

For informative purposes

NATIONAL ASSEMBLY

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**SOCIALIST REPUBLIC OF VIETNAM
INDEPENDENCE – FREEDOM - HAPPINESS**

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 10th session on 25 December 2001;

This Law provides for standards and technical regulations.

Chapter I GENERAL PROVISIONS

Article 1. Scope of regulation

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

Article 2. Subjects of application

This Law is applicable to Vietnamese organizations, individuals; foreign organizations, individuals; and overseas-residing Vietnamese carrying out activities relating to standards and technical regulations in Vietnam.

Article 3. Interpretation of basic terms

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

1. *Standard* means stipulations on technical characteristics and requirements that goods, services, processes, environment and other needs to satisfy to improve productivity, quality and socio-economic efficiency. Standards shall be announced by an organisation in writing for voluntary application;
2. *Technical regulation* means stipulations on limits of technical characteristics and management requirements that goods, services, processes, environment and others in socio-economic activities need to satisfy in order to ensure hygiene, safety and health of human, to protect animals and plants and the environment; and to protect national interests and security, benefits of consumers and other essential needs. Technical

regulations shall be issued by the competent State authority in writing for compulsory application.

3. *Activity pertaining to standards* is activity of development, announcement, application of standards and assessment of the conformity with standards.
4. *Activity pertaining to technical regulations* is activity of development, adoption and application of technical regulations and assessment of the conformity with technical regulations.
5. *Conformity assessment* is the determination of the conformity of a subject of standards activity and technical regulations activity with technical specifications and management requirements in the relevant standards and technical regulations.

Conformity assessment procedures includes activities of testing, calibration, inspection, declaration of conformity, certification in conformity with standards and technical regulations, accreditation of the competence of testing and calibration laboratories, conformity certification bodies and inspection bodies;
6. *Standards conformity certification* is the determination of the subjects of standards in compliance with the relevant standards.
7. *Technical regulations conformity certification* is the determination of the subjects of technical regulations in compliance with the relevant technical regulations.
8. *Standards conformity declaration* is the self- declaration of organizations and individuals in respect of the conformity of the subjects to the relevant standards.
9. *Technical regulations conformity declaration* is the self-declaration of organizations and individuals in respect of conformity of the subjects to the relevant technical regulations (called DoC to technical regulations)
10. *Accreditation* is the determination of the competence of the testing laboratory, calibration laboratory, conformation certification organization, and inspection body in conformity with the relevant standards.

Article 4. Application of laws

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. Subjects of standards and technical regulations

1. Subjects of standards and technical regulations include:
 - a) Products and goods;
 - b) Services;
 - c) Processes;
 - d) Environment
 - e) Other subjects of socio-economic activities
2. Government provide for the subjects of standards and technical regulations in details.

Article 6. Basic principles of activities of standards and technical regulations

1. Standards and technical regulations activities must ensure improvement as to socio-economic efficacy and quality, the competition of products, goods and services in the international and national markets
2. Standards and technical regulations must satisfy requirements on safety; national security secrets; human hygiene and health; legitimate rights and benefits of relevant parties; and on protection of animals, flora and the environment and reasonable use of natural resources .
3. Activities of standards and technical regulations must ensure publicity, transparency, non-discrimination, avoidance of trade restrictiveness to production, business and commerce. The development of standards must secure the involvement and consensus between related parties.
4. The development of standards and technical regulations must:
 - a) Be based on scientific and technological achievements, practical experiences, present needs and tendency of socio-economic development;
 - b) Be based on use of international, regional and foreign standards as a basis for development of standards and technical regulations, except where such standards are inappropriate to Vietnam's climate, geographical, technical and technological factors; or except where they have negative impact on national benefits;
 - c) Give priority to the requirements in relation to the utility of products, goods rather than detailed design and description;
 - d) Ensure uniformity of the systems of standards and for technical regulations of Vietnam.

Article 7. State's Policy for standards and technical regulations development

1. The State shall attach importance to development of technical and physical establishments, human resource training for State management in standards and technical regulations.
2. The State shall support to promote scientific research and application and technological development for the activities in the fields of standards and technical regulations.
3. The State shall encourage organizations and individuals either domestically or overseas, and Vietnamese residing overseas to take part in the development and application of standards, and technical regulations, to make investments in the development of standards and technical regulations activities in Vietnam; and to train on standards and technical regulations in different economic-technical fields.

Article 8. International cooperation in the sector of standards and technical regulations

1. The State shall encourage to extend cooperative activities with various foreign countries, territories, international organizations, regional organizations and foreign organizations and individuals during the standards and technical regulations activities; to take benefit from assistance from other countries, territories, and international and regional organizations, organizations and individuals on the basis of [respect for] independence, sovereignty, equality and mutual benefits.
2. The State shall facilitate and take measures to promote the signing of bilateral and multilateral agreements on mutual recognition of results of conformity assessment to facilitate commercial development between Vietnam and foreign countries and territories.

Article 9. Activities to be strictly prohibited

1. Take advantage of activities related to standards and technical regulations to create illegal obstacles to the production, business and trade of organizations, individuals;
2. Provide untruthful advertisement, information and acts of deceiving in standards and technical regulations activities;
3. Take advantage of activities related to standards and technical regulations to damage national benefits, defense, security, social order and safety;

Chapter II DEVELOPMENT, ANNOUNCEMENT AND APPLICATION OF STANDARDS

Article 10. System and symbols of standards

1. System of standards and symbols of Vietnam consists of:
 - a) National standard, symbolized as TCVN;
 - b) Organizational (company) standard symbolized as TCCS.

