

Law

On standards and technical regulations

(No. 68/2006/QH11)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under December 25, 2001 Resolution No. 51/2001/QH10 of the Xth National Assembly, the 10th session;

This Law provides for standards and technical regulations.

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Law provides for the formulation, announcement and application of standards; the formulation, promulgation and application of technical regulations; and the assessment of conformity with standards and technical regulations.

Article 2.- Subjects of application

This Law applies to Vietnamese and foreign organizations and individuals and overseas Vietnamese carrying out activities related to standards and technical regulations in Vietnam.

Article 3.- Interpretation of terms

In this Law, the terms below are construed as follows:

1. Standard means regulation on technical characteristics and management requirements used as standard for classifying and appraising products, goods, services, processes, the environment and other objects in socio-economic activities with a view to improving the quality and effectiveness of these objects.

A standard shall be published in a written form by an organization for voluntary application.

2. Technical regulation means regulation on the limits of technical characteristics and management requirements which products, goods, services, processes, the environment and other objects in socio-economic activities must comply with in order to ensure safety, hygiene and human health; to protect animals, plants and the environment; to safeguard national interests and

security, consumer interests and other essential requirements.

A technical regulation shall be promulgated in a written form by a competent state agency for mandatory application.

3. Activities in the domain of standard means formulation, announcement and application of standards and assessment of conformity with standards.

4. Activities in the domain of technical regulation means formulation, promulgation and application of technical regulations and assessment of conformity with technical regulations.

5. Conformity assessment means determination as to whether objects of activities in the domain of standard or objects of activities in the domain of technical regulation are conformable with technical characteristics and management requirements in relevant standards or technical regulations.

Conformity assessment covers testing, calibration, inspection and certification of standard or technical regulation conformity; announcement of standard or technical regulation conformity; and accreditation of the capacity of testing laboratories, calibration laboratories, conformity certification organizations and inspection organizations.

6. Certification of standard conformity means certification that objects of activities in the domain of standard conform with relevant standards.

7. Certification of technical regulation conformity means certification that objects of activities in the domain of technical regulation conform with relevant technical regulations.

8. Announcement of standard conformity means announcement by an organization or individual of the conformity of objects of activities in the domain of standard with relevant standards.

9. Announcement of technical regulation conformity means announcement by an organization or individual of the conformity of objects of activities in the domain of technical regulation with relevant technical regulations.

10. Accreditation means certification that a testing laboratory, calibration laboratory, conformity certification organization or inspection organization has the capacity conformable with relevant standards.

Article 4.- Application of laws

1. In case of disparity between the provisions of this Law and those of other laws concerning standards and technical regulations, the provisions of this Law shall prevail.

2. When a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions different from those of this Law, the provisions of that treaty shall prevail.

Article 5.- Objects of activities in the domain of standard and objects of activities in domain of technical regulation

1. Objects of activities in the domain of standard and objects of activities in the domain of technical regulation include:

a/ Products, goods;

b/ Services;

c/ Processes;

d/ Environment;

e/ Other objects in socio-economic activities.

2. The Government shall stipulate in detail objects of activities in the domain of standard and objects of activities in the domain of technical regulation.

Article 6.- Fundamental principles for activities in the domain of standard and the domain of technical regulation

1. Standards and technical regulations must ensure improvement of the quality and efficiency of socio-economic activities and raising of the competitiveness of products, goods and services on domestic and international markets.

2. Standards and technical regulations must meet requirements on safety, national security, hygiene, human health, legitimate rights and interests of related parties, protection of animals, plants and the environment, and rational use of natural resources.

3. Activities in the domain of standard and the domain of technical regulation must ensure publicity, transparency, non-discrimination and no unnecessary obstacles to production, business and commercial activities. The formulation of standards must ensure involvement and consensus of related parties.

