

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

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Hanoi, September 20, 2017

DECREE

ON FERTILIZER MANAGEMENT

Pursuant to Law on organization of the Government dated June 19, 2015;

Pursuant to Law on investment dated November 26, 2014 and Law on amendments to Article 6 and Appendix 4 on the list of conditional business lines stipulated in Law on Investment dated November 22, 2016;

Pursuant to Law on enterprises dated November 26, 2014;

Pursuant to Law on standards and technical regulations dated June 29, 2006;

Pursuant to Law on quality of products and goods dated November 21, 2007;

At the request of Minister of Agriculture and Rural Development

The Government promulgates the Decree on fertilizer management.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree provides regulations on state administration related to fertilizers including recognition, testing, production, trading, export, import, quality management, labeling, advertisement, seminars and use of fertilizers in Vietnam.

Traditional organic fertilizers produced by organizations and individuals not for trading shall not be regulated by this Decree.

Article 2. Regulated entities

This Decree applies to domestic and foreign organizations and individuals engaging in fertilizers in Vietnam.

Article 3. Definitions

For the purpose of this Decree, the terms below shall be construed as follows:

1. "fertilizer" means a product providing nutrients for plants or improving soil to increase plant productivity and quality.

2. "restricted elements in fertilizers" means elements that are potentially harmful or pose risks to food safety and environmental pollution, including:

a) Chemical elements including arsenic (As), cadmium (Cd), Plumbum (Pb) and hydrargyrum (Hg);

b) E. coli, Salmonella and bacteria doing harm to plants or causing diseases to human and animals that are determined by the competent authorities.

3. "main nutrients" means nutrients included in registered components which decide nature and utilities of fertilizers prescribed in Appendix of this Decree.

4. "quality criteria of fertilizers" means technical parameters related to characteristics, composition and content showing the quality of fertilizers and prescribed in relevant technical regulations and applied standards.

5. "nutrients" means chemical elements that are necessary for the growth of plants which include:

a) Main macronutrients including Nitrogen (N), Phosphorus (P) and Potassium (K) which can be absorbed by plants;

b) Secondary nutrients including calcium (Ca), magnesium (Mg), and sulfur (S) which can be absorbed by plants;

c) Micronutrients including boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn) which can be absorbed by plants;

6. "fertilizer production" means one, multiple or all activities aiming to produce fertilizers through chemical, biochemical or biological reactions or physical processes such as milling, mixing, sieving, drying, wrapping, granulation, pelletizing or stirring, filtering of fertilizers or packaging of fertilizers only.

7. "fertilizer packaging" means the use of machinery and equipment for the extraction of fertilizers from large volume to small volume, from large packages to small packages or the packaging in which fixed capacity and volume of fertilizers shall be put into packages with certain quantities without changing the nature, composition, content, colors, forms of these fertilizers.

8. "fertilizer trading" including one, multiple or all the following activities: display, sale, storage, preservation, transportation, wholesale, retail, import and export of fertilizers and other activities to trade in fertilizer.

9. "low-quality fertilizer" means a fertilizer which fails to contain main nutrients or composition as prescribed in applied standards, technical regulations or regulations issued by competent authorities.

Article 4. Classification of fertilizers

1. Fertilizers classified according to their material origins and production processes shall include:

a) Chemical fertilizers (also known as inorganic fertilizers) including different types of fertilizers which are produced mainly from inorganic substances or synthetic organic substances that have been treated through chemical processes or mineral processing;

b) Organic fertilizers including different types of fertilizers which are produced mainly from natural organic substances (excluding synthetic organic substances that have been treated through physical process such as drying, grinding, sieving, mixing and moistening or biological processes such as fermenting and extraction;

c) Biological fertilizers including different types of fertilizers produced through biological processes or natural fertilizers which contain one or multiple biological substances such as humic acids, fulvic acids, amino acids, vitamins or other biological substances.

2. Chemical fertilizers classified according to their composition or effects of their main nutrients to plants shall include:

a) Macronutrient fertilizers are fertilizers which contain at least one macronutrient and include single nutrient fertilizers, complex fertilizers, compound fertilizers, organic-mineral fertilizers and biological-mineral fertilizers;

b) Secondary nutrient fertilizers are fertilizers which contain at least one secondary nutrient excluding lime, plaster, marl and natural dolomite which have not gone through the processing or production of fertilizers;

c) Micronutrient fertilizers are fertilizers which contain at least one micronutrient;

d) Rare earth fertilizers are fertilizers containing Scandium (atomic number 21), Yttrium (atomic number 39) and elements of the Lanthanide series (atomic numbers from 57-71 including Lanthanum, Cerium, Praseodymium, Neodymium, Promethium, Samarium, Europium, gadolinium, Terbium, Dysprosium, Holmium, Erbium, Thulium, Ytterbium, Lutetium) in the Mendeleev's periodic table;

dd) Inorganic fertilizers for soil improvement are fertilizers that improve the physical, chemical and biological nature of soil to facilitate the growth and development of plants and are produced from inorganic substances or synthetic organic substances.

3. Macronutrient fertilizers classified according to their main nutrients or chemical bonds of their nutrients shall include:

a) Single fertilizers are fertilizers containing only one macronutrient;

b) Complex fertilizers are fertilizers which contain at least 2 macronutrients connected by chemical bonds;

c) Compound fertilizers are fertilizers which contain at least 2 macronutrients and are produced by mixing different types of fertilizers;

d) Organic-mineral fertilizers are the fertilizers prescribed in Points a, b and c of this Clause to which organic substances are added;

dd) Biological-mineral fertilizers are the fertilizers prescribed in Points a, b and c of this Clause to which at least biological substance such as humic acids, fulvic acids, amino acids, vitamins, etc. is added.

4. Organic fertilizers classified according to their composition or effects of their main nutrients on plants shall include:

a) Organic fertilizers are fertilizers whose main nutrients include organic substances and nutrients derived from organic materials;

b) Micro-organic fertilizers are fertilizers whose main nutrients include organic substances and at least one species of useful microorganisms;

c) Biological organic fertilizers are fertilizers whose main nutrients include organic substances and at least one biological substance such as humic acids; fulvic acids, amino acids, vitamins, etc.

d) Mineral organic fertilizers are fertilizers whose main nutrients include organic substances and at least one macronutrient;

dd) Organic fertilizers for soil improvement are fertilizers that improve the physical, chemical and biological nature of soil to facilitate the growth and development of the plants and are produced from natural organic substances (excluding synthetic organic substances);

e) Traditional organic fertilizers are fertilizers produced from animal wastes, by-products of plants, other plants or organic household wastes by traditional composting.

5. Biological fertilizers classified according to their composition or functions of their main nutrients shall include:

a) Biological fertilizers are fertilizers produced through biological processes or fertilizers of natural origin which contain one or multiple biological substances such as humic acids, fulvic acids, amino acids, vitamins or other biological substances;

b) Bio-fertilizers are fertilizers containing useful microorganisms that are capable of producing nutrients or transformed into nutrients in soil which can be used by plants or microorganisms that are capable of inhibiting harmful microorganisms;

c) Biological fertilizers for soil improvement are fertilizers that improve the physical, chemical and biological nature of soil to facilitate the growth and development of the plants and are produced through biological fertilizers or fertilizers of natural origins or contain one or more biological substances.