Article 11. Authority to develop, approves, appraise and announce standards

1. Ministers, heads of Ministerial-level agencies, heads of Governmental agencies shall organize the development of draft national standards and propose for appraisal and announcement of national standards
2. The Minister of Science and Technology shall organize assessment of the draft national standards and announcement of national standards.
3. Organizations developing and announcing their own organizational standards, include:
 - a) Businesses;
 - b) State agencies;
 - c) Self-financing agencies;
 - d) Social and socio-occupational organizations;

Article 12. Types of standards

1. Basic standard provides for characteristics and requirements of general application for a broad coverage or contains general provisions for one particular sector.
2. Terminology standard means standard relating to definitions, names for the relevant subjects of standards;
3. Technical requirement standard includes relevant levels, specifications, and requirements for the subjects of standards;
4. Testing method standard covers methods of sampling, measuring, defining, analyzing, examining, testing, and inspecting the levels, specifications and requirements for the subjects of standards
5. Labeling, packing, delivering and maintaining standard specifies relevant requirements for labeling, packing, delivering and maintaining of product/goods.

Article 13. Basis for developing standards

Standards shall be developed on one or more basis as follows:

1. International, regional and foreign standards;
2. Scientific and technological research results and technical advances;
3. Practical experiences;
4. Results of assessment, testing, inspection and checking.

Article 14. Planning and programming for national standards development

1. A master plan, programme for national standards development including 5-year plan and annual programme shall be prepared on the following bases:
 - a) Demand of socio-economic development
 - b) Request by organizations and individuals.
2. The Ministry of Science and Technology shall take lead and coordinate with relevant ministries, ministerial level agencies and Government agencies in developing, making public master plan and programme for national standard development to gather public comments before approval;

The Ministry of Science and Technology shall take approve the master plan and programme for national standard development and announce the same to the public within 30 days after approval;

3. Where necessary, the master plan and programme for national standards development shall be amended and supplemented according to the decision of the Ministry of Science and Technology. The amendment and supplement of the master plan and programme for national standards development shall be accorded to clause 2 of this Article.

Article 15. Rights of organizations, individuals participating in development of national standards

1. Propose and make comments on the master plans, programme on the development of national standards;
2. Take the lead in or participating in preparing draft national standards for the Ministry of Science and Technology to appraise and announce national standard.
3. Comment on draft national standards.

Article 16. Technical committee for national standards

1. Technical committee for national standard is a technical consultation organization set up by the Ministry of Science and Technology for each specific standards sector;
2. Members of the technical committee for national standard consist of representatives from State management agencies, scientific and technological organizations, associations, businesses, other relevant organization, consumers and experts;
3. The technical committee for national standard shall have the following duties:
 - a) Propose planning, plans, alternatives, and solutions of development of national standards;
 - b) Develop draft national standards on the basis of the draft proposed by organizations or individuals or directly develop draft national standards; Take part in development and give comments on draft international or regional standards; Take part in appraising draft national standards prepared by ministries, ministerial level agencies and Government agencies.
 - c) Take part in activities of consultancy and dissemination of national standards and other standards.
 - d) Take part in developing draft technical regulations when so requested.

Article 17. Order and procedures for development, approval, appraisal and announcement of national standard

1. Order and procedures for development, approval, appraisal and announcement of national standards to draft national standards developed by ministries, ministerial level agencies and Government agencies shall be prescribed as follows:
 - a) On the basis of the plan on development of national standards as approved, Ministries, ministerial level agencies and governmental agencies shall work out to develop draft national standards;
 - b) Ministries, ministerial level agencies and Governmental agencies shall gather broad and public comments of relevant organizations and individuals regarding the draft national standards; organize specialized seminars which shall be attended by relevant parties, to gather comments on the draft national standards. The period for comments gathering shall be 60 days as minimum, except in emergency for health, safety, and environment reasons in which case such period may be shorter;
 - c) Ministries, ministerial level agencies and governmental agencies, on a basis of received comments, shall complete draft national standards, prepare dossiers, and forward to the Ministry of Science and Technology for appraisal;
 - d) Ministry of Science and Technology organize the appraisal of draft national standards in accordance with Article 18 of this Law. The period for appraisal shall not be more than 60 days as from the lawful dossiers on receipt;

