

**GOVERNMENT**

No: 02/2007/ND-CP

**THE SOCIALIST REPUBLIC OF VIET NAM**  
**Independence - Freedom - Happiness**

**DECREE**  
**on Plant Quarantine**

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**THE GOVERNMENT**

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

Pursuant to the July 25, 2001 Ordinance on Plant Protection and Quarantine;

At the proposal of the Minister of Agriculture and Rural Development,

**DECREES:**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Purpose**

This Decree prescribes the plant quarantine activities related to import, export, temporary import, temporary export, transit, domestic quarantine and treatments of regulated articles.

**Article 2. Scope of application**

This Decree shall apply to any Vietnamese and foreign organizations and/or individuals that are involved in plant quarantine activities carried out in the territory of Viet Nam, except otherwise stipulated in international treaties to which Viet Nam is a signatory or a contracting party.

**Article 3. Definitions**

In this Decree, the following terms shall have the meanings hereunder assigned to them:

1. *Pest*: any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products, including: insects, fungi, bacteria, virus, phytoplasma, weeds, mouse and other organisms harmful to plant resources

2. *Quarantine pest*: a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

3. *Regulated non-quarantine pest*: a non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing country.

4. *Regulated pest*: a quarantine pest or a regulated non-quarantine pest

5. *New pest*: any pest that has not been identified on the basis of scientific evidence and not found previously in the country.

6. *Beneficial organism*: any virus, bacterium, nematode, fungus, insect, animal or any other organism which helps reduce damage to plants and plant products due to pests.

7. *Regulated article*: any plant, plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harboring regulated pests.

8. *Pest infestation status*: level and characteristics of pest present in a commodity.

9. *Inspection of articles*: involves survey, observation, monitoring, sampling, testing, identification and research to determine infestation status.

10. *Disinfestation*: official procedure for the absolute killing of pests on articles.

11. *Fumigation*: treatment with a chemical agent that reaches the commodity wholly or primarily in a gaseous state.

12. *Epidemic focus*: is a place where exist one or several kinds of harmful organisms on the promulgated lists of quarantine pests or regulated non-quarantine pests;

13. *Outbreak area*: an area with a quarantine pest defined by a competent quarantine authority.

14. *Lot of articles*: a quantity of articles, identifiable by its homogeneity of composition and potential of infestation.

15. *Place of quarantine inspection*: a premise where inspection is conducted before moving the articles.

16. *Pest risk analysis*: the process of evaluating biological or other scientific and economic evidence to determine whether a pest should be regulated and the strength of any phytosanitary measures to be taken against it.

17. *Pest free area*: An area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained.

18. *Equivalence*: the use of different phytosanitary measures while achieving similar effects.

19. *Surveillance*: an official process which collects and records data on pest occurrence or absence by survey, monitoring or other procedures.

20. *Harmonization of phytosanitary measures*: the establishment, recognition and application by different countries of phytosanitary measures based on common standards.

21. *Plant*: living plants and parts thereof, including seeds and germplasm.

22. *Plant products*: unmanufactured material of plant origin and those manufactured products that, by their nature or that of their processing, may create a risk for the introduction and spread of pests.

23. *Newly imported seed*: any seed which has not appeared as in the list of varieties permitted for production and sale

24. *Phytosanitary measure*: Any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests.

25. *Place of origin*: a place where the plants were grown or initiate the infested status

26. *Quarantine facility*: official station for growing plants or holding plant products in quarantine which is isolated from the environment.

27. *Import permit*: official document authorizing importation of a commodity in accordance with specified phytosanitary requirements.

#### **Article 4. Responsibilities of article owner**

1. Monitoring and control pests, treatment of infested articles, non-compliance articles for import or export, and movement of articles from a outbreak area in accordance with phytosanitary regulations.

In cases where infested articles of various owners must be treated simultaneously while the article owners cannot reach agreement on the treatment thereof, the plant quarantine authority shall make decisions with which the articles owners must comply.