6. Fertilizers containing plant growth regulators (PGRs) are the fertilizers prescribed in Clauses 2, 3, 4 and 5 of this Article to which one or multiple PGRs is added and the total content of PGRs shall be less than 0.5% of volume of fertilizers.

7. Fertilizers containing substances for increase use efficiency are the fertilizers prescribed in Clauses 2, 3, 4 and 5 of this Article which are mixed with substances enhancing the performance of fertilizers.

8. Fertilizers capable of boosting the immunity of plants are one of the fertilizers prescribed in Clauses 2, 3, 4 and 5 of this Article which contain substances for boosting the immunity of plants in unfavorable situations or in case of harmful pests and insects.

9. Fertilizers classified according to their modes of use shall be specified as follows:

a) Fertilizers for root are fertilizers that are used for providing nutrients for plants through their roots;

b) Foliar fertilizers are fertilizers that are used for providing nutrients for plants through their stems and leaves;

Article 5. The State's policies on fertilizers

1. The State formulates policies on credit, tax, land areas for the research and transfer of scientific and technical advances, production and use of organic fertilizers.

2. The State encourages the application of advanced technologies to the production of new fertilizers in order to raise the quality and efficiency of fertilizers.

3. The State encourages the investment and private sector involvement in improving the capacity of testing and certification of eligibility for inspection and supervision of fertilizer quality.

4. The State encourages private sector involvement in public services related to fertilizers.

Chapter II

RECOGNITION AND TESTING OF FERTILIZERS

Section 1. RECOGNITION OF FERTILIZERS TRADED IN VIETNAM

Article 6. General principles for recognition of fertilizers traded in Vietnam (hereinafter referred to as "recognition of fertilizers")

1. Fertilizers shall be products or goods included in Group 2 or the list of conditional business lines that are recognized to be traded in Vietnam by the Plant Protection Department.

2. Domestic organizations and individuals or foreign organizations and individuals whose representative offices, companies or branches are allowed to operate in Vietnam are entitled to apply for recognition of their fertilizers.

3. Each organization or individual shall only apply for recognition of a fertilizer name for each registered composition and content of nutrients.

Article 7. Fertilizers that shall not be recognized or have their decisions on recognition cancelled

1. A fertilizer shall not be recognized if:

- a) It contains harmful elements exceeding the limit prescribed in national technical regulations and national standards or Appendix V of this Decree if there are no national technical regulations or national standards and other relevant regulations;
- b) There is scientific evidence showing that the fertilizer poses a high risk to human health and environment;
- c) Its name is the same as those which has been recognized.

2. A fertilizer will have its decision on recognition cancelled if:

- a) There is scientific evidence showing that the fertilizer poses a high risk to human health and environment;
- b) It is found that false documents are used or information in these documents is not conformable with the application for recognition;
- c) It has been recognized but fails to be re-recognized in case of expiry.

Article 8. Forms of recognition of fertilizers

1. First recognition shall apply to

- a) Fertilizers that are domestically researched and produced;
- b) Fertilizers that are imported to Vietnam for the first time;
- c) Recognized fertilizers that are applied for changes in their quality criteria.

2. Re-recognition of a fertilizer shall be applied if:

- a) Period of the decision on recognitions expired;
- b) There are changes in the information on the organization and individual owning the recognized fertilizer or the decision on recognition is lost or damaged;
- c) Name of the fertilizer is transferred;
- d) Name of the recognized fertilizer is changed.

The re-recognition prescribed in Points b, c and d of Clause 2 of this Article shall only be carried out if quality criteria of the fertilizer are not changed.

Article 9. Applications and procedures for first recognition of fertilizers

1. Submission of applications

An organization or individual shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. An application for recognition of a fertilizer shall consist of:

- a) An application form for the recognition of fertilizer using the specimen 01 prescribed in Appendix I of this Decree;
- b) Written general information on the fertilizer which is provided by its producer and includes type of the fertilizer, main quality criteria, content of restricted elements of the fertilizer, instruction for use, general information on import and export of the fertilizer;
- c) An original copy of the report on results of fertilizer testing using the specimen 02 prescribed in Appendix I of this Decree (except for the fertilizers prescribed in Clause 2 of Article 13 and the fertilizers included in the list prescribed in Clause 11 Article 47 of this Decree) or results of research projects and subjects of the State, Ministries or provinces and a decision on recognition of technical advances in case of the fertilizers prescribed in Point c, Clause 3 Article 13 of this Decree;
- d) A specimen of fertilizer label as prescribed in Articles 33 and 34 of this Decree.

3. Verification of applications for recognition of fertilizers and recognition of fertilizers

Within 03 months from the day on which the valid application is received, the Plant Protection Department shall verify the application.

If the application satisfies regulations on fertilizers, the Plant Protection Department shall issue a decision on recognition using specimen 03 prescribed in Appendix I of this Decree or send a written explanation to the applicant if it refuses to issue the decision on recognition.

4. Period of a decision on recognition shall be 5 years. At least 03 months before the day on which the decision on recognition expires, the organization or individual shall apply for the re-recognition as prescribed in Article 10 of this Decree

Article 10. Applications and procedures for re-recognition of fertilizers in case of expired decisions on recognition

1. Submission of applications

An organization or individual shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. An application for re-recognition of a fertilizer shall consist of:

- a) An application form for the re-recognition of fertilizer using the specimen 01 prescribed in Appendix I of this Decree;
- b) A valid copy of the notification of receiving the declaration of conformity;
- c) A specimen of the fertilizer label being traded as prescribed in Articles 33 and 34 of this Decree.

3. Verification of applications for re-recognition of fertilizers and re-recognition of fertilizers

Within 07 working days from the day on which the valid application is received, the Plant Protection Department shall verify the application.

If the application satisfies regulations of law, the Plant Protection Department shall issue a decision on recognition using specimen 03 prescribed in Appendix I of this Decree or send a written explanation to the applicant if it refuses to issue the decision on recognition.

Article 11. Applications and procedures for re-recognition in case of changes or transfer of fertilizer names, changes in information related to applicants or in the cases where decisions on recognition are lost or damaged

1. Submission of applications

An organization or individual shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. An application for re-recognition of a fertilizer shall consist of:

- a) An application form for the re-recognition of fertilizer using the specimen 01 prescribed in Appendix I of this Decree;
- b) An original copy of the issued decision on recognition unless the decision is lost or damaged;
- c) Valid copies of documents of competent authorities on intellectual property or documents of the court on violations of labels in case of changing the fertilizer name; except for the change of fertilizer names prescribed in Clause 9 Article 47 of this Decree;
- d) A valid copy of the new enterprise registration certificate in case of changes in information related to the applicant;
- dd) An original copy or valid copy of the contract for or agreement on transferring fertilizers in case of transfer of the fertilizer name;
- e) A specimen of fertilizer label as prescribed in Articles 33 and 34 of this Decree.