- e) Within 30 days as from the approval of draft national standards, Ministry of Science and Technology shall announce national standards;
 - f) Where the appraisal results are not in favor of the draft national standards, the Ministry of Science and Technology shall send the appraisal results to ministries, ministerial agencies; agencies and Government agencies developing draft national standards for completion. After such draft national standards have been completed, the Ministry of Science and Technology shall carry out the procedures for announcement of national standards as regulated in Clause 1 (e). Where the appraisal results are not in favor between such agencies, Ministry of Science and Technology submit Prime Minister for consideration and decision.
2. Order and procedures for development, approval, appraise and announcement of national standards to draft national standards proposed by organizations and individuals:
- a) Organizations and individuals preparing draft standards or proposing available standards for consideration by the Ministry of Science and Technology (hereinafter referred to as proposed draft standards);
 - b) The Ministry of Science and Technology shall assign the technical committee for national standards to prepare draft national standards on the basis of the proposed draft standards of the preparing organizations or individuals; gather broad public comments from relevant organizations and individuals regarding draft national standards; organize specialized seminars which shall be attended by relevant parties to make comments on the draft national standards. The period for comments gathering shall be 60 days as minimum, except in emergency for health, safety, and environment reasons in which case such period may be shorter;
 - c) National technical committee shall study and review the comments of organizations and individuals; complete draft standards and prepare dossiers and forward to Ministry of Science and Technology for consideration;
 - d) Ministry of Science and Technology shall organize the appraisal of draft national standards under Article of this Law. The period for announcement of national standards in accordance with Clause 1 (d) and (e) of this Law.
3. Order and procedures for development, approval, appraisal and announcement of national standards to draft national standards developed by Ministry of Science and Technology:
- a) On the basis of the approved plan for development of national standards, the Ministry of Science and Technology shall assign the relevant technical committee for national standards to develop draft national standards in accordance with clause 2b and c of this Article;
 - b) Ministry of Science and Technology shall organize the appraisal of draft national standards in accordance with Article 18 of this Law. The period for appraisal, announcement of national standards is regulated in clauses 1d and e of this Article.
4. Government shall regulate specific dossiers of draft national standards.

Article 18. Content of the appraisal of draft national standards

1. Conformity of standards with scientific and technological advances, conditions and needs of socio-economic development.
2. Conformity of standards with technical regulations, statutory regulations, relevant international agreements and harmonization requirements to international standards.
3. Unity of national standards systems, the compliance with consensus principle; and balance of related parties' benefits.
4. The compliance with specialist skill requirements, order and procedures of national standards development.

Article 19. Reviewal, amendment, revision, replacement, withdrawn of national standards

1. The Ministry of Science and Technology shall take the lead and coordinate with ministries, ministerial level agencies and Governmental agencies to review national standards regularly once every 3 years as from the date such national standard is announced or earlier if necessary;
2. The amendment, revision, replacement of national standards shall be carried out under the order and procedures in accordance with the provisions of Article 17 hereof on the basis of the review results, or at the request, of the relevant organization or individual;
3. The withdrawal of national standards shall be based on the results of reviewing national standards or the request to withdraw such standards by Ministries, ministerial level agencies, Governmental agencies, and relevant organizations and individuals.

The Ministry of Science and Technology shall appraise dossiers for withdrawal of standards and announce such withdrawal after having obtained written agreement from Ministries, ministerial level agencies, and Governmental agencies developing the relevant draft national standards.

Article 20. Development, and announcement, of organizational (company) standard

1. Organization's standards shall be organized the development and announcement with a view to applying in organization's operations by head of such organizations as regulated in Article 11 (3) of this Law.
2. Organization's standards shall be developed on a basis of scientific and technological advances and needs as well as applicability of the organizations. Such organizations will be encouraged to use international, national and foreign standards as a basis of organization's standards.

3. Organization's standard should not be contrary with relevant technical regulations and legislation.
4. Order and procedures for development, announcement of organization's standards shall be carried out in accordance with guidelines by the Ministry of Science and Technology.

Article 21. Publication and release of standards

1. The Ministry of Science and Technology reserves the right of publication and release of such national standards.
2. Agencies, which represent for Vietnam as member in international, regional standardization organizations, conduct publication and release of the respective international and regional standards subject to their rules.

The publication and release of standards of international and regional organizations of which Vietnam is member and foreign standards shall be based on arrangements with the respective body that issues such standards.

3. Organizations which issue organization's standards reserves the right of publication and release of the standards.

Article 22. Notification and dissemination of national standards

The Ministry of Science and Technology shall have the following responsibility.

1. To make public the issuance of national standards and any amendment, supplement, replacement or withdrawal of national standards within at least 30 days since the date of the decision;
2. To take the lead and coordinate with Ministries, ministerial level agencies and Governmental agencies to disseminate and provide guidelines on application of national standards.
3. Annually issue a periodical list of national standards

Article 23. Principles of standard application

1. Standards shall be applied on the principle of voluntariness.

The whole or a part of a standard may be subject to compulsory application by relevant parties when so requested in legal documents, and technical regulation

2. Organizational (company) standards shall be applied within the organization issuing such standards.

Article 24. Methods of standard application

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

Article 25. 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 the development of organization's standards shall be paid by such organisations or individuals and shall be regarded as reasonable expenditures.
3. The Government shall stipulate the management and usage of financial sources for development of national standard.

Chapter III DEVELOPMENT, ISSUANCE AND APPLICATION OF TECHNICAL REGULATIONS

Article 26. System and symbols of technical regulations

System and symbols of technical regulations of Vietnam consists of:

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

Article 27. Authority of developing, appraising and issuing technical regulations

1. Authority of development, appraisal and issuance of national technical regulation
 - 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) The Minister of Science and Technology shall arrange the appraisal of national technical regulations;
 - c) The Government shall stipulate on the development and issuance of inter-branch national technical regulations and national technical regulations for subjects of technical regulations under the responsibility of governmental agencies.
2. Authority of development, appraisal and issuance of local technical regulations
- a) The People's Committee of a province or city under central authority shall develop and issue local technical regulations for application within their scope of management with respect to typical products and goods of the localities and specific environmental requirements in accordance with the typical features of the locality in terms of geography, weather, hydrography and socio-economic development.
 - b) Local technical regulations shall be issued after appraisal results received from the competent State management authority stipulated in point a, clause 1 of this Article.