2. Regularly monitoring the pest status harmful to plant resources under ownership or directly handle

At places where import articles are often gathered, transited or brought from outbreak areas, the above-mentioned monitoring must be effected upon requests and under the guidance of the competent plant protection and quarantine State bodies;

3. Upon detecting or doubting the existence of regulated pests on the promulgated list or strange harmful organisms, the articles owners or the detectors shall have to apply necessary measures to eliminate and stop their spread, and at the same time to immediately report to the nearest competent plant protection and quarantine State bodies or local administration thereon;

4. To apply article-treating measures decided by the competent plant protection and quarantine State bodies;

5. Payment of plant quarantine charge and costs of treatment of articles as prescribed. Where the articles owners are not available, the owners of conveyance or those responsible for transport or storage of the articles must comply with relevant phytosanitary regulations and bear all expenses for the treatment of articles.

6. Provision of necessary information on plant protection and quarantine to relevant competent authorities of Viet Nam, including: information about plants and plant products such as production areas, cultivated methods, pest lists, packing procedures, export programs and policies, and any other relating documents.

7. Facilitating plant quarantine officers to perform their duties by opening and closing conveyance, storage facilities or commodity packages, supplying personnel for inspection and sampling.

#### **Article 5. Responsibilities of plant quarantine authority**

1. Guiding, monitoring and certifying the implementation of inspection, control and treatment measures. In cases where the infested articles must be urgently treated while the articles owners are incapable of doing so, the plant quarantine authorities shall conduct treatments.

2. Inspecting articles and issuing phytosanitary certificates.

3. Providing sufficient information on plant protection and quarantine to importing countries in accordance with the Agreement on the Application and Sanitary and Phytosanitary Measures (SPS Agreement) and International Plant Protection Convention (IPPC).

4. Establishing and maintaining pest free areas according to the related National Standard.

5. Reviewing and recognizing phytosanitary measures of other countries applied to import or export articles as equivalence.

6. Taking emergency actions as specified by the Ministry of Agriculture and Rural Development to prevent the introduction and spread of pests, when necessary.

7. Harmonizing phytosanitary measures on the basis of IPPC standards, guidelines and recommendations.

8. Coordinating with the quarantine authorities of the exporting country, where appropriate, to conduct inspection and treatment of imported and exported articles in the exporting country.

#### **Article 6. Responsibilities and powers of plant quarantine officer**

The plant quarantine officers on duty shall take responsibilities to:

1. Conduct quarantine inspection in compliance with legislative provisions on Plant Protection and Quarantine;
2. Wear uniform, badges and quarantine identity card;
3. Have right to access the premises where regulated articles exist;
4. When performing tasks in restricted areas and in other special cases, plant quarantine officers shall be accepted and guided by the competent authorities of those areas in order to satisfy requirements of both confidentiality and plant quarantine.

#### **Article 7. Responsibilities of other government agencies, people's committees**

1. Periodically, the Minister of Agriculture and Rural Development shall determine and issue:

- a) The list of regulated pest;
- b) The list of regulated articles and the list of articles subject to PRA prior to import.

2. The Customs shall coordinate with the plant quarantine authorities in inspecting and monitoring regulated articles. The customs procedures will be completed for regulated articles only after the completion of all plant quarantine procedures. The contents of plant quarantine declaration are reflected in the entry/exit form.

For articles which are required to re-export or destroy, or which, after quarantine inspection, are allowed for export or import, the plant quarantine authorities shall notify such to the Customs offices at the border ports through which such articles are exported or imported. The Customs and other relevant agencies shall collaborate with plant quarantine authorities in handling related matters at the request of the plant quarantine authorities.

2. The concerned State bodies of Transport, Customs, Post Office, Public Security, Border Guard, Market Control and other relevant agencies shall have responsibilities to coordinate with the plant quarantine authorities in inspecting, preventing and/or handling violations of the plant quarantine regulations.

3. People's Committees at all levels shall guide local concerned agencies to implement plant quarantine activities in accordance with legislative provisions.

#### **Article 8. Plant quarantine procedures**

1. The articles owners or persons authorized by the articles owners shall:

a. Make declarations at least 24 hours in advance to the nearest plant quarantine office before import or export of articles;

b. For hand luggage or accompanied luggage which contains regulated articles, declaration shall be made in the entry/exit form and the luggage shall be subject to phytosanitary inspection.

c. For imported articles being packed together with other imports (except hand luggage and accompanied luggage), the owner, when submitting the customs dossiers for customs clearance,

must have the quarantine application form or phytosanitary certificate issued by Viet Nam plant quarantine authority.

d. For exported articles being packed together with other exports (except hand luggage and accompanied luggage), the owner, when submitting dossiers for customs clearance, must have phytosanitary certificate issued by Viet Nam plant quarantine authority if it is required by the importing country.

