



## **Food Safety Policy Review**

**Dr. Tran Cong Thang and Dinh Thi Bao Linh<sup>1</sup>**

**Key words:** food safety, polices, Vietnam.

### **INTRODUCTION**

In addition to food security, food safety has been a major concern for the Government of Vietnam in recent years because food safety and quality is necessary not only for the community's health but also for achieving sustainable agricultural growth. The importance of food safety comes from the fact that cases of trading and transporting of tainted, rotten or smuggled foods in big quantity have been detected frequently. More worryingly, the cases are just a small part of unhygienic goods in circulation now. Unsafe foods cause diseases, affecting health, and threatening the life of people.

Therefore, the Government has prioritized strengthening the food safety management system and food safety assurance in food production, trading and processing facilities. As the Government sets the target to basically control food safety in the whole food supply chain by 2020 while actively protecting health and interests of consumers, the demand for safe products is the biggest force in improving the quality of farm products.

#### ***Objectives:***

This assignment aims to:

- (i) Provide a brief review on food safety policies in Vietnam.
- (ii) Identify key policy and regulatory gaps and further task of policies on food safety in Vietnam

#### ***Scope and methodology of policy review***

---

<sup>1</sup> Institute of Policy and Strategy for Agriculture and Rural development of Vietnam

While there is a large range of legal documents on food safety (about 400 documents issued by the Central Government and ministries and about 1000 documents issued by local governments), in this policy review, we focus on policies issued by the Central Government agencies and by Vietnam's two biggest cities: Hanoi and Ho Chi Minh city.

## **POLICIES ON FOOD SAFETY IN VIETNAM**

### **Policies issued by the central Government:**

#### ***Policies for implementing the Law on food safety (FSL)***

As the umbrella law guiding food safety in Vietnam, the Law on food safety (FSL) was signed by Former President Nguyen Minh Triet on June 28, 2010, approved by the National Assembly on 17<sup>th</sup> June, 2010 and entered into force on July 1, 2011<sup>2</sup>. The law provides organizations and individuals with rights and obligations to ensure food safety; conditions for food safety; food production and trading; food import and export; food advertisement and labeling; food testing; food risk analysis; prevention and dealing with food safety incidents; information, education and communication on food safety; and state management of food safety. Specific guidelines, and implementing regulations for the FSL continue to be developed by the Office of the Government, MARD, MOIT, and MOH. In general, to satisfy the relevant technical regulations, to comply with the regulations on limits of pathogenic micro-organisms, residues of pesticides, veterinary medicines, heavy metals, contaminant agents and other substances in food which may cause harm to people's health and lives. Depending on each category of food, apart from these above provisions, food shall also have to meet one or some regulations as follows (i) Regulations on use of food additives and substances assisting food processing in producing and trading food; (ii) Regulations on packaging and labeling of foods; (iii) Regulations on preservation of food.

On 25<sup>th</sup> April, 2012, the Prime Minister Nguyen Tan Dung signed the Decree No 38/2012/ND-CP detailing implementation of some articles of FSL. This Decree is based on three important laws including the Law on Food Safety (17<sup>th</sup> June, 2010), the Law on Standards and Technical Regulations (29<sup>th</sup> June, 2006) and the Law on Product quality (21<sup>st</sup> November, 2007). The Decree guides MARD, MOIT and MOH on implementing provisions of the FSL, including (i) Declaration of Conformity to Technical Regulations for FS regulations, (ii) Safety requirements for genetically modified foods (iii) Granting and withdrawing FS certificates for establishments that meet food safety requirements; (iv) State inspection on food safety for imported and exported foods; (v) Labeling of food products; and (iv) Delegation of responsibilities for state management of food safety to the relevant Ministries including MOH, MARD, and MOIT. Before the official issuance, Vietnam notified the Decree No.38 to the WTO SPS Committee on 25<sup>th</sup> March, 2011 (G/SPS/N/VMN/27). The Decree entered into force on 11<sup>th</sup>

---

<sup>2</sup> Before the official issuance of the law, Vietnam had notified the Draft food safety law (FSL) to the World Trade Organization's (WTO) Sanitary and Phytosanitary Committee (SPS) (G/SPS/N/VNM/08) on September 15, 2009.