3. Verification of applications for re-recognition of fertilizers and re-recognition of fertilizers

a) Within 07 working days from the day on which the valid application is received, the Plant Protection Department shall verify the application.

If the application satisfies regulations of law, the Plant Protection Department shall issue a decision on recognition using specimen 03 prescribed in Appendix I of this Decree or send a written explanation to the applicant if it refuses to issue the decision on recognition.

b) Period of the new decision on recognition shall be equal to those of the issued decision.

Article 12. Procedures for cancellation of decisions on recognition

1. In case of the fertilizers prescribed in Point a Clause 2 Article 7 of this Decree, the Plant Protection Department shall consolidate information and consider cancelling decisions on recognition.

2. In case of the fertilizers prescribed in Points b and c Clause 2 Article 7 of this Decree, the Plant Protection Department shall inspect and review documents on recognition to consider cancelling decisions on recognition.

3. A fertilizer whose decision on recognition is cancelled in accordance with regulations in Clause 2 of this Article shall only be produced or imported within 06 months and traded or used within 12 months from the day on which the decision on cancellation comes into force.

Section 2. TESTING OF FERTILIZERS

Article 13. Principles for testing of fertilizers

1. Fertilizers shall be tested before they are recognized except for the fertilizers prescribed in Clause 2 of this Article.

2. Fertilizers that are not required to be tested shall include:

a) The organic fertilizers prescribed in Points a and e Clause 4 Article 4 of this Decree that are used for roots;

b) The single and complex fertilizers prescribed in Points a and b Clause 3 Article 4 of this Decree that are used for roots and do not contain substances for boosting their performance, substances for soil improvement, microorganisms, PGRs or substances changing their nature, utilities and efficiency;

c) Fertilizers that are the results of research projects and subjects of the State, ministries and provinces which are recognized as technical advances.

3. Fertilizers shall be tested on a large scale and small scale. The testing on the large scale shall only be carried out after those on the small scale finishes.

4. The testing of fertilizers shall be carried out at the premises of eligible organizations.

5. The testing of fertilizers shall comply with national standards. If there is no national standards, the testing of fertilizers shall be carried out in accordance with regulations on testing prescribed in Appendix II and submit a report on testing results using the specimen 02 prescribed in Appendix I of this Decree.

6. The amount of fertilizer that is allowed to be produced or imported for testing shall be determined according to amount of fertilizer for each type of plants and areas for actual testing but not exceed 10 hectares in case of annual plants and 20 hectares in case of perennial plants.

Article 14. Applications for testing of fertilizers

1. Submission of applications

An organization or individual shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. An application for the testing of a fertilizer shall consist of:

a) An application form for testing of the fertilizer using the specimen 04 prescribed in Appendix I of this Decree;

b) Technical documents on the fertilizer using the specimen 05 prescribed in Appendix I of this Decree;

c) An outline of the testing using the specimen 06 prescribed in Appendix I of this Decree.

3. Verification of applications for testing of the fertilizer

Within 20 days from the day on which the valid application is received, the Plant Protection Department shall establish a council to verify the application or process and approve the application.

If the application satisfies regulations on fertilizers, the Plant Protection Department shall issue a written consent to the testing using specimen 07 prescribed in Appendix I of this Decree or send a written explanation to the applicant if it refuses to issue the written consent.

Article 15. Conditions for recognition of organizations testing fertilizers

1. Organizations are established in accordance with regulations of law.

2. People in charge of the testing shall obtain Bachelor's degrees or higher degrees in specialties related to farming, plant protection, soil agro chemistry, agronomy, chemistry or biology and obtain certificates of training in testing of fertilizers.

3. At least 5 employees of the organizations who carry out the testing (public employees or employee working under indefinite-term or fixed-term labor contracts) shall:

a) Obtain bachelor's degrees or higher degrees in the specialties prescribed in Clause 2 of this Article;

b) Obtain certificates of training in testing of fertilizers.

4. The organizations shall have sufficient facilities for testing of fertilizers as prescribed in Appendix III of this Decree.

Article 16. Applications and procedures for recognition of organizations eligible for testing of fertilizers

1. Submission of applications

An organization shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. An application for recognition of the organization eligible for carrying out the testing of fertilizers (hereinafter referred to as "recognition of eligibility for testing of fertilizers") shall consist of:

a) An application form for recognition of eligibility for testing of fertilizers using the specimen 08 prescribed in Appendix I of this Decree;

b) A description of eligibility for testing fertilizers using the specimen 09 prescribed in Appendix I of this Decree.

3. Verification of the application and recognition of legibility for testing of fertilizers

Within 20 days from the day on which the valid application is received, the Plant Protection Department shall verify the application and carry out a site inspection.

If the application and condition of the applicant satisfy regulations of law, the Plant Protection Department shall issue a decision on recognition of eligibility for testing of fertilizers using specimen 10 prescribed in Appendix I of this Decree or send a written explanation to the applicant if it refuses to issue the abovementioned decision.

Article 17. Revocation of decisions on recognition of eligibility for testing of fertilizers

1. A decision on recognition of eligibility for testing of fertilizer will be revoked if:

a) The organization fails to satisfy the responsibilities prescribed in Clause 2 Article 44 of this Decree within 02 consecutive years;

b) Testing results are falsified or fraudulent;

c) Erasing or repair of the decision falsifies its contents.

2. The decisions prescribed in Clause 1 of this Article shall be revoked by the Plant Protection Department.

3. An organization whose decision on recognition of eligibility for testing of fertilizers is revoked shall only have its application for recognition of eligibility for testing of fertilizers received after 24 months from the day on which the decision is revoked.

Chapter III

PRODUCTION AND TRADING OF FERTILIZERS

SECTION 1. CONDITIONS FOR PRODUCTION AND TRADING OF FERTILIZERS

Article 18. Conditions for issuance of certificates of eligibility for production of fertilizers

1. Organizations and individuals producing fertilizers shall satisfy the following conditions:

a) Organizations and individuals are established in accordance with regulations of law.

b) The location and areas of their premises are conformable with the power of production lines, machinery and equipment;

c) Production lines, machinery and equipment from the stage of material processing to the stage of completion are conformable with technological processes.

Production stages and systems use equipment that is mechanized or automated as prescribed in Appendix IV of this Decree.

Machinery and equipment subject to strict requirements for safety and measuring equipment for testing are verified, calibrated and corrected in accordance with regulations of law;

d) Materials and finished products are stored in separate areas and there are shelves or pallets to set products;

dd) The organizations and individuals have their testing laboratories recognized or have contracts with testing organizations that are appointed to assess quality criteria of their fertilizers;

e) Their systems for quality management are conformable with ISO 9001 or equivalent standards. A new production establishment shall have its system for quality management within 01 year from the day on which it is established;

g) Their managers obtain bachelor's degrees or higher degrees in the specialties related to farming, plant protection, soil geochemistry, agronomy, chemistry and biology.

2. The establishments that only package fertilizers are not required to satisfy the conditions prescribed in Points d and e Clause 1 of this Article.