4. The formulation of standards and technical regulations must:

a/ Be based on scientific and technological advances, practical experience, present-day needs and socio-economic development trends.

b/ Use international standards, regional standards and foreign standards as the basis, except for those not suitable to Vietnam's geographical, climatic, technical and technological characteristics or those affecting national interests;

c/ Prioritize requirements on the utility of products and goods while restricting requirements on

descriptive characteristics or detailed design;

d/ Ensure uniformity of Vietnam's standard system and technical regulation system.

Article 7.- State policies on development of activities in the domain of standard and the domain of technical regulation

1. To attach importance to investment in building material-technical foundations and training human resources for the state management of activities in the domain of standard and the domain of technical regulation.
2. To support and promote scientific research and application and technological development in service of activities in the domain of standard and the domain of technical regulation.
3. To encourage domestic and foreign organizations and individuals as well as overseas Vietnamese to participate in formulating and applying standards and technical regulations, invest in developing activities in the domain of standard and the domain of technical regulation in Vietnam, and training in standard and technical regulation knowledge for econo-technical branches.

Article 8.- International cooperation on standards and technical regulations

1. The State shall encourage expansion of cooperation with other countries, territories, international organizations, regional organizations, foreign organizations and individuals on standards and technical regulations and making use of their assistance on the principle of respect for the principles of independence, sovereignty, territorial integrity, equality and mutual benefit.
2. The State shall facilitate and adopt measures to promote the signing of bilateral and multilateral agreements on mutual recognition of conformity assessment results in order to facilitate the development of trade between Vietnam and other countries and territories.

Article 9.- Prohibited acts

1. Taking advantage of activities in the domain of standard and the domain of technical regulation to impede, trouble and hassle production, business and commercial activities of organizations and individuals.
2. Disseminating false information and advertisements and committing other deceitful acts in activities in the domain of standard and the domain of technical regulation.
3. Abusing activities in the domain of standard and the domain of technical regulation to infringe upon national interests, defense, security, social order and safety.

Chapter II

FORMULATION, ANNOUNCEMENT AND APPLICATION OF STANDARDS

Article 10.- System of standards and standard symbols

The Vietnamese system of standards and standard symbols consists of:

1. National standards, symbolized by TCVN;
2. Manufacturer standards, symbolized by TCCS.

Article 11.- Responsibility for formulating, evaluating and announcing standards

1. Ministers, heads of ministerial-level agencies and heads of government-attached agencies shall organize the drafting of national standards and request the evaluation and announcement of national standards.
2. The Minister of Science and Technology shall organize the evaluation of draft national standards and announce national standards.
3. Organizations formulating and announcing manufacturer standards include:
 - a/ Economic organizations;
 - b/ State agencies;
 - c/ Non-business organizations;
 - d/ Socio-professional organizations.

Article 12.- Types of standards

1. Fundamental standards stipulate characteristics and requirements of general application on a large scale or contain general requirements for a particular domain.
2. Terminology standards stipulate names and definitions for objects of activities in the domain of standard.
3. Technical requirement standards stipulate levels, criteria and requirements for objects of activities in the domain of standard.
4. Testing method standards stipulate methods of sampling, methods of measurement, methods of identification, methods of analysis, methods of checking, methods of assay and methods of inspection of levels, criteria and requirements for objects of activities in the domain of standard.
5. Labeling, packing, transportation and preservation standards stipulate requirements on

labeling, packing, transportation and preservation of products and goods.

Article 13.- Grounds for standard formulation

Standards shall be formulated on one or more of the following grounds:

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

Article 14.- Plannings and plans on formulation of national standards

1. Plannings and plans on formulation of national standards include five-year plannings and plans and annual plans which are elaborated on the following grounds:

a/ Socio-economic development requirements;

b/ Requests of organizations and individuals.

2. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with other concerned ministries, ministerial-level agencies and government-attached agencies in, elaborating plannings and plans on formulation of national standards and publish them for public comment before approving them.

The Ministry of Science and Technology shall approve plannings and plans on formulation of national standards and publish them within thirty days after the date of approval thereof.

3. In case of necessity, plannings and plans on formulation of national standards may be revised under decisions of the Minister of Science and Technology. The revision of plannings and plans on formulation of national standards shall comply with the provisions of Clause 2 of this Article.