June, 2012. Three ministries (MOIT, MOH and MARD) are currently developing Circulars and Technical Regulations to enforce sections of the Decree.

To concretize the objectives and measures to achieve food safety objectives for the period 2012-2015, on 9<sup>th</sup> July, 2012, the Prime Minister signed Decision No. 1228/QĐ-TTg approving the national target program on food hygiene and safety during 2012-2015. The main targets of the Program include: To test the conditions ensuring food safety of 100% of the business and producers of agricultural products, the rate of violated samples is under 6% of total number of samples tested; 80% of local department of quality assurance in the agricultural sector are invested infrastructure. To accomplish these targets, the project has six components, including five projects to ensure food safety in agriculture, forestry and fisheries.

The Prime Minister has issued the Decision 20/QĐ-TTg on the National Strategy on Food Safety in the 2011 – 2020 period with a vision to 2030. The strategy points out that ensuring food safety is ensuring interests of consumers and health of people, a frequent task that needs focal instruction of Party organizations and authorities, and responsibility and interests of organizations and individuals who trade or produce foodstuffs, as well as consumers. One of the five specific targets set in the strategy is improving knowledge and practice about food safety for certain groups. Specifically, by 2015, some 70% of foodstuff producers, processors and traders, 80% of managers (including leaders of relevant ministries and sectors), and 70% of consumers will have right practice and knowledge about food safety. Another target is improving capacity of the food safety management system. By 2015, all large foodstuff production and processing facilities, 40% of catering service providers, 80% of collective kitchens will be granted food safety certificates. Meanwhile, all supermarkets and half of official markets will be monitored in terms of food safety. By 2015, it is poised to reduce 25% of acute food poisoning cases with at least 30 victims each, compared with the average figure in the 2006 – 2010 period, while the number of acute food poisoning sufferers will be lowered to 8 per 100,000 residents. The rate will decrease to 7/100,000 by 2020. By 2030, all foodstuff producers, processors, traders, managers and consumers will have right practice and knowledge about food safety; and all foodstuff production, processing and trading facilities will meet food safety requirements

While there are numerous documents in the field of food safety, the scope and level of adjustment still overlap and fail to meet the requirements of actual production-circulation, especially producers of small facilities without registration of business, due to lack of proper management. Regarding system of legal documents, technical standards, there is lack of overall strategic document on the access of quality management and food safety chain, which has assigned separate bodies of quality management and food safety management to achieve effective prevention (apply good practices to minimize risk) than against (address food safety incident to sanctions). Related legal documents do not separate clearly two principles of food safety management which are applied around the world: "screening" is a compulsory element as HACCP format following Food Safety Law; and "encourage" are voluntary elements to manage as GAP format. There is no specific route to implement compulsory HACCP for chains which are at risk of losing food safety. The legal document of food safety management of agriculture, forestry and fisheries are not synchronized and no similarity among those industries (Fisheries, Plant, Terrestrial Animal ). Some industries do not have enough document of management

system across the entire production chain. Some documents are assigned with duplicate management agencies on the same object causing a lack of accountability.

### ***Policies on organization, inspection and testing mechanism of food hygiene and safety***

In order to systematize the organization, inspection and testing mechanism of food safety, on 18, July, 2008, the Government issued Decree No. 79/2008 / ND-CP on organization, inspection and testing system of food hygiene and safety.

An inter-ministerial steering committee for food safety was also found under Decision No. 48/2005 /QD-TTg of March 8, 2005 of the Prime Minister in order to create a unified state management of food safety. The function and organization of this committee was then strengthened under Decision No. 408/QD-TTg of March 31, 2009. However, members of this committee are only part-time officers who come from different agencies and the committee generally only hold the inspection in some occasions in the year such as Lunar New Year, or in a campaign of food safety.