Article 19. Conditions for issuance of certificates of eligibility for trading of fertilizers

1. Organizations and individuals trading in fertilizers shall satisfy the following conditions:

a) They are registered or established in accordance with regulations of law.

b) They have stores for trading fertilizers. Their stores have signs; records on purchase and sale of fertilizers and price lists of each type of fertilizers published in at conspicuous and readable places;

c) They have areas for storage of fertilizers and shelves or pallets to set fertilizers;

d) People selling fertilizers obtain certificates of professional training in fertilizers, except for people who have obtain associate degrees or higher degrees related to farming, plant protection, agronomy, chemistry or biology.

2. A business establishment which trades in fertilizers without through any store shall obtain the enterprise registration certificate; have stable and legal places for transactions; have records on purchase and sale of fertilizers and satisfy the conditions prescribed in Point d Clause 1 of this Article.

Section 2. APPLICATIONS AND PROCEDURES FOR ISSUANCE OF CERTIFICATES OF ELIGIBILITY FOR PRODUCTION AND TRADING OF FERTILIZERS

Article 20. Applications for certificates of eligibility for production of fertilizers

1. An application forms for the certificates of eligibility for production of fertilizers using the specimen 12 prescribed in Appendix I of this Decree.

2. A description of eligibility for production of fertilizers using the specimen 14 prescribed in Appendix I of this Decree.

3. Valid copies of documents on verification, calibration and correction of machinery and equipment subject to strict requirements for safety and measuring equipment for testing

4. A copy of the bachelor's degree or higher degree of the applicant's manager as prescribed in Point g Clause 1 Article 18 of this Decree.

5. A valid copy of the decision on approving environmental impact assessment report (EIA report) or decision on approving detailed project on environmental protection or the written confirmation of registration of the plan for environmental protection or commitment on environmental protection as prescribed by applicable regulations of law.

6. A valid copy of the certificate of assessment of design or plan for fire prevention issued to the applicant in accordance with applicable regulations of law.

Article 21. Applications for certificates of eligibility for trading of fertilizers

1. An application form for the certificate of eligibility for trading of fertilizers using the specimen 13 prescribed in Appendix I of this Decree.

2. A description of eligibility for trading of fertilizers using the specimen 15 prescribed in Appendix I of this Decree.

3. A valid copy of the certificate of professional training in fertilizers or the associate degree or higher degree of the person trading in fertilizers as prescribed in Point d Clause 1 Article 19 of this Decree.

Article 22. Applications for reissuance of certificates of eligibility for production or trading of fertilizers

1. In the cases where certificates of eligibility for production of fertilizers have expired

At least 03 months before the day on which a certificate expires, the fertilizer producer that wishes to continue producing fertilizers shall submit an application for reissuance of the certificate of eligibility for production of fertilizers as prescribed in Article 20 of this Decree.

2. In the cases where certificates of eligibility for production or trading of fertilizers (hereinafter referred to as "certificates of eligibility") are lost or damaged or have their contents changed, an application for reissuance of a certificate shall consist of:

a) An application form for reissuance of the certificate of eligibility using the specimen 12 or specimen 13 prescribed in Appendix I of this Decree.

b) A valid copy of one of the following documents:

The enterprise registration certificate, investment certificate or business registration certificate, operation registration certificate of the branch or representative office, certificate of business location or business registration certificate that has been amended in case of application for adjustments to contents of enterprise registration or business location or information related to the applicant;

The description of conditions for production of fertilizers using the specimen 14 prescribed in Appendix I of this Decree in case of application for adjustments to operating conditions or production capacity.

The decision on recognition of fertilizers traded in Vietnam or contract for transferring the ownership or fertilizers from other organizations or individuals to the applicant in case of application for addition to types of fertilizers.

c) An original copy of the issued certificates unless it is lost;

Article 23. Procedures for issuance or reissuance of certificates of eligibility

1. Submission of applications

An organization or individual shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. Verification in case of issuance and reissuance of certificates

a) Issuance of certificates or reissuance of certificates of eligibility for production of fertilizers in the cases where the issued certificates have expired

Within 20 days from the day on which the valid application and the results of verification showing that the conditions prescribed on Article 18 are satisfied are received, the competent authority shall issue or reissue the certificate for eligibility for production of fertilizers.

Within 10 days from the day on which the valid application and the results of verification showing that the conditions prescribed on Article 19 are satisfied are received, the competent authority shall issue the certificate of eligibility for trading of fertilizers.

Authorities having power to issue or reissue certificates of eligibility shall carry out site inspections at establishments producing or trading in fertilizers before issuing certificates or reissuing the certificates of eligibility for production of fertilizers. Inspection records shall be made according to the specimen 18 prescribed in Appendix I of this Decree.

b) Reissuance of certificates of eligibility in the case where the issued certificates are lost, damaged or have their contents changed

Within 5 working days from the day on which a valid application is received, the competent authority shall reissue the certificate of eligibility.

The expiry date of the new certificate of eligibility shall be the same as those of the issued certificate.

c) If the competent authority refuses to issue or reissue the certificate of eligibility, it shall send a written explanation to the applicant.

Article 24. Period of certificates and power to issue certificates

1. Periods of certificates

A certificate of eligibility for production of fertilizers shall be valid for 5 years.

2. Power to issue certificates

a) The Plant Protection Department has power to issue certificates of eligibility for production of fertilizers (except for establishments only packaging fertilizers) using the specimen 16 prescribed in Appendix I of this Decree.

b) Crop Cultivation and Plant Protection Sub departments have power to issue certificates of eligibility for production of fertilizers to applicants only packaging fertilizers using the specimen 16 prescribed in Appendix I of this Decree and certificates of eligibility for trading of fertilizers using the specimen 17 prescribed in Appendix I of this Decree.

3. Authorities having power to issue certificates of eligibility shall consolidate and publish lists of organizations and individuals obtaining certificates of eligibility on web portals.

Article 25. Revocation of certificates of eligibility

1. An establishment producing or trading fertilizers will have its certificate of eligibility revoked if:

a) It uses false documents or provides incorrect information, which distorts the nature of the application for the certificate of eligibility;

b) Erasing or repair of the certificate of eligibility falsifies its contents.

2. The certificates of eligibility prescribed in Clause 1 of this Article shall be revoked by the competent authority issuing them.

3. Organizations or individuals whose certificates of eligibility are revoked shall only have their applications for new certificates received after 24 months from the day on which competent authorities issue decisions on revocation of their certificates.

Chapter IV

EXPORT AND IMPORT OF FERTILIZERS

Article 26. Export of fertilizers

Fertilizers shall be exported in accordance with regulations of importing countries, contracts, international treaties, international agreements on admitting results of assessment of conformity with relevant countries and territories.

Article 27. Import of fertilizers

1. Organizations and individuals having their fertilizers recognized may import or assign other organizations or individuals to import fertilizers for which licenses are not required, except for the cases prescribed in Clause 2 of this Article.

2. An organization or individual importing one of the following fertilizers which have not been recognized shall obtain an import license:

a) Fertilizers used for testing;

b) Specialized fertilizers for sports grounds and amusement parks

c) Specialized fertilizers used by foreign-invested enterprises for their production within their operating scope or used for foreign projects in Vietnam;

d) Fertilizers used as presents or samples;

dd) Fertilizers in fairs and exhibitions;

e) Fertilizers imported for producing other fertilizers for export;

g) Fertilizers used for scientific research;

h) Fertilizers used as materials for producing other fertilizers.