Article 15.- Rights of organizations and individuals to participate in formulating national standards

1. To propose and give comments on plannings and plans on formulation of national standards.
2. To assume the prime responsibility for, or participate in, compiling draft national standards for the Ministry of Science and Technology to evaluate and announce.
3. To give comments on draft national standards.

Article 16.- Technical boards for national standard

1. A technical board for national standard is a technical advisory body set up by the Ministry of Science and Technology for each domain of standard.
2. Members of a technical board for national standard include representatives of state agencies, scientific and technological organizations, associations, unions, enterprises and other concerned organizations, consumers and specialists.
3. A technical board for national standard has the following tasks:
 - a/ To propose plannings, plans, options and measures to formulate national standards;
 - b/ To compile draft national standards based on the drafts proposed by organizations or individuals; to directly prepare draft national standards; to participate in compiling and commenting on draft international standards, draft regional standards; to participate in evaluating draft national standards formulated by ministries, ministerial-level agencies or government-attached agencies;
 - c/ To join in counseling on and disseminating national standards and other standards;
 - d/ To participate in formulating draft technical regulations upon request.

Article 17.- Order and procedures for formulating, evaluating and announcing national standards

1. The order and procedures for formulating, evaluating and announcing national standards with respect to draft national standards formulated by ministries, ministerial-level agencies or government-attached agencies are as follows:
 - a/ Ministries, ministerial-level agencies or government-attached agencies draft national standards on the basis of the approved plans on formulation of national standards;
 - b/ Ministries, ministerial-level agencies or government-attached agencies organize public gathering of opinions of concerned organizations and individuals on draft national standards; hold symposiums for related parties to give comments on the drafts. The duration for submission of opinions on a draft shall be at least sixty days; in urgent circumstances related to health, safety or environment, this duration may be shorter;
 - c/ Ministries, ministerial-level agencies or government-attached agencies study and take opinions of organizations and individuals into account for finalizing draft national standards, make dossiers of draft national standards and send them to the Ministry of Science and Technology for evaluation;
 - d/ The Ministry of Science and Technology organizes the evaluation of draft national standards in accordance with the provisions of Article 18 of this Law. The evaluation duration must not

exceed sixty days from the date of receipt of valid dossiers;

e/ The Minister of Science and Technology announces national standards within thirty days after obtaining evaluation opinions agreeing with draft national standards;

f/ When there are evaluation opinions disagreeing with the draft national standard, the Ministry of Science and Technology shall forward such evaluation opinions to the national standard-drafting ministry, ministerial-level agency or government-attached agency for finalization of the draft national standard. After receiving the finalized draft, the Ministry of Science and Technology shall announce the national standard in accordance with the provisions of Point e of this Clause. If no agreement can be reached between two parties, the Ministry of Science and Technology shall report the case to the Prime Minister for consideration and decision.

2. The order and procedures for formulating, evaluating and announcing national standards with respect to draft national standards proposed by organizations or individuals are as follows:

a/ The organization or individual compiles a draft standard or proposes an existing standard to the Ministry of Science and Technology for consideration;

b/ The Ministry of Science and Technology assigns the technical board for national standard to compile a draft national standard on the basis of the draft proposed by the organization or individual; organizes public gathering of opinions of concerned organizations and individuals on the draft; holds symposiums for related parties to give comments on the draft. The duration for submission of opinions on a draft shall be at least sixty days; in urgent circumstances related to health, safety or environment, this duration may be shorter;

c/ The technical board for national standard studies and takes opinions of organizations and individuals into account for finalizing the draft national standard, makes a dossier of the draft and submits it to the Ministry of Science and Technology for consideration;

d/ The Ministry of Science and Technology organizes the evaluation of the draft national standard under the provisions of Article 18 of this Law. The time limit for evaluation and announcement of national standards shall comply with the provisions of Point d and e, Clause 1 of this Article.