Article 28. Types of technical regulations

1. *General technical regulation* that includes technical and managerial stipulations for application in a sector of management or a group of products, goods, services or processes.
2. *Technical regulation for safety* includes:
 - a) stipulations on levels, norms and requirements relating to biological safety, fire and explosion safety, mechanical safety, industrial safety, construction safety, heat safety, chemistry safety, power safety, safety for medical equipment, electro-magnetic compatibility , and safety of radiation and nuclear safety;
 - b) stipulations on levels, norms, and requirements relating to food safety and hygiene, safety of pharmaceutical products and cosmetics to human health;
 - c) stipulations on levels, norms, and requirements relating to safety and hygiene of animal food, fertilizer, insecticide, veterinary medicines, biological products and chemicals for animals and plants .
3. Technical regulations on environment specify the levels, norms and requirements on the quality of the surrounding environment and wastes.
4. Technical regulations on processes specify the requirements on hygiene, safety during the process of production, exploitation, processing, maintenance, operations, transportation, use and service of products and goods.
5. Technical regulations on service specify the requirements on safety, hygiene in trading, commerce, post, telecommunication, construction, education, finance, science and

technology, health care, tourism, entertainment, culture, sport, transportation, environment and services in other fields.

Article 29. Master planning and programming on development of technical regulations

1. Master plan and programme and planning on development of technical regulations including five-years master plan, programme and annual programme, shall be made on the following basis:
 - a) Socio-economic development requirements;
 - b) State management requirements;
 - c) Request of organizations and individuals.
2. A master plan or programme on development of technical regulations shall be developed by the agency issuing technical regulations as the lead arranger in cooperation with the Ministry of Science and Technology and relevant agencies, then announced to the public for comments before being approved.

The agencies issuing technical regulations shall approve and make public the master plan or programme on development of technical regulations, within 30 days from the approval date.

3. Where necessary, master plan or programme on development of technical regulations may be amended and supplemented according decision of the relevant agency issuing technical regulations . The amendment of master plan, programme on development of technical regulations shall be carried out under provisions in clause 2 of this Article.

Article 30. Bases for development of technical regulations

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

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

Article 31. Rights of organizations, individuals participating in development of technical regulations

1. Proposing and making comments on the master plans, programmes on development of technical regulations;

2. Preparing a draft of technical regulation in order to propose the agencies issuing technical regulations for consideration and promulgation;
3. Participating in preparation of draft technical regulations as assigned by the agencies issuing technical regulations.
4. Providing comments on draft technical regulations.

Article 32. Order and procedures for development, appraisal and issuance of technical regulation

1. Order and procedures for development, appraisal and issuance of national technical regulations
 - a) On the basis of the approved plan on development of technical regulations , the agency issuing national technical regulations who are specified in Article 27 shall organize the development of the technical regulations with the involvement of representatives from State management agencies, scientific and technological organizations, enterprises, other relevant agencies, , consumers and experts.
 - b) The agency issuing national technical regulations shall publicize draft technical regulations for public comments from organizations, individuals concerned; to arrange workshop with participation of stakeholders for collection of comment on the drafts. Period for public comment is at least 60 days, except in emergency cases to protect health, safety and the environment where the period may be shorter in accordance with decision of the agency issuing technical regulations.
 - c) The agency issuing national technical regulations shall study and collect comments from individuals and organizations; complete the draft and prepare dossier for technical regulations after having reached agreement with relevant ministries and branches on the contents and sent to the Ministry of Science and Technology for appraisal;
 - d) Ministry of Science and Technology organizes the appraisal of draft national technical regulations as specified in Article of this Law. The period of appraisal shall not exceed sixty days from the date of receiving valid dossier.
 - e) The agency issuing national technical regulations shall complete the draft and issue national technical regulation in period of thirty days from the date of receiving the agreement of the appraisal agency. In case of arguing against the result of appraisal, The agency issuing national technical regulations shall report the Prime Minister for consideration and conclusion.
2. Order and procedures for development, appraisal and issuance of local technical regulations:

- a) Based on the approved programme on development of technical regulations, People's Committees of provinces and cities under central authority shall organize the development of local technical regulations; The order and procedures for developing local technical regulations shall comply with the provisions in clauses 1.a and 1.b of this Article;
 - b) The People's Committees of provinces and cities under central authority shall publicize draft technical regulations for public comments from organizations, individuals concerned; to arrange workshop with participation of stakeholders for collection of comment on the drafts. Period for public comment is at least 60 days, except in emergency cases to protect health, safety and the environment where the period may be shorter in accordance with decision of the People's Committees of provinces and cities under central authority;
 - c) The People's Committees of provinces and cities under central authority shall study and take into account comments from organizations and individuals to complete the drafts, prepare the dossiers of technical regulations for submission to the competent agency stipulated in clause 1a, Article 27 of this Law for comment;
 - d) The People's Committees of provinces and cities under central authority shall issue local technical regulations in period of thirty days from the date of receiving the agreement of the agency specified in clause 1a, Article 27 of this Law.
3. The Government shall specify the content of dossier of draft technical regulation.