3. Apart from the documents prescribed in regulations on importing goods, an importer of fertilizers shall submit a notification of results of state inspection in terms of quality of the imported fertilizer if it is subject to the state inspection as prescribed in Clause 1 Article 30 of this Article or submit the license for importing the fertilizers prescribed in Clause 2 of this Article to the customs authority in person or through Vietnam National Single Window.

In case of export authorization, authorized organizations or individuals shall show authorization letters of importers to customs authorities.

Article 28. Applications and procedures for issuance of licenses for importing fertilizers

1. Forms of submission of applications

An organization or individual shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. An application for a license for importing fertilizers shall consist of:

a) An application form for the license for importing fertilizers using the specimen 19 prescribed in Appendix I of this Decree;

b) A valid copy or copy enclosed with the original copy for comparison of one of the following documents:

The enterprise registration certificate, document proving the applicant's legal status, investment certificate in case of foreign-invested enterprises, documents on approving investment programs or projects issued by competent authorities in case of foreign projects carried out in Vietnam or documents on approving programs or projects approved by the applicant in accordance with regulations of law;

c) A technical declaration using the specimen 20 prescribed in Appendix I of this Decree;

d) Documents on quality criteria, utilities, instructions for use and safety warning made in foreign language enclosed with their Vietnamese versions that are certified by the translator or the applicant;

dd) In case of the import of the fertilizers prescribed in Points a, b, c and d Clause 2 Article 27 of this Decree, apart from the documents prescribed in Points a, b, c and d of this Article, the applicant shall submit a valid copy or copy enclosed with the original copy and Vietnamese version of Certificate of Free Sale (CFS) issued by the exporting country or written confirmation of conformity with regulations of the exporting country;

e) In case of import of the fertilizers prescribed in Point dd Clause 2 Article 27 of this Decree, apart from the documents prescribed in Point a, b, c and d of this Clause, the applicant shall submit a written confirmation or written invitation to take part in fairs or exhibitions in Vietnam;

g) In case of import of the fertilizers prescribed in Point e Clause 2 Article 27 of this Decree, apart from the documents prescribed in Point a, b, c and d of this Clause, the applicant shall submit the original copy or valid copy of the import contract, export contract or processing contract signed with a foreign partner;

h) In case of import of the fertilizers prescribed in Point g Clause 2 Article 27 of this Decree, apart from the documents prescribed in Point a, b, c and d of this Clause, the applicant shall submit a valid copy of the outline of research into fertilizers to be imported.

3. Verification of applications and power to issue licenses for importing fertilizers

Within 7 days from the day on which the valid application is received, the Plant Protection Department shall issue the license for importing fertilizers using the specimen 21 prescribed in Appendix 1 of this Decree or send a written explanation to the applicant if it refuses to issue the license.

Chapter V

QUALITY MANAGEMENT, LABELING, NAMING, ADVERTISEMENT AND SENIMARS RELATED TO FERTILIZERS

Section 1. QUALITY MANAGEMENT

Article 29. Management of fertilizer quality

1. The fertilizer quality shall be managed in accordance with regulations on quality of products and goods.
2. Certification and declaration of conformity shall comply with regulations of law on standards and technical regulations and law on quality of products and goods.
3. The quality criteria prescribed in national technical regulations shall be used as bases for certification and declaration of conformity. If there is no national technical regulation, the management of fertilizer quality shall be carried out in accordance with quality criteria and testing methods prescribed in Appendix V of this Decree until the relevant national technical regulations are promulgated and come into force.
4. Organizations assessing the conformity wishing to engage in testing, assessment, verification and certification of fertilizer quality shall obtain certificates related to their operation as prescribed in the Government's Decree No. 107/2016/ND-CP dated July 01, 2016 on conditions for provision of conformity assessment services and be appointed by the Ministry of Agriculture and Rural Development in accordance with regulations on quality of products and goods and relevant documents.

Article 30. State inspection of quality of imported fertilizers

1. Quality of imported fertilizers shall be subject to state inspections except for the import of the fertilizers prescribed in Points a, b, c, d, dd, e and g Clause 2 Article 27 of this Decree; fertilizers that are temporarily imported, transited or sent to bonded warehouse and domestic fertilizers that are imported to export processing zones by export processing enterprises.
2. The Plant Protection Department shall carry out state inspections of quality of imported fertilizers.
3. Customs procedures for import of fertilizer consignments shall only be completed when results of state inspections are notified by the Plant Protection Department.
4. Fertilizers are allowed to be sent to warehouses for preservation before the inspection results are presented in accordance with regulations on procedures for inspection and supervision of exports and imports.
5. Documents on a state inspection of quality of imported fertilizers shall be kept for 05 years from the day on which the notification of results of the state inspection is published.

Article 31. Applications and procedures for state inspections of quality of imported fertilizers

1. Submission of applications

An organization or individual shall submit an application in person, by post or through web portals.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

2. An application for the State inspections of quality of imported fertilizers shall consist of:

a) An application form for the state inspection of quality of imported fertilizers using the specimen 22 prescribed in Appendix I of this Decree;

b) Copies of the following documents: A contract for exchange of fertilizers; a list of fertilizers which specifies registered quantity and code of each consignment; invoices and bill of lading if the fertilizers are transported through airway, seaway or railway.

3. Procedures for inspecting and taking samples

a) The Plant Protection Department shall inspect the sufficiency and validity of the application as prescribed in Clause 2 of this Article within a working day.

If the application is sufficient and valid, the Plant Protection Department will take samples in accordance with regulations of law.

If the application is not sufficient and valid, the Plant Protection Department will send a written explanation to the applicant.

b) Taking samples for inspection of fertilizer quality

The Plant Protection Department shall inspect the conformity of fertilizer consignments at the location of taking samples with documents included in the application. In case of conformity, samples of the fertilizers shall be taken. Samples of the fertilizers shall be sealed after being taken and a report on taking samples for the state inspection of quality of imported fertilizers shall be made according to the specimen 23 prescribed in Appendix I of this Decree.

c) Notification of inspection results

Within 10 working days from the day on which the samples are taken, the Plant Protection Department shall notify results of the state inspection of quality of imported fertilizers to the applicant using the specimen 24 prescribed in Appendix I of this Decree.

Article 32. Taking samples for testing of fertilizers

1. Taking samples of fertilizers

a) Samples for testing of fertilizers serving the state administration shall be taken by people who obtain certificates of training in sampling fertilizers;

b) Methods for sampling shall comply with national standards in sampling fertilizers

c) In the cases where the fertilizers have no national standards in sampling, the producer or importer of fertilizers shall publish methods for sampling these fertilizers.

2. Testing of fertilizers

The testing of fertilizers serving the state administration related to production and trading of fertilizers on the markets shall be carried out by testing laboratories appointed by competent authorities.