3. The order and procedures for formulation, evaluation and announcement of national standards with respect to draft national standards formulated by the Ministry of Science and Technology are as follows:

a/ On the basis of the approved plan on formulation of national standards, the Ministry of Science and Technology assigns a relevant technical board for national standard to formulate the draft national standard under the provisions of Points b and c, Clause 2 of this Article;

b/ The Ministry of Science and Technology organizes the evaluation of the draft national standard under the provisions of Article 18 of this Law. The time limit for evaluation and announcement of national standards shall comply with the provisions of Point d and e, Clause 1

of this Article.

4. The Government shall issue specific regulations on dossiers of draft national standards.

Article 18.- Contents of evaluation of draft national standards

1. Conformity of standards with scientific and technological advances, socio-economic conditions and development demands.

2. Conformity of standards with relevant technical regulations, legal provisions and international commitments and the requirement on harmonization with international standards.

3. Uniformity and consistency within the national standard system, adherence to the principles of consensus and harmonization of interests of related parties.

4. Observance of technical requirements, the order and procedures for formulation of national standards.

Article 19.- Review, amendment, supplementation, replacement and cancellation of national standards

1. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies and government-attached agencies in, reviewing national standards once every three years or at an earlier time when necessary, counting from the date of announcement of such standards.

2. Amendment, supplementation and replacement of national standards shall be effected in the order and according to the procedures specified in Article 17 of this Law on the basis of national standard review results or at the proposal of organizations or individuals.

3. Cancellation of national standards shall be effected on the basis of national standard review results or at the proposal of ministries, ministerial-level agencies, government-attached agencies, organizations or individuals.

The Ministry of Science and Technology shall evaluate dossiers of cancellation of national standards and announce the cancellation of national standards after obtaining written agreement of other ministries, ministerial-level agencies or government-attached agencies which have drafted such national standards.

Article 20.- Formulation and announcement of manufacturer standards

1. Manufacturer standards shall be formulated under the guidance of the heads of organizations specified in Clause 3, Article 11 of this Law and announced for application to manufacturers' activities.

2. Manufacturer standards shall be formulated on the basis of scientific and technological

achievements, demands and practical capabilities of manufacturers. The use of national standards, international standards, regional standards and foreign standards as manufacturer standards shall be encouraged.

3. Manufacturer standards must not contravene relevant technical regulations and provisions of law.

4. The order and procedures for formulation and announcement of manufacturer standards shall comply with the guidance of the Ministry of Science and Technology.

Article 21.- Publishing and distribution of standards

1. The Ministry of Science and Technology shall hold the right to publish and distribute national standards.

2. Vietnamese representative agencies participating in international or regional standardizing organizations shall publish and distribute international standards or regional standards according to regulations of such organizations.

The publishing and distribution of standards of international or regional organizations of which Vietnam is not a member and foreign standards shall be as agreed with organizations promulgating those standards.

3. Organizations announcing manufacturer standards shall hold the right to publish and distribute those manufacturer standards.

Article 22.- Notification and dissemination of national standards

The Ministry of Science and Technology has the following responsibilities:

1. To make public the announcement of national standards, the amendment, supplementation, replacement or cancellation of national standards within thirty days after the date of issuance of relevant decisions;

2. To assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies and government-attached agencies in, disseminating and guiding the application of national standards;

3. Annually, to distribute the list of national standards.

Article 23.- Principles for application of standards

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

The application of part or the whole of a specific standard shall become mandatory when it is

invoked in a legal document or technical regulation.

2. Manufacturer standards shall be applied within the scope of management of organizations that announce them.

Article 24.- Modes of application of standards

1. Standards shall be directly applied or invoked in another document.

2. Standards shall be used as the basis for conformity assessment activities.

Article 25.- Funding sources for formulation of standards

1. Funding sources for formulation of national standards include:

a/ State budget allocated according to approved annual budget estimates;

b/ Voluntary supports of organizations and individuals at home and abroad;

c/ Other lawful sources of revenues.