Article 33. Content of appraisal of technical regulations

1. Conformity of technical regulation with provisions of laws and relevant international commitments.
2. Consistency and synchronization of system of national technical regulations .
3. Compliance to the requirements of qualification, procedures in development of technical regulations.

Article 34. Enforcement of technical regulations

1. Technical regulation shall come into force after at least 6 months from the date of issue, except for cases stipulated in clause 2 of this Article.
2. In emergency cases for safety, health or environment, this period may be shortened as decided by the agency issuing technical regulations.
3. National technical regulations shall take effect through out the country; local technical regulations shall take effect in territory under management of the People's

Committees of provinces and cities under central authority issuing those technical regulations.

Article 35. Reviewing, amendment, supplement, replacement and annulment of technical regulations

1. The agency issuing technical regulations shall review technical regulations periodically once every 5 years since the date of issuance or earlier if necessary.
2. The amendment, supplement, replacement of technical regulations shall be carried out in accordance with the order and procedures stipulated in Article 32 of this Law on the basis of the review results or at the request of organizations, individuals.
3. The agency issuing technical regulations shall annul technical regulations in accordance to the following procedures:
 - a. Preparing the dossier for annulment of technical regulations on the basis of the review results or at the request of organizations, individuals; considering the dossier and deciding to annul national technical regulations after receiving the appraisal from Ministry of Science and Technology.
 - b) Based on the results of reviewing or at the request of organizations, individuals, the People's Committees of provinces and cities under central authority shall prepare dossier for annulment of local technical regulations; consider dossier and decide to annul local technical regulations after receiving comment from the agency specified in clause 1a, Article 27 of this Law.

Article 36. Notification, dissemination, registration, publication of technical regulations

1. The agency issuing technical regulations shall have the following responsibilities:
 - a) Make a notice on the issuance of technical regulations and the amendment, supplement, annulment thereof in period of at least thirty days from the date of decision.
 - b) Publicize, disseminate, provide guidelines for, and organize the application of the technical regulation.
 - c) Send a copy of technical regulation to Ministry of Science and Technology for registration.
 - d) Publish technical regulations.
2. The Ministry of Science and Technology shall annually issue a list of technical regulations.

Article 37. Responsibilities of application of technical regulation

1. Organizations and individuals are responsible for application of technical regulations;
2. In process of application of technical regulations, organizations and individuals shall be responsible for promptly reporting or making proposals on their queries or problems of non-conformity to the agency issuing technical regulations for their consideration and solution.

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

Article 38. Principle and method 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 basis for conformity assessment activities.

Article 39. Financial sources for development of technical regulation

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

Chapter IV ASSESSMENT OF STANDARD CONFORMITY AND CONFORMITY TO TECHNICAL REGULATIONS

Session 1 General provisions

Article 40. Basic requirements for conformity assessment

1. To ensure that the information about procedures for 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 or with regard to origins of goods, services, products or processes.
4. Conformity assessment procedures should be harmonized with the requirements of the relevant international organizations.

Article 41. Classification of conformity assessments

1. Assessments of conformity with standards and technical regulations are carried out by conformity assessment bodies or organization, individuals who declare the conformity.
2. Assessment of conformity with standards shall be carried out voluntarily at the request of organization or individual in the form of testing, inspection, certification and declaration of conformity with standards.
3. Assessment of conformity with technical regulations shall be carried out mandatorily in accordance with the State management requirements in the form of testing, inspection, certification and declaration of conformity with technical regulations.

Article 42. 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 methods and means home or abroad.

Article 43. Marks of conformity with standards and technical regulations

1. Mark of conformity with standards and mark of conformity with technical regulations are the evidence proving the conformity of product, goods with the relevant standard (s) or technical regulation (s) . .
2. Mark of conformity with standards will be given to products, goods after products, goods pass standards conformity certification.
3. Mark of conformity with technical regulations will be given to products, goods after products, goods pass technical regulations conformity certification and declaration.

Section 2 Assessment of Conformity with Standards

Article 44. Standards conformity certification

1. Standards conformity certification is realized by a contract between organizations, individuals who require a certification with certification body stipulated at Article 50 of this Law.
2. Standards used for certification may be national standards, international standards, regional standards or foreign standards that meet requirements stipulated in Article 40 of this Law.

Article 45. Standards conformity declaration

1. The organizations, individuals shall declare on the conformity of their products, services and processes based on certification results done by certification organization that stipulated at Article 50 of this Law or results of their self-conformity assessment.
2. The organizations, individuals declaring the conformity with standards shall be registered their declaration form at the State competent agency.

Article 46. Rights and obligations of organizations, individuals who request a standards conformity certification

1. Organizations, individuals who request a standards conformity certification shall have the following rights:
 - a) To select a conformity certification body;
 - b) To be granted the certificate of conformity with standards to products, goods, services, processes, environment which have passed standards conformity certification.
 - c) To use mark of conformity with standards directly on the certified products, their package or documents;
 - d) To complain about the results of certification, violations of certification body in term of certification contract ;
2. Organizations, individuals who request a standards conformity certification shall have the following obligations:
 - a) Ensure the conformity of products, service and processes with the standards used for certification;
 - b) Display correctly information of the certificate given to the certified products, goods, package and documents thereof;
 - c) Notify to the conformity certification body when the certification standards has been amended, added;

- d) Pay certification fee.