Section 2. NAMING AND LABELING OF FERTILIZERS

Article 33. Principles for naming fertilizers

1. Names of fertilizers to be registered shall not be the same as those of recognized fertilizers.

2. Names of fertilizers shall not falsify nature, utilities, composition and types of fertilizers.

3. Names of fertilizers shall not violate good customs and traditions of Vietnam and shall not coincide with reading or writing of names of leaders, national heroes, celebrities, foods, beverages and pharmaceuticals.

4. If a name of fertilizer to be registered contains composition coinciding with name of the recognized fertilizer, particular symbols shall be added to this name in order to avoid the abovementioned coincidence.

5. Names of compound fertilizers shall comply with the following order: Name of type of fertilizer, composition, particular symbols, numbers showing the amount of each component mentioned in the name and other particular symbols (if any)

Components and numbers showing the amount of each component shall comply with the following order: macronutrients namely nitrogen (N), phosphorus (P), potassium (K), secondary nutrients, micronutrients, organic substances and other supplements (if any).

Article 34. Labeling fertilizers

1. Domestic fertilizers and imported fertilizers shall be labeled in accordance with regulations of the Government's Decree No. 43/2017/ND-CP dated April 14, 2017 on labels of goods
2. Apart from the compulsory contents prescribed in Clause 1 Article 10 of the Decree No. 43/2017/ND-CP, labels of fertilizers shall contain types of fertilizers and the number of decisions on recognition. In case of foliar fertilizers, their labels shall contain the phrase "foliar fertilizers".
3. Contents of labels shall be conformable with decisions on recognition.

Section 3. ADVERTISEMENT FOR AND SEMINARS RELATED TO FERTILIZERS

Article 35. Advertisement for fertilizers

1. Organizations and individuals shall advertise fertilizers in accordance with regulations of law on advertisement for fertilizers and have their contents of advertisements confirmed by the competent authorities as prescribed in Clause 4 of this Article.

2. Submission of applications

An organization or individual shall submit an application for confirmation of advertising contents in person or by post.

Within 03 working days from the day on which the application is received, if it is not valid, a notification of completing the application will be sent to the applicant.

3. An application for confirmation of advertising contents shall consist of:

- a) An application form for confirmation of advertising contents using the specimen 25 prescribed in Appendix I of this Decree;
- b) A valid copy of the declaration of conformity or decision on recognition of the fertilizer;
- c) A copy of the certificate of eligibility for production of fertilizers if the applicant advertises its fertilizer;
- d) 2 scenarios of advertisement and 1 CD recording sound and images or a design conformable with types of and measures for advertisement.

4. Within 10 days from the day on which the sufficient and valid application is received, The Department of Agriculture and Rural Development shall send a written confirmation of advertising contents using the specimen 26 prescribed in Appendix I of this Decree to the applicant. If the Department of Agriculture and Rural Development refuses to confirm the advertising contents, it shall send a written explanation to the applicant.

Article 36. Seminars in term of fertilizers

1. An application for organizing a seminar shall consist of:

- a) An application form for organizing the seminar which contain programs (specify the reported contents); time (yy/mm/dd); specific address of place of the seminar; contents of reports and documents given to attendees, general descriptions of the fertilizer such as its origin, characteristics, features and utilities; a list of names, titles and professional qualifications of reporters
- b) A valid copy of the declaration of conformity or the decision on recognition of the fertilizer;
- c) A copy of the certificate of eligibility for production of fertilizers in case of introduction of domestic fertilizers.

2. An organization or individual applying for organizing seminars shall submit the documents prescribed in Clause 1 of this Article to Department of Agriculture and Rural Development at least 01 day before organizing the seminar for monitoring, inspection and supervision.

3. If an organization or individual applies for organizing the second seminar or over without any change in its contents, the organization or individual will only submit an application form for organizing the seminar which specifies time and place of the seminar and the documents prescribed in Clause 1 of this Article are not required. If there is any change in contents of the seminar, the documents prescribed in points a and b Clause 1 of this Article are required.

Chapter VI

TRAINING IN TESTING, TAKING SAMPLES AND USING FERTILIZERS; PROFESSIONAL TRAINING IN FERTILIZERS

Article 37. Training in testing of fertilizers

1. Contents of training in testing fertilizer shall include:

- a) Applicable regulation of law on fertilizers;
- b) Safety in maintenance and use of fertilizers;
- c) Regulations on testing fertilizers;

- d) Practice of testing;
- dd) Storage of statistics and reports on testing results.

2. Training period shall be 10 days

Based on the training results, competent authorities shall consider issuing certificates of training in testing of fertilizers using the specimen 27 prescribed in Appendix I of this Decree.

3. Registration and organization of training in fertilizers

Organizations and individuals wishing to get training in testing of fertilizers shall make lists of trainees and submit them to the competent authorities in person or by post or send them online.

4. Competent authorities shall compile issue and annually update documents on and programs for the training in order to ensure the nationwide consistency.

Article 38. Training in sampling fertilizers

1. Contents of the training for people taking samples of fertilizers

- a) Applicable regulation of law on fertilizers;
- b) Methods for sampling as prescribed in national standards;
- c) Practice of sampling fertilizers

2. Training period shall be 05 days

Based on the training results, competent authorities shall consider issuing certificates of training in sampling fertilizers using the specimen 28 prescribed in Appendix I of this Decree.

3. Organizations and individuals wish to get training in sampling fertilizers shall make lists of trainees and submit them to the competent authorities in person or by post or send them online.

Competent authorities shall compile, issue and annually update documents on and programs for the training in order to ensure the nationwide consistency.

Article 39. Professional training in fertilizers

1. Contents of professional training in fertilizers shall include:

- a) Applicable regulation of law on fertilizers;
- b) Plant nutrition, land, soil chemistry, soil physics, soil and fertilizers;
- c) Fertilizers and ways to spread fertilizers and instructions for use of fertilizers;
- d) Practice and actual visits.

2. Period of professional training shall be 3 days

Based on the training results, training providers shall consider issuing certificates of professional training in fertilizers using the specimen 29 prescribed in Appendix I of this Decree.

3. Organizations and individuals wish to get professional training in fertilizers shall make lists of trainees and submit them to the training providers in person or by post or submit them online.

Article 40. Contents of training in using fertilizers

- 1. Instructions for efficient use of fertilizers
- 2. Ways to read labels of fertilizers
- 3. Environmental protection and food safety
- 4. Rights and duties of users of fertilizers

Article 41. Responsibilities of organizations providing training in fertilizers

1. The Plant Protection Department shall design programs and compile documents on training in testing and sampling fertilizers and professional training in fertilizers and update them annually to ensure the nationwide consistency; take charge and cooperate with training schools and institutions in providing training in testing and sampling fertilizers.

2. Crop Cultivation and Plant Protection Sub departments shall prepare documents on the training in using fertilizers in accordance with the contents of programs prescribed in Article 40 of this Decree; take charge and cooperate with fertilizer associations and enterprises in providing professional training in fertilizers and provide training in using fertilizers.

3. Associations and producers of fertilizers shall actively cooperate with regulatory authorities in propagation and provision of professional training for people who directly produce, trade and use fertilizers.