2. The plant quarantine authorities shall inspect, verify and make results available within 24 hours after inspection of the consignment. Where it is longer than 24 hours, the articles owners shall be notified.

3. The inspection and documentation of regulated articles shall be undertaken uniformly nationwide in compliance with legislative provisions of the Ministry of Agriculture and Rural Development.

### **Article 9. Prohibitions**

1. Bringing into Viet Nam any regulated pests under the lists referred to in paragraph 1.a of Article 7 of this Decree, or any living new pests at any development stage.

2. Bringing any living regulated pests under the lists prescribed in paragraph 1.a of Article 7 of this Decree into non-infested areas.

3. Bringing any subjected to PRA prescribed in paragraph 1.b of Article 7 of this Decree into non-infested areas.

4. Bringing plants with soil into Viet Nam in any form.

## **CHAPTER II IMPORT PLANT QUARANTINE**

### **Article 10. Import plant quarantine requirements**

The imported consignment shall meet the following requirements:

1. A phytosanitary certificate issued by the competent authority of the exporting country;

2. Free from regulated pests in the lists referred to in paragraph 1.a of Article 7 of this Decree and new pests; if infested, complete treatments must be made.

3. Import plant quarantine permit issued by the Plant Protection Department is required for articles subject to PRA before importing into Viet Nam.

4. Imported wood packaging materials must undergo appropriate phytosanitary treatments.

## **Article 11. Procedure for issuing import plant quarantine permit**

1. Organizations and/or individuals file the request for import quarantine permit according to specified form.
2. Providing sufficient information relating to imported articles to The Plant Protection Department in accordance with Paragraph 6 of Article 4 of this Decree and regulations of the Ministry of Agriculture and Rural Development.
3. The Plant Protection Department shall conduct PRA for imported articles.
4. Depending on PRA results, the Plant Protection Department may or may not grant import plant quarantine permit to the organizations and/or individuals concerned.

## **Article 12. Import quarantine inspection**

1. When the imported articles arrive at the first point of entry, the articles owners have responsibility to complete plant quarantine procedures in accordance with Article 8 of this Decree.
2. Plant quarantine office which will carry out the procedures at the point of entry. In special cases, the plant quarantine procedures may be carried out at other places with quarantine facilities in compliance with legislative provisions;
3. When vessels carrying regulated articles and reaching the water territory of Viet Nam, the vessel operator shall make declaration for phytosanitary inspection; if no quarantine pest is found, such vessel will be allowed to accommodate the water port; if a regulated pest is detected, they must undergo complete treatment.
4. Articles temporarily imported or temporarily exported must go through plant quarantine procedures like the imported articles.

## **Article 13. Importation of plant seeds and beneficial organisms**

1. Organizations and/or individuals that import plant seeds and beneficial organisms shall satisfy the requirements as specified in Article 10 of this Decree and meet the following conditions:
  - a) Plant seeds shall undergo quarantine procedures at the point of entry designated by the competent quarantine authority.
  - b) As for plant seeds in the list permitted for growing and trading, they shall be transported to and grown at the sites that have been registered with the plant quarantine authority. The said organizations and/or individuals shall report to the local plant protection and quarantine agencies for further monitoring and checking pest status;
  - c) As for new plant varieties imported for the first time, they may be grown only at a quarantine facility which is designated by the plant quarantine authorities for pest screening.

d) In some special cases, permission of the Minister of Agriculture and Rural Development is required.

2. Organizations and/or individuals import plant for planting and beneficial organisms shall satisfy the monitoring duration for specific group of plant varieties prescribed in legislative regulations.

3. The monitoring duration for specific groups of plant varieties and beneficial organisms as well as specifications of a standard quarantine facility shall comply with provisions of the Ministry of Agriculture and Rural Development.

#### **Article 14. Monitoring, movement, storage and use of imported articles**

1. The plant quarantine authorities are empowered to supervise quarantine of imported articles as from the time such articles are brought into the Vietnamese territory.