To concretize some remedies for violations of food safety, on 08<sup>th</sup> November 2012, the Government issued Decree No. 91/2012 /ND-CP on sanctioning of administrative violations of safety food, which provides the maximum. The maximum amount of fine for an administrative violation of food safety is VND 100 million.

The Inter-Ministerial Circular 13/2014/TTLB-BYT-BNNPTNT-BCT was issued on April 9, 2014, and entered into force on May 26, 2014. The Circular replaces different Inter Ministerial Circulars issued during the period of 2005-2006 regarding the coordination of state management of food safety between the Ministry of Health and former Ministries including the Ministry of Industry (MOI); Ministry of Trade (MOT); Ministry of Agriculture and Rural Development (MARD); and Ministry of Fishery (MOF). MOI and MOT were merged into one Ministry called, the Ministry of Industry and Trade (MOIT) and the Ministry of Fishery was integrated into MARD. This Circular provides guidelines on state management of food safety; state coordination on the inspection and control of food safety; and the procedures for issuance of the Confirmation of Food Safety Knowledge, among MOH, MARD and MOIT. The Circular applies to state agencies responsible for food safety management; organizations and individuals producing and trading food products in Vietnamese territory; or other related organizations and individuals. The Circular 13 provides the detailed lists of food products under MOH, MARD, and MOIT management in the Appendices 1, 2, and 3, respectively. This provides additional clarification regarding which Vietnamese Ministry is responsible for what set of food products and applies to both domestically produced food, as well as imported food products. The responsibility of health inspection and customs clearance of imported food products is divided among the three Ministries as outlined in Appendices 1, 2, and 3. Inspection and examination activities shall have to ensure that there is no overlap between the sectors and levels, to ensure the inspection and examination activities are unified from the central to local levels. Inspection and examination plans of lower level agency coincide with the inspection and examination plans of upper level agency, it is implemented in accordance with the inspection and examination plans of the upper level agency.

In order to enhance the quick warning system and determine the risk of food safety, on 27 March, 2013, the Prime Minister issued Decision No. 518 / QD-TTg approving the project of warning system and risk analysis of food safety in Vietnam

In addition to the above policies, commitments of Vietnam on TBT/SPS in bilateral and multilateral trade agreement also contribute to improving food safety in Vietnam

There are no specific rules to distinguish the scope, objects, content of inspection activities regularly, scheduled inspection, inspection testing and specialized inspection.

The responsibility of stakeholders has been clarified in Decree No. 38/2012/ NĐ-CP: the Ministry of Agriculture and Rural Development in charge of food hubs and farm products auctions, the Ministry of Industry and Trade in charge of foods sale in retail markets, the Ministry of Health in charge of foods on the tables. However, it is very difficult to control the quality of foods produced by small-scale farmers and in retail markets or on streets because these products are not readily traceable. In reality, there are also many obstacles in putting in practice the Circular No. 14/2011/TT-BNNPTNT regulating the inspection and assessment of agencies specified in agro-aqua-forestry materials and the Circular No. 74/2011/TTBNNPTNT regulating unsafe agro-aquaforestry food traceability, withdrawal and processes. According to the Circular No.14/2011/TTBNNPTNT, after 5 times of inspection and warning, if the agencies still cannot meet the regulation, the minutes will be made and be sent to the People Committee or the Department of inspection to consider or withdraw business licences. However, many agencies are still trading without licences. Hence, the withdrawal of business licence is not effective.

### ***Policies for enhancing production and market development for safe foods:***

In addition to general policy on food security, the Government has also issued a number of policies directly support the development of production and food safety markets.

#### *Policies for enhancing safe foods production:*

- Policies on VietGap application in foods production:

On 30 July, 2008, the Prime Minister signed Decision No. 107/QD-TTg approving policies to support the development of production, processing and consumption of VietGap vegetables, fruits and tea to 2015. According to this decision, in the year of 2015, 100% of vegetables, fruit, tea production in the region will focus and meet safety requirements; 100% vegetable products, tea consumption in the country, as raw materials for foods processing and export get VietGap certification. State budget will support cost for topographic survey, identify the eligible production of vegetables, fruits and tea concentrate; construction, infrastructure improvements. Local budgets support investment, storage, trade promotion and technologies transfer.