Chapter VII

RESPONSIBILITIES OF AUTHORITIES, ORGANIZATIONS AND INDIVIDUALS ENGAGING IN FIELDS OF FERTILIZERS

Article 42. Responsibilities of ministries and local government authorities

1. The Government shall ensure the consistency of state administration related to fertilizers
2. The Ministry of Agriculture and Rural Development shall be accountable to the Government for its state administration related to fertilizers. To be specific:
 - a) Request the Government to promulgate legislative documents on fertilizer management, strategies, master plans, programs, plans for and policies on development, export and import of fertilizers;
 - b) Formulate national standards in fertilizers and formulate and promulgate national technical regulations on safety of fertilizers;
 - c) Manage the registration, testing, production, trade, export, import, quality management, labeling, advertisement and use of fertilizers in Vietnam;
 - d) Conduct research, collect and manage information and materials related to production and trading of fertilizers; join the national cooperation in the fields of fertilizers managed by it
 - dd) Provide training, improve, propagandize and popularize legal documents on fertilizers;
 - e) Inspect and deal with complaints and denunciation and take actions against violations of fertilizer management;
 - g) Set up a system of testing laboratory that is eligible for serving the state administration related to fertilizers;
 - h) Consolidate and upload a list of recognized fertilizers on the web portal of the Plant Protection Department;
 - i) Assign the Plant Protection Department to work as the specialized authority in charge of state administration related to fertilizers in accordance with regulations of law.
3. The Ministry of Industry and Trade shall cooperate with the Ministry of Agriculture and Rural Development in formulating strategies, master plans, programs and plans for and policies on production of inorganic fertilizers; direct authorities managing the market to cooperate with relevant authorities and organizations in inspecting the compliance with regulations of law related to the trading of fertilizers in their regions.
4. The Ministry of Science and Technology shall appraise and publish the national standards in fertilizers, appraise technical regulations on fertilizers; cooperate with the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade in organizing scientific research, application and transfer of technologies, formulating national standards and technical regulations and managing the fertilizer quality and intellectual property related to fields of fertilizers.
5. The Ministry of Planning and Investment shall cooperate with the Ministry of Agriculture and Rural Development in formulate programs, plans and mechanisms for and policies on production and trading of fertilizers.
6. The Ministry of Natural Resources and Environment shall cooperate with the Ministry of Agriculture and Rural Development in formulating programs, plans and mechanisms for and policies on environmental protection in production, trading, quality management and use of fertilizers.
7. People's Committee of each province shall:
 - a) Direct specialized authorities to inspect and control the quality of fertilizers in the province and take responsibility for fake fertilizers and poor quality fertilizers in the province;
 - b) Introduce policies on providing assistance in the production, trading and use of fertilizers in the province.
 - c) Provide instructions for efficient use of fertilizers without environmental pollution;
 - d) Propagate, popularize and organize legal guidance, provide information on fertilizer quality, provide instructions on recognizing fake fertilizers and low-quality fertilizers;
 - dd) Carry out regular or surprise inspections of organizations and individuals producing and trading in fertilizers in its province in accordance with regulations of this Decree; take actions against administrative violations related to fertilizers in accordance with regulations of law.
8. The Department of Agriculture and Rural Development of each province shall:
 - a) Request the People's Committee of the province to formulate policies on providing assistance in the production and trading of fertilizers in the province;

- b) Monitor, inspect and supervise the declaration of conformity of fertilizers by organizations and individuals; inspect the fertilizer testing in the province; consolidate and make a list of organizations and individuals that have applied for the declaration of conformity or confirmation of contents of fertilizer advertisement;
- c) Take charge and cooperate with relevant authorities in propagating, popularizing and providing legal instructions, providing information about the fertilizer quality for producers, traders and consumers of fertilizers;
- d) Inspect and take actions against administrative violations related to fertilizers in the province in accordance with regulations of law; periodically inspect conditions for trading of fertilizers in the province in accordance with this Decree; Cooperate with the Ministry of Agriculture and Rural Development and other relevant ministries and authorities in inspecting, supervising and dealing with complaints and denunciations and take actions against violations related to the production and trading of fertilizers in the province;
- dd) Assign the Crop Cultivation and Plant Protection Sub department to work as the specialized authority in charge of state management related fertilizers in the province in accordance with regulations of law.

Article 43. Responsibilities of producers, traders, exporters and importers of fertilizers

1. A producer of fertilizer shall:

- a) Satisfy the conditions for producing fertilizers prescribed in Article 18 of this Decree and only produce fertilizers after obtaining the certificate of eligibility for production of fertilizers issued by the competent authority.
- b) Comply with contents of the certificate of eligibility for production of fertilizers and regulations on production of fertilizers;
- c) Test and keep the testing results of each consignment of finished fertilizers before they are sold on the market, keep the testing results for 2 years and keep and preserve samples of fertilizers for 6 months from the day on which samples of fertilizers are taken;
- d) Recover and treat low-quality fertilizers and pay compensations for victims in accordance with regulations of law;
- dd) Submit reports on the production, import and export of fertilizers to competent authorities before November 30 every year using the specimen 30 prescribed in Appendix I of this Decree or submit surprise reports upon request;
- e) Comply with the inspection carried out by the competent authority and relevant regulations of law on productions of fertilizers;
- g) Advertise and provide information about the composition, content and utilities of fertilizers and way to use fertilizers in conformity with their nature and regulations of law.
- h) Organize the training in and provide instructions for use of fertilizers; organize professional training for employees who directly produce fertilizers;
- i) Produce fertilizers whose origins are obvious;
- k) Comply with regulations of law on fire prevention, chemicals, labor and environment.

2. A trader of fertilizers shall:

- a) Satisfy the conditions for trading of fertilizers prescribed in Article 19 of this Decree and only trade in fertilizers after obtaining the certificate of eligibility for trading of fertilizers issued by the competent authority.
- b) Arrange fertilizers in a separate area and ensure that the fertilizers are maintained in a dry place.
- c) Advertise and provide information about the composition, content and utilities of fertilizers and way to use fertilizers in conformity with their nature and regulations of law.
- d) Inspect origins and labels of fertilizers, conformity marks and other documents related to the fertilizer quality;
- dd) Comply with the inspections carried out by the competent authorities related to satisfaction of the conditions for trading in fertilizers prescribed in this Decree and relevant regulations of law.
- e) Keep legal documents proving origins of place of production, place of import or place of supply of fertilizers;
- g) Only trade in fertilizers labeled in accordance with applicable regulations of law;
- h) Treat low-quality fertilizers and fake fertilizers and pay compensations for victims in accordance with regulations of law if the production establishment cannot be identified;

i) Comply with regulations of law on fire prevention, chemicals, labor and environment.

3. An importer or exporter of fertilizers shall:

a) Comply with regulations on export and import of fertilizers prescribed in Articles 26 and 27 of this Decree;

b) Comply with regulations on fertilizer quality as prescribed in regulation of law on quality of products and goods.

c) Comply with the inspections carried out by the competent authorities and relevant regulations of law on export and import of goods.

Article 44. Responsibilities of organizations testing fertilizers

1. Test fertilizers objectively and accurately.

2. Comply with standards, technical processes and requirements for testing.

3. Take legal responsibility for testing results.

4. Keep all diaries of production, raw data and reports on the testing results for at least 5 years from the day on which the testing finishes.