Session 3

Assessment of Conformity with Technical Regulations

Article 47. Technical regulation conformity certification

1. Technical regulations conformity certification shall be mandatory to products, service or processes provided for in relevant technical regulations.
2. Technical regulations used for technical regulation conformity certification are national technical regulations, local technical regulations that meet the requirements prescribed in Article 42 of this Law.
3. Ministry, ministry-level agencies, People's Committee of province and city under central authority as specified in Clause 1 and clause 2, Article 27 of this Law, based on examination and selection among certification bodies as set out in Article 50 of this Law, shall assign bodies who have right to carry out certification of conformity with technical regulations which have been issued by themselves.
4. The assigned conformity certification bodies will carry out technical regulation conformity certification under method specified by the State competent agency.

Article 48. Technical regulations conformity declaration

1. Organizations and individuals producing or trading goods/products subject to application of technical regulations shall have the obligation to declare products, goods, services, processes and environment in conformity with the relevant technical regulations, based on the results of technical regulations conformity certification completed by the assigned conformity certification bodies as specified in clause 3, Article 47 of this Law, or the results of self-assessment completed by organizations and individuals, based on the test report issued by the accredited or assigned testing laboratories.
2. The organization or individual making technical regulations conformity declaration must register forms of declaration with the State competent agency.

Article 49. Rights and obligations of organizations, individuals requesting for technical regulations conformity declaration

1. Organizations, individuals requesting for technical regulations conformity declaration shall have the following rights:
 - a) To select an eligible certification organization out of the assigned certification bodies pursuant to clause 3, Article 47 of this Law;

- b) To be granted the certificate of conformity with technical regulation to products, goods, services, processes, environment which have passed technical regulations conformity certification;
 - c) To use the mark of technical regulation conformity directly on the products/goods; their packages; or documents relating to the products/goods and processes in respect of which technical regulations conformity certification and declaration have been made;
 - d) To complain about breaches of the certification contract signed with the certification organization in accordance with the law;
 - e) To complain about the results of technical regulations conformity certification, violations of the conformity certification body in term of certification contract.
2. Organizations, individuals requesting for technical regulations conformity declaration shall have the following obligations:
- a) Ensure the conformity of products, service and processes with the respective technical regulations;
 - b) Display correctly information of the certificate given to the certified products, goods, package and documents thereof;
 - c) Submit documents which prove the technical regulation conformity assurance of the products, goods, service, processes, environment with the respective technical regulations at the request of the State competent management agency or the conformity certification body;
 - d) Stop temporarily the distribution of the products, service, process which are non-conformed with the respective technical regulations by decision of the State competent agency;
 - b) Pay fees for technical regulations conformity certification.

Session 4

Conformity certification organizations

Article 50. Conformity certification bodies

1. Self-financed organizations providing technical services
2. Businesses;
3. Branches of foreign certification bodies operating in Viet Nam.

Article 51. Operational conditions of conformity certification bodies

The conformity certification bodies shall meet the following conditions:

1. Having the organizational structure and competency to meet the requirements of national standards, international standards for conformity certification bodies;
2. Establishing and maintaining the quality management system in conformity with the requirements of national and international standards.
3. Being registered on standards conformity certification and technical regulation conformity certification at the State competent agency.

Article 52. Rights and obligations of conformity certification bodies

1. Conformity certification bodies shall have the following rights:

- a) To grant certificates of standard conformity or technical regulation conformity to the certified products, services, processes, environment in conformity with standards or technical regulations;
- b) To grant the right of using the mark of standards conformity or the mark of technical regulations conformity to products, goods which have been certified in conformity with standards or technical regulations.
- c) To withdraw granted certificates of standard conformity or technical regulation; the right of using the mark of standards conformity or the mark of technical regulations;

2. Conformity certification bodies shall have the following obligations:

- a) Carry out the standards conformity certification or technical regulations conformity certification for the field(s) which have been registered, on basis of contract signed with organizations, individuals requesting certification;
- b) Ensure the impartiality and equality in operation of standards certification or technical regulations certification; do not provide consultancy service to organizations, individuals requesting certification;
- c) Ensure information gathered during certification process be kept confidentially;
- d) Supervise over the certified objects to ensure them in continuous conformity with the respective standards or technical regulations;
- e) Be responsible before law on their own activity;
- f) Notify publicly on media about the withdrawal of granted certificates and the right to use the mark of conformity with standards, the mark of conformity with technical regulations.

Article 53. Accreditation activity

1. Accreditation activity shall be provided to the following organizations:
 - a) Testing laboratory;
 - b) Calibration laboratory;
 - c) Certification body;
 - d) Inspection body.
2. Bases for accreditation are national standards, international standards.
3. Accreditation activities shall be carried out by accreditation bodies stipulated in Article 54 of this Law.