Then the Decision No. 01/2012/QD-TTg on 9<sup>th</sup> January 2012 supports the adoption of Vietgap in agriculture, forestry and fisheries (replacing the Decision No.107/2008/QD-TTg on 30th July 2008), contributes to increasing productivity and output, changing farming technique and raising agricultural value added by over 30%. The government support all costs associated

with baseline surveys, topographical surveys, soil analysis, water sampling and air sampling to determine the production area for applying Viet GAP while provincial authorities act as the main actor in this activity. From 2008 to 2013, the total fund for R&D transfer was about 3.9 trillion VND. MARD issued the Circular No. 53/2012/TT-BNNPTNT on the list of agricultural products pursuant to Decision No. 01/2012/QĐ-TTg. The ministry certified 162 technological processes and applications of crop cultivation and 266 Vietnamese standards for producing agricultural, aquacultural and forest products.

Most consumers want to buy safe foods, but they often cannot tell them apart from unsafe products. The confusion was caused by low public awareness about VietGAP (Vietnamese Good Agricultural Practices), a certificate granted to farm products that meet the standards in production and post-production processes. VietGAP is applied to five agricultural products, including coffee beans, tea leaves, rice, fruits and vegetables

On Oct 26, 2012, MARD issued Circular No.53/2012/TT-BNNPTNT on identifying rural areas eligible for food safety production and having enough conditions apply VietGap process to agro-products under List of supported agro-products regulated on Decision No. 01/2012/QĐ-TTg on Jan 9, 2012 mentioned above.

On Nov 19, 2013, MARD issued Circular No.49/2013/TT-BNNPTNT on guiding criteria to determine areas qualified for safe food production. An area with full conditions to be recognized as the area for safe food production, should have these criteria:

- In accordance with the agriculture development planned by local government
- Scale of production is suitable to local households and crops
- Planting only one kind of crop as regulated in Clause 1 Article 2 of Circular No. 53/2012/TT-BNNPTNT; however some paddy/vegetable areas can be rotated with other kinds of annual crop
- Limiting fertilizer/pesticide residual in soil, water and air environment which affects quality of agro-products. Requirement of permissible limits of heavy metals in agricultural land was regulated QCVN 03: 2008/BTNMT on national technical regulation on the allowable limits of heavy metals in the soils issued by Ministry of Natural Resources and Environment on July 18, 2008.

These policies have an important role in supporting farmers to apply food safety production method. However, the Government should deal with the matter of unstable output market for safe products, which leads to unsustainable development, because farmers can not continue to carry safe method if they do not gain high and stable selling-price from the market. Recently, there are only 18 paddy production units qualified with VietGAP (Vietnam good agricultural practices) production, of which 12 units in the Mekong river Delta.

- *Policies for food safety in the value chain*

In addition, to enhance the quality management of agricultural materials and food safety, the Government has directed complete the project "Construction and development model supply chain food safety across the country" , the project "ensuring food safety in the slaughter and transport of cattle, poultry," project "Development of production and consumption of safe vegetables".

In order to improve the quality and safety of products; while contributing to the sustainable development of the sector, as a basis for ensuring food safety for under the provisions of Article 63, Chapter 5, Food Safety Act 2010, the Ministry of Agriculture and Rural Development issued regulations on good manufacturing practices in crop and livestock production under different legal documents, including the Decision No.379/QĐ-BNN on application of GAPs in fresh fruits and safe vegetables, issued on January 28 2008; Decision No. 1121/QĐ-BNN (issued in April 14, 2008) on the GAP for fresh tea,; Decision No.64/2008/QĐ-BNN on regulations on production management, business of perennial fruits, issued in May 23, 2008; the Decision No.1948/QĐ-BNN-CN issued in August 23, 2011, on the GAPs for safe chicken farmer,; the Decision No. 1947 / QĐ-BNN-CN issued in August 23, 2011 on the GAPs for pig breeding farm, etc.