5. Be subject to the inspection of testing activities carried out by the competent authorities

6. Pay compensations for damage in accordance with regulations of law.

7. Report the testing results using the specimen 02 prescribed in Appendix I of this Decree.

8. Before testing fertilizers, send the testing outline to the competent authority of the testing area in order to provide bases for inspecting the testing of fertilizers.

9. Submit reports on their performance to competent authorities before November 30 every year using the specimen 11 prescribed in Appendix I of this Decree or submit surprise reports at the requests of competent authorities;

Article 45. Responsibilities of users of fertilizers

1. A user of fertilizers may:

a) Be provided with instructions for efficient use of fertilizers;

b) Request traders of fertilizers to provide instructions for use of fertilizers in conformity with contents of fertilizer labels;

c) Receive compensations for damage in accordance with regulations of law.

2. A user of fertilizers shall:

a) Use recognized fertilizers in accordance with the instructions specified in their labels;

b) Ensure the efficient use of fertilizers, human safety and food safety according to the following principles: Right ground, right types of plants, right amount, right time and right methods.

Article 46. Responsibilities of people sampling fertilizers

1. Take samples of fertilizers in accordance with regulations of law and ensure the objectiveness.

2. Ensure the security of information and data related to sampling of fertilizers unless the competent authorities request reports on these information and data.

3. Take part in training courses in sampling fertilizers.

4. Take legal responsibility for activities related to sampling of fertilizers.

Chapter VIII

IMPLEMENTATION CLAUSES

Article 47. Transition clause

1. Fertilizers whose names are specified in the notification of conformity of the Department of Agriculture and Rural Development or the Department of Industry and Trade may be produced, traded and used within 12 months from the day on which this Decree comes into force. Within the above-mentioned period, the Ministry of Agriculture and Rural Development considering issuing decisions on recognition of fertilizers are not required to follow the procedures for recognition prescribed in this Decree.

2. In the cases where fertilizers whose names are specified in licenses for production of fertilizers have not gone through declaration of conformity or fertilizers have been tested and applications for licenses for production of these fertilizers have been submitted before this Decree comes into force, the

Ministry of Agriculture and Rural Development shall consider issuing decisions on recognition of these fertilizers without going through the procedures for recognitions prescribed in this Decree.

3. Licenses for production of fertilizers issued by competent authorities shall be still valid for 5 years from the days on which this Decree comes into force.
4. If organizations and individuals having obtained licenses for production of fertilizers request issuance or reissuance of licenses, the competent authorities shall consider issuing or reissuing certificates of eligibility for productions of fertilizers to them as prescribed in Clause 2 Article 22 of this Decree.
5. If an application for the license for production of fertilizers has been received by the Ministry of Agriculture and Rural Development or the Ministry of Industry and Trade but the license has not been issued before this Decree come into force, the Ministry of Agriculture and Rural Development will consider issuing the certificate of eligibility for production of fertilizers in accordance with regulations of this Decree.
6. The acceptable content between the testing results of the quality criteria and those of declared quality criteria of the fertilizers specified in Clauses 1, 2, 10 and 11 of this Article shall comply with regulations in Appendix V of this Decree until the national technical regulations are promulgated and come into force.
7. Organizations and individuals have obtained licenses for hiring organizations or individuals to produce inorganic fertilizers may continue using their license for 12 months from the day on which this Decree comes into force.
8. Organizations and individuals that are trading in fertilizers before this Decree comes into force shall obtain certificates of eligibility for trading of fertilizers within 36 months from the day on which this Decree comes into force.
9. If the fertilizers prescribed in Clauses 1, 2 and 11 of this Article fail to be named in accordance with regulations in Clause 3 Article 6 and Article 33 of this Decree; they shall have their names changed within 36 months from the day on which this Decree comes into force.
10. If a fertilizer has been tested before this Decree comes into force and its quality criteria satisfy national technical regulations or regulations in Appendix V of this Decree if there is no national technical regulation, within 24 months from the day on which this Decree comes into force, the testing results will be used for considering and recognizing this fertilizer.
11. Fertilizers that are included in the list of fertilizers allowed to be produced, traded and used in Vietnam issued by the Minister of Agriculture and Rural Development from August 9, 2008 to November 27, 2013 and fertilizers that have been tested (except for the tested fertilizers prescribed in Clause 2 of this Article) shall be considered and recognized as prescribed in Article 9 of this Decree within 12 months from the day on which this Decree comes into force.
12. The fertilizers prescribed in Clause 11 of this Article may be imported without import licenses for 12 months from the day on which this Decree comes into force. Quality criteria published in the lists of or licenses for importing fertilizers for testing shall be used as bases for state inspection of quality of imported fertilizers and declaration of conformity.
13. Certificates of training for people sampling fertilizers that are issued before this Decree comes into force shall have their validity equivalent to certificates of training in sampling fertilizers prescribed in this Decree.

Article 48. Effects

1. This Decree comes into force from the day on which it is signed
2. This Decree shall replace the Government's Decree No. 202/2013/ND-CP dated November 27, 2013 on fertilizer management. The following regulations and documents shall be annulled:
Regulations in Chapter IV of the Government's Decree No. 77/2016/ND-CP dated July 01, 2016 on amendments to certain regulations on certain regulations on investment and trading conditions related to international trade in goods, chemicals, industrial explosives, fertilizer, gas business and food business under the state management of Ministry of Industry and Trade;

Circular No. 41/2014/TT-BNNPTNT dated November 13, 2014 of the Minister of Agriculture and Rural Development on guidelines for certain articles of the Government's Decree No. 202/2013/ND-CP dated November 27, 2013 on fertilizer management under the state administration of the Ministry of Agriculture and Rural Development; Circular No. 29/2014/TT-BCT dated September 30, 2014 of the Minister of Industry and Trade providing guidance on the implementation of certain articles related to inorganic fertilizers, providing guidance on issuance licenses for production of inorganic fertilizers, organic fertilizers and other fertilizers prescribed in the Government's Decree 202/2013/ND-CP dated December 27, 2013 on fertilizer management; Articles 27 and 28 and Appendix containing the specimen No. 05/TT and specimen No. 06/TT of the Circular No. 04/2015/TT-BNNPTNT dated February 12, 2015 of Ministry of Agriculture and Rural Development providing guidance on the

Government's Decree No. 187/2013/ND-CP dated November 20, 2013 on guidance on the Commercial Law related to international trade in goods and commercial agency, trading, processing and transit of goods with foreign countries in the agriculture, forestry and aquaculture and Article 15 of the Circular No. 11/2017/TT-BNNPTNT dated May 29, 2017 on amendments to certain articles of legislative documents related to functions and tasks of units affiliated to the Ministry of Agriculture and Rural Development.

Article 49. Implementation

1. The Minister of Agriculture and Rural Development shall provide guidance on this Decree.
2. Ministers, heads of ministerial authorities, heads of Governmental agencies, chairmen or chairwomen of People's Committees of provinces and central-affiliated cities and relevant organizations and individuals shall take responsibility for the implementation of this Decree.

**P.P GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

ATTACHED FILE



Appendix