2. The articles owners must have the phytosanitary certificate granted by Vietnamese plant quarantine authorities and implement all measures described in such certificate during the process of transport, storage and use of the articles.

### **CHAPTER III EXPORT PLANT QUARANTINE**

#### **Article 15. Export plant quarantine basements**

The plant quarantine authority shall only conduct phytosanitary inspection on exported articles in cases where:

1. The commercial contract or international agreements require quarantine procedures;
2. The articles owners request plant quarantine certification.

#### **Article 16. Export quarantine inspection**

1. When the exported articles arrive at the final port or export terminal, the article owners must notify in advance the nearest and carry out quarantine inspection according with Article 8 of this Decree

2. The plant quarantine authority shall carry out quarantine inspection at the designated port. When inspection is conducted at the production site, departure site or storage facility, the owner shall present the phytosanitary certificate at the export terminal;

#### **Article 17. Monitoring of exported articles**



1. The quarantine authorities shall have the right to supervise the plant quarantine of export articles from the time the articles are inspected and granted with phytosanitary certificate until they are transported out of the territory of Viet Nam;

2. During the process of shipment, the articles owners shall fully implement all measures that have been specified in the phytosanitary certificate.

## **CHAPTER IV TRANSIT PLANT QUARANTINE**

### **Article 18. Conditions for consignments in transit**

1. A phytosanitary certificate issued by the competent authority of the country of origin

2. The consignment in transit or using storage facilities in the territory of Viet Nam shall be agreed by the Vietnamese plant quarantine authorities.

3. The articles in transit must be packed with specific commodity configurations in order to prevent the spread of pests in the process of transportation and storage.

### **Article 19. Quarantine inspection of consignments in transit**

1. When the articles in transit arrive at the first point of entry of Viet Nam, the article owners shall inform the nearest plant quarantine office and present the phytosanitary certificate of the country of origin;

2. The plant quarantine authorities of Viet Nam shall have the right to supervise such articles, inspect the conveyance and the outside of the consignment.

3. If the articles transiting Vietnam are found with Vietnam's plant quarantine objects or packed improperly under the commodity specifications, without phytosanitary certificate of origin country, the plant quarantine bodies have responsibility to inspect the articles and transport means or suspend the movement until re-packing meet the requirements. The Plant quarantine authorities monitor and inspect these cases for issuance of phytosanitary transit certificates.

## **CHAPTER V DOMESTIC PLANT QUARANTINE**

### **Article 20. Contents of domestic plant quarantine**

1. Management of regulated pests and beneficial organisms in Viet Nam;

2. Management and implementation of treatment measures once pest outbreaks are detected.

3. Development and implementation of effective pest record surveys, surveillance and control programmes of regulated pests on imported seeds and stored plant products;

#### **Article 21. Procedure for domestic plant quarantine**

1. The declaration, inspection, treatment and granting of domestic phytosanitary certificates shall comply with Article 8 of this Decree.

2. Domestically produced seeds that neither come from nor move through outbreak areas shall not be subject to quarantine procedures in the process of domestic movement.

#### **Article 22. Monitoring domestic quarantine**

1. Undertake regular observations, surveillance and monitoring of pest status on imported plant seeds and stored plant products;

2. When plant seeds and/or beneficial organisms are introduced for growing or release, the local competent plant protection and quarantine agencies shall:

a) Check records associated with plant seeds and/or beneficial organisms;

b) Monitor and supervise places of growing and/or release;

c) If the owners of imported articles fail to comply with the provisions, the local competent agencies shall take phytosanitary measures in accordance with legislative provisions;

3. Establish the boundaries of pest outbreak area, determine places for domestic quarantine inspection of articles transported from the outbreak area, issue domestic phytosanitary certificates, supervise the movement of regulated articles out of the outbreak area;

4. Check phytosanitary certificates and supervise consignments brought from the outbreak area to local fields;

5. Determine measures for treatment of articles infested with regulated pests; provide guidance and supervise the articles owners in the implementation of treatments;

6. When pest outbreak becomes spreading, the local competent agency shall immediately report thereof to the authority responsible for declaring the outbreak as provided for in Article 11 of the Ordinance on Plant Protection and Quarantine.