- *Policies on market development for safe foods.*

In order consolidate the food safety management in the wholesale sector, the MARD issued the Circular on conditions of food safety in wholesale markets and agricultural products' auction center"<sup>3</sup>.

MARD has implemented also Circular No.14/2011/TT-BNNPTNT on the statistics, inspection, assessment the food safety management of agricultural producers and traders. These stakeholders are sorted by 3 levels of food safety, of which A is the best and C is the worst.

The central Government and local governments give also priority to the food safety management, both in term of human resource and financial support, in order to help farmers, traders to join or implement pilot models providing safe foods. Small and medium stakeholders (producers, traders) who apply food safety criterias for the first time will be supported during the first year: (i) Test food samples, (ii) Provide quick test.

In order to assure food safety of imported agricultural products, MARD issued the Circular No. 25/2010/TT-BNNPTNT in 2010 and the Circular No. 13/2011/TT-BNNPTNT in 2011 to support the market development of safe foods which aims to control imported foods (origin check, sample test). In case of food safety violation, all products will be confiscated. The name of importers of these products will be published and announced to competent agencies of exporting countries.

With the aim of promoting the foods safety management, in Jan, 2015, the Ministry of Health officially launched two public online services on food safety and hygiene. The first service is to receive document from businesses asking for food safety approval and the second is to grant certificate to these certified restaurants. The application of online service is one of policies that the ministry is determined to follow in a bid to strengthen administrative reform as per the government's guideline. The online service facilitated businesses in carrying out public services and save businesses' money, time and efforts as well as ensure transparency to avoid corruption. In 2015, the Ministry will continue implementing the application of IT in other fields including pharmaceutical management, medical equipment and treatment procedures. According to the Food Administration of Vietnam, a part of the Ministry of Health, after four month implementation of online public service of granting certificates of food advertisement, the

---

<sup>3</sup> In the decree No. 38/2012/NĐ-CP on 25, April 2012, MARD is attributed to manage food safety in wholesale market in agricultural products' auction centers.

administration has granted nearly 600 certificates via the web. Online certificate granting provinces not only bring benefit to business but also facilitate the management and searching for document.

## **SOME EXAMPLE OF POLICIES ON FOODS SAFETY AT PROVINCIAL LEVEL**

### **2.1 Hà Nội city**

Recognizing the importance of the capital of the country and increasing population, the Government of Hanoi have issued many policies in order to facilitate the production and market development of safe foods.

The Municipal People's Committee issued Plan No. 216/KH-UBND on December 22 on ensuring food safety in 2015. Accordingly, in 2015, Ha Noi focuses on improving people's awareness on food quality and safety, management and testing system to ensure food quality and safety. Ha Noi also aims to minimize cases of food poisoning (maximum six cases per 100,000 people) and food-borne diseases, along with expanding clean vegetable planting areas, animal husbandry, aquaculture and developing food safety chain models.

Competent agencies will tighten control over quality and safety of food products, and strengthen inspections to strictly fine any violation; improve knowledge on food safety for all steering committees of districts, towns, wards, and communes; provide proper knowledge on food safety for 78% food suppliers, traders and 78% consumers, and training for all food safety officers to improve knowledge and management skills on food safety; focus on inspecting and classifying producing and processing facilities on agriculture and forestry products, and enlarging clean vegetable planting areas

Before, in 16<sup>th</sup> August, 2013, the People Committee of Hanoi city launched the Plan No. 133/KH-UBND on the planning of sluttering system and livestock processing in the city to the year of 2020, aiming at controlling livestock production, distributing and trading and protecting consumers' health.

The department of agriculture and rural development of Hanoi (under the People Committee of Hanoi) has implemented the Project of managing sluttering of livestock in the period of 2013-2016. The project sets main objectives including: (i) Completing the Phase 1 of planning a better slaughters' system in Hanoi to 2020 (according to the Decision No. 5791/QĐ-UBND of the People Committee of Hanoi on 12, December 2012); (ii) Build 10-15 slaughter centers in districts in the period of 2013-2016. (iii) To 2016, reducing 50% of small slaughters; (iv) concentrating slaughters meet 70% of demand of pork, 60% of poultry, 50% of beaf and bufflo.