Article 54. Accreditation body

1. Accreditation body shall be self-financed technical organization authorized to evaluate and accredit competence of the subjects stipulated in clause 1, Article 53 of this Law.
2. Accreditation body must meet the following requirements:
 - a) Having the organizational structure and competence to meet the requirements of national standards, international standards for accreditation body; being recognized by international or regional accreditation organizations;
 - b) Operating in compliance to the requirements stipulated in the respective national, international standards;
 - c) Establishing and maintaining quality management system in conformity with national standards, international standards;
 - d) Operating independently and impartially;
3. Minister of Science and Technology shall stipulate the organization and operation of accreditation body.

Article 55. Rights and obligations of accreditation body

1. Accreditation body shall have the following rights:
 - a) To issue accreditation certificates to the subjects provided for in clause 1, Article 53 of this Law.
 - b) To revoke accreditation certificates.

2. Accreditation body shall have the following obligations:
 - a) To carry out accreditation activity on a request of organizations, individuals
 - b) To ensure the principles of independence and impartiality during the accreditation activities; do not provide with the consultancy service to the organizations requesting accreditation;
 - c) Ensure information gathered during certification process be kept confidentially;
 - d) Supervise over the accredited bodies to ensure their competence in continuous conformity with the respective standards;
 - e) To be responsible before the law for their accreditation activities.

Article 56. Rights and obligations of accredited bodies

1. Accredited bodies shall have the following rights:
 - a) To be given priority to using results of conformity assessment of accredited certification, testing, calibration, inspection for the service of State management requirements.
 - b) To complain about accreditation results by the accreditation body for agreed terms and conditions;
 - c) Conformity certification body specified in clause 1c, Article 53, of this Law shall also have the rights specified in clause 1, Article 52 of this Law.
2. Accredited bodies shall have the following obligations:
 - a) Ensure the organizational structure and competence which have been accredited to meet the requirements of the respective national standards, international standards;
 - b) Maintain the quality management system in conformity with the respective national standards, international standards;
 - c) To ensure the principles of independence and impartiality during the conformity assessment activities;
 - d) Conformity certification body specified in clause 1c, Article 53, of this Law shall also have the obligations specified in clause 2, Article 52 of this Law;
 - e) Pay fees for accreditation.

Article 57. Mutual recognition arrangements

1. Mutual recognition arrangements include:

- a) Recognition of the results of conformity assessments by Viet Nam and other nations, territories under the international treaties to which Viet Nam is a member;
2. The conformity assessments fulfilled by Viet Nam and other nations, territories in order to mutually recognize the results of conformity assessment are performed on basis of the agreement between parties concerned.
2. Ministry of Science and Technology presides and coordinate with the relevant ministries, ministry-level agencies to organize the implementation of mutual recognition arrangements specified in clause 1 of this Article.

Chapter V

RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS IN THE FIELD OF STANDARDS AND TECHNICAL REGULATIONS

Article 58. Responsibilities of the Government

The Government shall carry out uniform State management in the field of standards and technical regulations nationwide.

Article 59. Responsibilities of the Ministry of Science and Technology

1. The Ministry of Science and Technology shall be responsible to the Government for carrying out uniform State management of standards and technical regulations.
2. The Ministry of Science and Technology shall have the following responsibilities:
 - a) To develop, issue or submit to the competent level for issuance of, and organize the implementation of, policies, strategies in the field of standards and technical regulations ; organize the setting of, and approve master plans and programs on development of national standards and technical regulations in the fields assigned;
 - b) To develop, issue or submit to the competent level, person for issuance of, legal normative documents on standards and national technical regulations, and organize the implementation of those documents.
 - c) To carry the appraisal, and publicize national standards; organize the development and publicize national standards for sectors assigned; issue the status of organization and operation of national standards technical committees; provide the guidance on development and application of national standards; provide guidelines for the development and issuance of local standards; provide guidelines for development and application of organization's standards; provide guidelines for of application of international, regional and foreign standards.
 - d) To carry the appraisal of national technical regulation; To provide guidelines for development of technical regulations; organize and issue national technical regulations in sectors assigned;

- e) To manage and provide guidelines for conformity assessment activities.
- f) To build up and develop human resource for the field of standards and technical regulations; organize scientific research and technological development in the field of standards and technical regulations
- g) To manage international cooperation activities concerning standardization.
- h) Organize and manage the operation of national network on notification and enquiry of standards, technical regulations and conformity assessments.
- i) To prapagandize, organize and guide the implementation of laws on standards and technical regulations; carry out statistic works relating to standards and technical regulations.
- k) To supervise and inspect the observance of laws and policies concerning standards and technical regulations; to deal with violation in accordance with laws; to deal with complaints and denunciations about breaches of legislation on standards and technical regulations in accordance with laws of complaints and denunciations .

Article 60. Responsibilities of ministries, ministerial-level agencies and Government agencies

1. Ministries, ministerial-level agencies and Government agencies, within the scope of their respective functions, duties and powers, shall have the following responsibilities:
 - a) To develop, issue, or submit to the competent organ, person for issuance of, relevant legal normative documents on standards and technical regulations;
 - b) To organize the development and approval of master plans, programs for development of national technical regulations; organize the development and promulgate the national technical regulation for the sector assigned;
 - c) To propose the master plans, programs to develop national standards; organize the preparation of draft national standards for sector assigned;
 - d) To manage the development and issuance of local technical regulations; provide with comments to local technical regulations;
 - e) To manage activities of technical regulations conformity declaration and certification;
 - f) To carry out statistical works relating to the development, issuance, application of technical regulations issued by themselves;

- g) To participate in international cooperation on standards and technical regulations; propose plans for development of national standards; to coordinate with the Ministry of Science and Technology in compiling draft national standards;
- h) To disseminate, popularize and provide guidelines for, the application of standards and technical regulations.
- i) To supervise and inspect activity relating to technical regulations ; to deal with breaches under provisions of laws.
- k) To deal with complaints and denouncement relating to technical regulations under laws on complaints and denouncement.