2. Manufacturer standards shall be formulated with organizations' or individuals' own funds, which shall be accounted as reasonable expenses.

3. The Government shall stipulate the management and use of funds for formulation of national standards.

Chapter III

FORMULATION, PROMULGATION AND APPLICATION OF TECHNICAL REGULATIONS

Article 26.- System of technical regulations and symbols of technical regulations

The system of technical regulations and symbols of technical regulations of Vietnam consists of:

1. National technical regulations, symbolized by QCVN;

2. Local technical regulations, symbolized by QCDP.

Article 27.- Responsibilities for formulating, evaluating and promulgating technical regulations

1. Responsibilities for formulating, evaluating and promulgating national technical regulations are as follows:

a/ Ministers and heads of ministerial-level agencies shall formulate and promulgate national technical regulations within the scope of branches or domains under their assigned management;

b/ The Minister of Science and Technology shall organize evaluation of draft national technical regulations;

c/ The Government shall stipulate the formulation, evaluation and promulgation of national technical regulations of inter-branch nature and national technical regulations for objects of activities in the domain of technical regulation falling under the management of government-attached agencies.

2. Responsibilities for formulating, evaluating and promulgating local technical regulations are as follows:

a/ People's Committees of provinces or centrally run cities shall formulate and promulgate local technical regulations for application within the scope of local management to specific products, goods, services and processes of each locality and in response to specific environmental requirements suitable to local geographical, climatic, hydrological characteristics and socio-economic development levels;

b/ Local technical regulations shall be promulgated after they are approved by competent state agencies defined at Point a, Clause 1 of this Article.

Article 28.- Types of technical regulations

1. General technical regulations include technical and managerial regulations applicable to a management domain or a group of products, goods, services or processes.

2. Safe technical regulations include:

a/ Regulations on levels, norms and requirements related to bio-safety, fire and explosion safety, mechanical safety, industrial safety, construction safety, thermal safety, chemical safety, electricity safety, medical equipment safety, electro-magnetic compatibility, radiation and nuclear safety;

b/ Regulations on levels, norms and requirements related to food safety and hygiene, pharmaceutical and cosmetic safety for human health;

c/ Regulations on levels, norms and requirements related to hygiene and safety of animal feeds, fertilizers, plant protection drugs, veterinary drugs, bio-products and chemicals used for animals and plants.

3. Environmental technical regulations provide for levels, norms and requirements on environmental quality and waste.

4. Technical regulations of processes provide for requirements on hygiene and safety in the

processes of production, exploitation, processing, preservation, operation, transportation, use and maintenance of products and goods.

5. Technical regulations of services provide for requirements on hygiene and safety in business, trading, post, telecommunications, construction, education, financial, scientific and technological, healthcare, tourist, entertainment, cultural, sport, transport, environmental services and services in other domains.

Article 29.- Plannings and plans on formulation of technical regulations

1. Plannings and plans on formulation of technical regulations include five-year plannings and plans and annual plans elaborated on the following grounds:

a/ Socio-economic development requirements;

b/ State management requirements;

c/ Proposals of organizations and individuals.

2. Plannings and plans on formulation of technical regulations shall be elaborated by technical regulation-promulgating agencies in coordination with the Ministry of Science and Technology and concerned agencies and put up for public comment before they are approved.

Technical regulation-promulgating agencies shall approve plannings and plans on formulation of technical regulations and make them public within thirty days after approval.

3. In case of necessity, plannings and plans on formulation of technical regulations may be amended and supplemented under decisions of the heads of technical regulation-promulgating agencies and in accordance with Clause 2 of this Article.

Article 30.- Grounds for formulation of technical regulations

Technical regulations shall be formulated on one or more of the following grounds:

1. National standards;

2. International standards, regional standards and foreign standards;

3. Scientific and technological research results, technical advances;

4. Results of evaluation, assay, test, supervision and inspection.

Article 31.- Rights of organizations and individuals to participate in formulating technical regulations

1. To propose and give comments on plannings and plans on formulation of technical

regulations.