## **CHAPTER VI TREATMENT OF REGULATED ARTICLES**

#### **Article 23. Treatment of regulated articles**

1. Treatment of articles involves such measures as processing, selection, sorting, cleaning, disinfection, return to the place of origin, disposal and other measures for the purpose of eradication of regulated pests.

2. The phytosanitary treatments must be applied in accordance with legislative provisions of competent plant protection and quarantine authorities.

#### **Article 24. Treatment of imported articles**

1. The treatment of articles infested with regulated pests shall be conducted as follows:

a) If the articles infested with a pest in the list of regulated pests but not present in the territory of Viet Nam, or with a new pest, such articles shall not be allowed for import and must be returned to the place of origin or be destroyed. Where absolute treatments are available, such measures may be applied;

b) If the articles infested with a pest in the list of regulated pests but not widely distributed in the territory in Viet Nam, or infested with a pest appeared in the list of regulated non-quarantine pests of Viet Nam, absolute treatment measures shall be decided by the plant quarantine authority. Where treatments are not feasible in Viet Nam, the consignment shall be returned to the place of origin or destroyed.

2. The plant quarantine authority is responsible for, in coordination with local governments and other agencies concerned, the treatment of foreign articles adrift, dropped, discarded or leaked into Viet Nam.

#### **Article 25. Treatment of export, in transit and domestic movement articles**

1. The treatment of exported articles shall be conducted at the request of the article owners or in accordance with phytosanitary requirements of the importing countries or commercial contracts.

2. If a quarantine pest of Viet Nam is intercepted or the articles are not packed with specific commodity configurations, the owner shall conduct treatment or repack the articles in an appropriate manner.

3. Treatment of infested articles in domestic phytosanitary activities shall be conducted by the decisions of competent quarantine authorities

#### **Article 26. Fumigation**

the fumigation organizations shall fully meet the following requirements:

1. The manager or operator of the facility must obtain Fumigation Practice Certificate;

2. The workers directly involved in fumigation must have Fumigation Cards;

3. Having technical process, facilities and equipment in service of fumigation activities, ensuring safety for human and livestock

4. Ensuring environment hygiene, working safety, fire prevention in accordance with legislative provisions of competent authorities;
5. Working sites, storage facility and chemicals must be approved in writing by competent authorities.

The Minister of Agriculture and Rural Development shall adopt provisions for issuing the Fumigation Practice Certificate, the Fumigation Cards and the Certificate of Satisfaction of Fumigation Requirements.

#### **Article 27. Conditions for granting the Fumigation Practice Certificate**

1. The applicant should achieve university or higher degree major in chemists or plant protection;
2. At least 3 years of experience in fumigation;
3. Health certificate issued by the health clinic at the district or higher levels.

#### **Article 28. Conditions for granting the Fumigation Card**

1. The applicant must undergo a training course on fumigation and a skill test by the competent regulatory agency.
2. Health certificate issued by the health clinic at the district or higher levels.

#### **Article 29. Rights and obligations of organization operating fumigation**

1. Organizations and individuals engaged in fumigation activities only conduct the fumigation as from the time they fully meet the conditions prescribed in Article 26 of this Decree and commit to strictly observing those conditions throughout their operation process;
2. Eligible for issuing Fumigation Certificate for regulated articles;
3. The fumigation of articles infested with quarantine pests shall be designated and supervised by the plant quarantine authorities;
4. Fumigation methods taken will not affect the quality of goods, articles and community wealthy. Responsible for results of fumigation

### **CHAPTER VII IMPLEMENTATION PROVISION**

#### **Article 30. Effect**

This Decree takes effect in 15 days from the date being registered in the Official Gazette. This Decree replaces the Plant Quarantine Regulation which was attached with the June 03, 2002

Decree No 58/2002/ND-CP of the Government promulgating the Plant Protection Regulation, the Plant Quarantine Regulation and Pesticide Management Regulation. All previous provisions contrary to this Ordinance shall be annulled.

**Article 31. Implementation responsibilities**

The Minister of Agriculture and Rural Development takes responsibility to guide the implementation of this Decree.

Ministers, Heads of ministerial level agencies, Directors of government agencies, Presidents of People's Committees of provinces and cities under the Central Government are responsible for the implementation of this Decree.

ON BEHALF OF GOVERNMENT  
PRIMER MINISTER

*(Signed)*

**Nguyen Tan Dung**