2. Governmental agencies in their authority shall have the following responsibilities:

- a) To develop and submit to the competent organ, person for issuance of, relevant legal normative documents on standards and technical regulations.
- b) To develop and submit to the competent organ, person for approval of, master plans, programs for development of national technical regulations;
- c) To organize the development of draft national technical regulations; provide with guidelines for the development and issuance of local standards; provide with guidelines for development of local technical regulations; provide with comments on draft local technical regulations;
- d) To propose the master plans, programs to develop national standards; organize the preparation of draft national standards for sector assigned.
- e) To disseminate, popularize and provide guidelines for, the application of standards and technical regulations;
- f) To participate in international cooperation on standards and technical regulations;
- g) To supervise and inspect activity relating to technical regulations; to deal with breaches under provisions of laws.
- h) To deal with complaints and denouncement relating to technical regulations under laws on complaints and denouncement.

Article 61. 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 following responsibilities:

1. To propose plans for development of national standards and national technical regulations; to organize the preparation and implementation of plans for development of local technical regulations.
2. To develop documents and provide guidelines for application of local technical regulations;.

3. To build the technical infrastructure needed to the activity of standards and technical regulations in locality;
4. To disseminate, popularize and educate laws on standards and technical regulations;
5. To supervise and inspect the observance of laws relating to technical regulations ; to deal with breaches under provisions of laws.
6. To deal with complaints and denouncement relating to technical regulations under laws on complaints and denouncement.

Article 62. Responsibilities of business organizations and individuals

1. To declare standards applied for their products, goods, services, processes, environment in accordance with the law; to ensure that their products, goods, services and processes are in conformity with the standards or technical regulations.
2. To declare their products, goods, services, processes, environment in conformity with the relevant technical regulations; Propose programmes for development of national standards and technical regulations;
3. To ensure their products, goods, services, processes, environment in conformity with technical regulations, declared standards.

Article 63. Responsibilities of association, society

1. To give comments on draft legal normative documents, draft national standards and technical regulations concerned;
2. To disseminate, popularize and train the knowledge to members; provide with necessary information of standards and technical regulations to members and the State competent agencies under laws.

Chapter VI

INSPECTION AND DEALING WITH COMPLAINTS, DENUNCIATIONS AND DISPUTES ABOUT STANDARDS AND TECHNICAL REGULATIONS ACTIVITIES

Article 64. Inspection of standards and technical regulations activities

1. Inspectors of standards and technical regulations activities shall carry out specialized inspectorate functions.
2. The duties and power of standards and technical regulations inspectors shall be in accordance with the inspection legislation.

3. The Government shall provide for the organization and operations of standards and technical regulations inspectors.

Article 65. Dealing with breaches of standards and technical regulations legislation

1. A person breaching standards and technical regulations legislation, depending on characteristics and levels of violations, 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 law.
2. An organization breaching standards and technical regulations legislation, depending on characteristics and levels of violations, 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 law.

Article 66. Complaints and denunciations about standards and technical regulations activities

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 interests in accordance with the law.
2. Individuals are entitled to denounce to the State competent agency or person about the acts breaching standards and technical regulations legislation.

Article 67. Dealing with complaints and denunciations about activities of standards and technical regulations

The State agencies and persons authorized to deal with complaints and denunciations shall be responsible for considering and dealing with complaints and denunciations about standards and technical regulations in accordance with the law.

Article 68. Resolution of disputes concerning standards and technical regulations

The State shall encourage to carry out reconciliation where occurs disputes of standards and technical regulations between related parties; if reconciliation may not carried out, such parties are entitled to take to the court or arbitration in accordance with law.

**Chapter VII
FINAL PROVISIONS**

Article 66. Transitional provisions

1. National and organizational (company) standards already issued in accordance with the 1999 Ordinance on Goods Quality, other laws and ordinances shall be considered for being converted into national standards or national technical regulations.
2. Technical requirements, procedures, normative and technical documents subject to compulsory implementation and already issued for State management purpose shall be considered for being converted into technical regulations.
3. The Government shall provide for the conversion of organizational (company) standards into national standards or national technical regulations as regulated in clause 1 of this Article; and for conversion of technical requirements, procedures, normative and technical documents subject to compulsory implementation into technical regulations as in clause 2 of this Article

Article 70. Enforceability

This Law takes effect as from 1st January 2007

Article 71. Implementation guidelines

The Government shall make detailed provisions for and provide guidelines for the implementation of this Law.

This Law has been ratified by the Legislature XI of the National Assembly of the Socialist Republic of Vietnam in its 9th session on 29 June 2006.

THE CHAIRMAN OF THE NATIONAL ASSEMBLY

NGUYEN PHU TRONG