2. To compile draft technical regulations and propose them to technical regulations-promulgating agencies for consideration and promulgation.
3. To participate in compiling draft technical regulations at the request of technical regulations-formulating agencies.
4. To give comments on draft technical regulations.

Article 32.- Order and procedures for formulation, evaluation and promulgation of technical regulations

1. The order and procedures for formulation, evaluation and promulgation of national technical regulations are as follows:

a/ On the basis of the approved plan on formulation of technical regulations, the national technical regulation-promulgating agency defined in Article 27 of this Law organizes the formulation of the national technical regulation with the participation of representatives of state agencies, scientific and technological institutions, enterprises, other related organizations, consumers and specialists;

b/ The national technical regulation-promulgating agency organizes public gathering of opinions of concerned organizations and individuals on the draft national technical regulation; holds symposiums for related parties to give comments on the draft. The duration for submission of opinions on the draft shall be at least sixty days; in urgent circumstances related to health, safety or environment, this duration may be shorter as decided by the national technical regulations-promulgating agency;

c/ The national technical regulation-promulgating agency studies and takes opinions of organizations and individuals into account for finalizing the draft national technical regulation, makes a dossier of the draft national technical regulation after consulting concerned ministries and branches on the contents of the draft and transfers the draft to the Ministry of Science and Technology for evaluation;

d/ The Ministry of Science and Technology organizes the evaluation of the draft national technical regulation in accordance with the provisions of Article 33 of this Law. The time limit for evaluation shall not exceed sixty days from the date of receipt of the valid dossier;

e/ The national technical regulation-promulgating agency finalizes the draft and promulgates the national technical regulation within thirty days after the date of obtaining the agreement of the evaluating agency. In case of disagreeing with the evaluation opinions, the national technical regulation-promulgating agency shall report the case to the Prime Minister for consideration and decision.

2. The order and procedures for formulating, evaluating and promulgating local technical

regulations are as follows:

- a/ On the basis of the approved plan on formulation of technical regulations, the provincial/municipal People's Committee organizes the formulation of local technical regulation;
- b/ The provincial/municipal People's Committee organizes public gathering of opinions of concerned organizations and individuals on the draft local technical regulation; holds symposiums for related parties to give comments on the draft. The duration for submission of opinions on the draft shall be at least sixty days; in urgent circumstances related to health, safety or environment, this duration may be shorter as decided by the provincial/municipal People's Committee;
- c/ The provincial/municipal People's Committee studies and takes opinions of organizations and individuals into account for finalizing the draft local technical regulation, makes a dossier of the draft and sends it to the competent state agency defined at Point a, Clause 1, Article 27 of this Law for comment;
- d/ The provincial/municipal People's Committee promulgates the local technical regulation within thirty days after the date of obtaining the agreement of the competent state agency defined at Point a, Clause 1, Article 27 of this Law.

3. The Government shall issue specific regulations on dossiers of draft technical regulations.

Article 33.- Contents of evaluation of draft national technical regulations

- 1. Conformity of technical regulations with relevant legal provisions and international commitments;
- 2. Uniformity and consistency within the system of national technical regulations;
- 3. Observance of professional requirements, the order and procedures for formulation of technical regulations.

Article 34.- Implementation effect of technical regulations

- 1. Technical regulations take effect at least six months after the date of promulgation, except for the case defined in Clause 2 of this Article.
- 2. In emergency circumstances related to health, safety or environment, a technical regulation may take effect earlier as decided by the technical regulation-promulgating agency.
- 3. National technical regulations take effect nationwide; local technical regulations take effect in localities under the management of the promulgating provincial/municipal People's Committees.

Article 35.- Review, amendment, supplementation, replacement and cancellation of

technical regulations

1. Technical regulation-promulgating agencies shall organize reviews of technical regulations once every five years or at an earlier time when necessary, counting from the date of promulgation of such technical regulations.

2. Amendment, supplementation and replacement of technical regulations shall be effected in the order and according to the procedures specified in Article 32 of this Law on the basis of review results or at the request of organizations or individuals.

