or countries, customs territory (s) and vice versa under the agreement of which Vietnam is a member;
  - b. Vietnamese conformity assessment bodies' recognition of the results of conformity assessment given by one or many conformity assessment bodies in countries, customs territories and vice versa.
2. Ministry of Science and Technology in cooperation with other related ministries organizes the signatory and implementation of mutual recognition arrangements.

**Chapter V**

**RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS IN STANDARDIZATION ACTIVITIES**

**Article 56. Responsibilities of the Government**

The Government shall carry out uniform State management of standards and technical regulations nationwide

**Article 57. Responsibilities of the Ministry of Science and Technology**

Ministry of Science and Technology is responsible before the Government in uniform State management of standards and technical regulations nationwide, particularly:

- 1. To develop and submit to the competent level for issuance of, or within the scope of its authority to issue, and organize the implementation of, policies, strategies, master plans and programs related to standardization.
- 2. To issue, or submit to the competent level for issuance of, legal normative documents concerning standardization and organize the implementation of those documents.

3. To carry out the appraisal work and publicize the national standards; issue a statute of organization and operation of technical committee of national standards; provide guidelines for development and application of national standards, provide guidelines for development, publication. Review, amendment, supplement, withdrawal of organization's standards; provide guidelines for application of international standards, regional standards and foreign standards.
4. To provide guidelines for development and carry out the appraisal work for draft technical regulations.
5. To manage and provide guidelines for conformity assessment activities.
6. To build up and develop human resource for standardization activities; to organize scientific research and technology development on standardization;
7. To carry out statistical works relating to standardization.
8. To manage international cooperation activities concerning standardization.
9. To organize and manage the operations of the national notification and Enquiry network concerning standards, technical regulations and conformity assessment.
10. To disseminate, popularize and provide legal guidelines concerning standardization.
11. To examine and inspect the observance of laws and policies concerning standardization; to deal with complaints and denunciations about breaches of standards and technical regulations in accordance with the law.

**Article 58. Responsibilities of ministries, ministerial-level agencies and Government agencies**

Ministries, ministerial-level agencies and Government agencies, within the scope of their respective functions, duties and powers, shall have responsibilities as follows:

1. To coordinate with Ministry of Science and Technology in development, approval or submit to the competent level for issuance of, relevant legal normative documents on standardization and technical regulations;
2. To organize the development and adoption of work programs for development and approval of national technical regulations.
3. To appraise the development and approval of local technical regulations; manage and provide the guidance on development and approval of local technical regulations
4. To manage activities of DoC and CoC to technical regulations.
5. To carry out statistical works relating to development, approval and application of technical regulations under the assigned authority;
6. To propose master plans and work programme for development of national standards; to organize the development and adoption of draft national standards in the assigned sector;
7. To disseminate, popularize and provide guidelines for, the application of standards.
8. To control and inspect activities related to development,

approval and application of technical regulations; and to deal with breaches during the development, approval and application of technical regulations approved under assigned authority.

9. To settle complaints and denounces over development, approval and application of technical regulations under the provisions of law on complaint and denounce

#### **Article 59. Responsibilities of people's committees of provinces and cities under central authority**

People's committees of provinces and cities under central authority, within the scope of their respective functions, duties and powers, shall have the responsibilities as follows:

1. To propose plans for development of national standards and national technical regulations; to organize the preparation and implementation of plans for development and approval of local technical regulations.
2. To approve and provide guidance for application of local technical regulations
3. To build the technical infrastructure necessary to standardization activities in the province or city;
4. To organize the implementation of, and disseminate the legislation in the field of standardization;
5. To control and inspect the observance of provisions of law on standardization; to impose administrative penalties in accordance with the law.
6. To deal with complaints and denunciations about standardization in accordance with the laws on complaints and denunciations.

#### **Article 60. Responsibilities of agencies, organizations and individuals**

1. To declare standard(s) applicable to their products, goods, services and processes.
2. To make DoC of their products, goods, services and/or processes to technical regulations in accordance with the law;
3. To ensure that their products, goods, services and/or processes are in conformity with the declared standards or technical regulations.

#### **Article 61. Responsibilities of the association, society**

1. To give comment on the relevant legal documents, national standards and technical regulations.
2. To provide forum to disseminate, popularize the knowledge of standardization to their members; provide with information of standardization to their members under provisions of law.

### **Chapter VI**

#### **THE INSPECTION AND DEALING WITH COMPLAINTS, DENUNCIATIONS AND DISPUTE ABOUT STANDARDIZATION**

#### **Article 62 . Inspection of standardization**

1. Inspection of standardization is a type of specialized inspections

2. The inspection of standardization is carried out in accordance with the inspection legislation.
3. The Government shall stipulate the provisions on organization and operations of standardization inspection.

**Article 63 . Dealing with breaches of standardization legislation**

1. A person breaching standardization legislation shall be subject to an administrative penalty or be prosecuted for criminal liability; where any loss occurs, compensation must be made in accordance with the civil law.
2. The head of an agency or organization, an officer or civil servant who takes of his/her position or authority to cause obstacles and difficulties to other organizations or individuals or to screen a person breaching the standardization legislation shall be dealt with in accordance with civil or criminal law as appropriate.
3. Organization breaching standardization legislation shall be administratively penalized, suspended in business operation; where any loss occurs, compensation must be made in accordance with the law.

**Article 64. Complaints and denunciations about standardization**

1. Organizations and individuals are entitled to complain to the State competent agency about unlawful administrative decisions or actions by a State agency or a competent person; or about any act breaching their legitimate rights and interest in accordance with the law on complaint and denunciation
2. Citizens are entitled to denounce to the competent agency or person about the acts breaching standardization legislation and law on complaint and denunciation.

**Article 65. Dealing with complaints and denunciations about standardization**

State agencies and persons authorized to deal with complaints and denunciations shall be responsible for considering and dealing with complaints and denunciations about standardization in accordance with the law on complaint and denunciation

**Article 66. . Settlement of disputes concerning standardization**

The State encourages parties engaged in dispute to settle the dispute through mediation; if not, the dispute will be solved at court or arbitration Any dispute on standardization shall be resolved in accordance with the law.

**Chapter VII**

**FINAL PROVISIONS**

**Article 67. Transitional provisions**

1. The branch standards being part of the system of standards already adoption accordance with the 1999 Ordinance on Goods Quality and others shall be considered for being converted into national standards or national

technical regulations.

2. The technical specifications, procedures, rules, regulations and technical documents that were applicable as state management mandatory measures, will be considered for being converted into technical regulations.
3. The Government shall provide for the conversion of branch standards into national standards or national technical regulations as specified in clause 1 of this Article and the conversion of mandatory technical specifications, procedures, rules, regulations and technical documents into technical regulations as specified in clause 2 of this Article.

**Article 68. Enforcement**

1. This Law takes effect as from.....
2. All the provisions of specialized laws on standardization, which are contrary to the provisions of this Law, shall be repealed.
3. The Government shall make detailed provisions for and provide guidelines for the implementation of this Law.

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*This Law has been ratified by the Legislature XI of the National Assembly of the Socialist Republic of Vietnam in its... session, ... 2006*

THE CHAIRMAN OF THE NATIONAL ASSEMBLY