### **2.2. Ho Chi Minh City**

In Ho Chi Minh City (HCMC) - the most populous city in the country, the policy on food safety has been among most interested policies of the city's Government.

year 2008 was considered a breakthrough year in the implementation of programs to stabilize the market of essential commodities in the city, by the scale program as well as the number of enterprises (companies) to participate in comparison with previous hikes. This is also the year

that the City issued a series of polices, projects and programs to support businesses make the best program to stabilize the market, contributing to social security. These policies may include the development plan of foods production and distribution to assure the food price stabilization of the city during 2008-- 2015; programs to ensure food safety in the period of 2011-2015, with a vision to 2020; the project of developing the distribution system to build a pilot model, focusing on stabilizing commodity locality. After 5 years of implementation, these projects and the programs have been contributed to the “clean production and clean consumption” in the city.

In 2013, the Government of Ho Chi Minh City has approved the plan of establishing a pilot model of safe food supply chain in the city. The purpose of the project is to gradually build a good supply chain of fresh and safe food, which meet the food demands of consumers in the city both in terms of quantity and safety.

In 2015, The Department of Food Safety of Ho Chi Minh city will connect its database with 13 State-run food safety testing and certification laboratories with an aim to streamline licensing procedures. In the past, applicants complained much about money- and time-consuming processes for food testing and licensing as they must go to different agencies to complete relevant procedures before they can get certificates for customs clearance. The Ministry of Health initiated its online public service to issue certificates for food safety and hygiene for food producers and traders. The pilot scheme for the service has been implemented in Ho Chi Minh city since December 2, 2014. The service would help businesses to save time and money, make licensing transparent, and minimize problems related to certificate issuance for food products. Earlier, individuals and businesses in the central and southern regions of Vietnam had to go to the Department of Food Safety in Hanoi to submit applications for food safety certificates, and this was time-consuming. Now, dossiers can be lodged online. The applications for food testing and certification will be processed within 10 days, otherwise relevant officers have to explain to their leaders why such documents are put on hold.

Businesses can register online by logging in their accounts, submitting applications and paying evaluation and issuance fees. They will receive the certification results online and hard-copy certificates via mail.

## **CONCLUSION AND RECOMMENDATIONS**

In recent years, the Government, ministries, localities have enacted different policies to strengthen food safety, including policies to support the development of safe food market (ensure food safety from initial stages of production, to the slaughter, processing, wholesale and retail markets). However, there still exists policy gaps, especially the overlap in management, licensing, inspection between the Ministry of Health, Ministry of Industry and Trade, Ministry of Agriculture and Rural Development specialized inspection force is limited<sup>4</sup>, has led to many

---

<sup>4</sup> “limited human resources for the food safety inspection, at present there are only about 300 people, while in Thailand, only in the city of Bangkok, there over 5,000 inspectors in food, this figure is over 12,000 in Japan”.

holes in the violation of regulations on food hygiene and safety. This creates unfair competition on foods market and reduce incentives for food safety and market development

The Government should improve inspections of safe products in to build up consumer trust in the Government-issued certificates. Companies providing safe farm products also have to prove to the customers that they are qualified in their jobs. For example, all the information of the products and their origins should be placed on the product's stamps. It requires the official agencies of the Health and the Agriculture and Rural Development as well as media organizations to give information about affect to health of food additives. The food additives, and chemicals that are not included in the list of permitted uses, unknown origin, the duration of use, no labelling... must be banned.

Regarding food safety inspection, inspectors should focus on food manufacturing and processing enterprises to establish where the food came from inspection team to check business or company of importing, producing, packing food additives, food preservatives, vegetable – fruit preservatives...Samples of food preservatives, vegetable – fruit preservatives...must be tested. Cases of breaking law must be strictly handled and published widely on the mass media.

Date submitted: April 11, 2015

Reviewed, edited and uploaded: April 13, 2015