3. Technical regulation-promulgating agencies may cancel technical regulations in the following order:

a/ On the basis of review results or at the request of organizations or individuals, the national technical regulation-promulgating agency organizes the compilation of a dossier of cancellation of the national technical regulation in question; examines the dossier and makes a decision to cancel the national technical regulation after obtaining the evaluation opinion of the Ministry of Science and Technology;

b/ On the basis of review results or at the request of organizations or individuals, the provincial/municipal People's Committee organizes the compilation of a dossier of cancellation of the local technical regulation in question; examines the dossier and makes a decision to cancel the local technical regulation after obtaining the evaluation opinion of the competent state agency defined at Point a, Clause 1, Article 27 of this Law.

Article 36.- Notification, dissemination, registration, publishing and distribution of technical regulations

1. Technical regulation-promulgating agencies have the following responsibilities:

a/ To make public the promulgation, amendment, supplementation, replacement or cancellation of technical regulations within thirty days after the date of issuance of relevant decisions;

b/ To organize dissemination, guidance and application of technical regulations;

c/ To send technical regulation documents to the Ministry of Science and Technology for registration;

d/ To publish and distribute technical regulations.

2. Annually, the Ministry of Science and Technology shall distribute a list of technical regulations.

Article 37.- Responsibility for applying technical regulations

1. Organizations and individuals shall apply relevant technical regulations.
2. In the course of application of technical regulations, organizations and individuals shall promptly report problems or point out inappropriate contents to the technical regulation-promulgating agencies for consideration and settlement.

Technical regulation-promulgating agencies shall respond in writing within thirty days after receiving reports or recommendations of organizations and individuals.

Article 38.- Principles for and methods of application of technical regulations

1. The application of technical regulations to production, business and other socio-economic activities is mandatory.
2. Technical regulations shall be used as the basis for conformity assessment activities.

Article 39.- Funding sources for formulation of technical regulations

1. Funding sources for formulation of technical regulations include:
 - a/ State budget allocated according to approved annual budget estimates;
 - b/ Voluntary supports of organizations and individuals at home and abroad.
2. The Government shall detail the management and use of funds for formulation of technical regulations.

Chapter IV

ASSESSMENT OF CONFORMITY WITH STANDARDS AND TECHNICAL REGULATIONS

Section 1. GENERAL PROVISIONS ON CONFORMITY ASSESSMENT

Article 40.- Fundamental requirements on conformity assessment

1. Keeping related parties informed of the conformity assessment order and procedures in a public and transparent manner.
2. Keeping confidential information and data of organizations for which conformity assessment is conducted.
3. Ensuring non-discrimination against production and business organizations and individuals or the origin of products, goods, services or processes.
4. The conformity assessment order and procedures shall comply with regulations promulgated

by related international organizations.

Article 41.- Forms of conformity assessment

1. Assessment of conformity with standards or technical regulations shall be conducted by conformity assessment organizations or conformity announcement organizations or individuals themselves.
2. Assessment of conformity with standards shall be conducted on a voluntary basis at the request of organizations or individuals in the form of testing, inspection, standard conformity certification or standard conformity announcement.
3. Assessment of conformity with technical regulations shall be conducted on a mandatory basis according to state management requirements in the form of testing, inspection, technical-regulation conformity certification or technical-regulation conformity announcement.

Article 42.- Requirements for standards and technical regulations used for conformity assessment

Standards and technical regulations used for conformity assessment must be those that stipulate specific technical characteristics and managerial requirements that can be assessed with methods and means available at home or abroad.

Article 43.- Standard conformity marks, technical-regulation conformity marks

1. Standard conformity marks and technical-regulation conformity marks are proof of conformity of products or goods with relevant standards or technical regulations.
2. Standard conformity marks shall be granted to products or goods after their standard conformity is certified.
3. Technical-regulation conformity marks shall be granted to products or goods after their technical-regulation conformity is certified and announced.

Section 2. ASSESSMENT OF CONFORMITY WITH STANDARDS

Article 44.- Certification of standard conformity

1. Certification of standard conformity shall be effected under the agreement between organizations or individuals requesting certification and conformity certification organizations defined in Article 50 of this Law.
2. Standards used for certification of standard conformity must be national standards, international standards, regional standards or foreign standards satisfying requirements specified in Article 42 of this Law.

Article 45.- Announcement of standard conformity

1. Organizations and individuals shall announce the conformity of products, goods, services, processes or environment with relevant standards on the basis of the results of certification of standard conformity conducted by conformity certification organizations or the results of their self-assessment of conformity.
2. Organizations and individuals announcing standard conformity shall register their written standard conformity announcements with competent state agencies.

Article 46.- Rights and obligations of organizations and individuals requesting certification of standard conformity

1. Organizations and individuals requesting certification of standard conformity have the following rights:
 - a/ To select standard conformity certification organizations;
 - b/ To be granted standard conformity certificates for their products, goods, services, processes and environment already certified to be standard-conformable;
 - c/ To use standard conformity marks for products and goods already certified to be standard-conformable, packings thereof, and in documents on such products and goods;
 - d/ To lodge complaints about results of standard conformity certification conducted or breaches committed by conformity certification organizations in relation to standard conformity certification contracts.
2. Organizations and individuals requesting certification of standard conformity have the following obligations:
 - a/ To ensure conformity of products, goods, services, processes and environment with standards used for standard conformity certification;
 - b/ To display accurately information written in standard conformity certificates on products and goods and packings thereof and in documents on objects already certified to be standard-conformable;
 - c/ To notify standard conformity certification organizations of change or addition of standards used for standard conformity certification;
 - d/ To pay expenses for standard conformity certification.

Section 3. ASSESSMENT OF CONFORMITY WITH TECHNICAL REGULATIONS

Article 47.- Certification of technical-regulation conformity

1. Certification of technical-regulation conformity is mandatory for products, goods, services, processes and environment which are objects defined in relevant technical regulations.
2. Technical regulations used for certification of technical-regulation conformity are national or local technical regulations meeting the requirements specified in Article 42 of this Law.
3. Ministries, ministerial-level agencies and provincial/municipal People's Committees defined in Clause 1 and Clause 2, Article 27 of this Law shall designate organizations to certify conformity with technical regulations issued by themselves on the basis of considering and selecting conformity certification organizations defined in Article 50 of this Law.
4. Conformity certification organizations may be designated to conduct regulation conformity certification by modes prescribed by competent state agencies.

Article 48.- Announcement of technical-regulation conformity

1. Production and business organizations and individuals subject to application of technical regulations shall announce the conformity of products, goods, services, processes and environment with relevant technical regulations on the basis of results of certification of technical-regulation conformity by conformity certification organizations designated under the provisions of Clause 3, Article 47 of this Law or results of their self-assessment conducted on the basis of testing results of accredited or designated testing laboratories.
2. Organizations and individuals announcing technical-regulation conformity shall register their technical-regulation conformity announcement documents with competent state agencies.

Article 49.- Rights and obligations of organizations and individuals requesting certification of technical-regulation conformity

1. Organizations and individuals requesting certification of technical-regulation conformity have the following rights:
 - a/ To select conformity certification organizations already designated under the provisions of Clause 3, Article 47 of this Law;
 - b/ To be granted technical-regulation conformity certificates for their products, goods, services, processes and environment already certified as such;
 - c/ To use technical-regulation conformity marks for products and goods already certified or announced to be technical regulation-conformable, packings thereof, and in documents on such products and goods;
 - d/ To lodge complaints about results of technical-regulation conformity certification conducted or breaches committed by conformity certification organizations in relation to contracts on

technical-regulation conformity certification.

2. Organizations and individuals requesting certification of technical-regulation conformity have the following obligations:

a/ To ensure conformity of products, goods, services, processes and environment with relevant technical regulations;

b/ To display accurately information written in technical-regulation conformity certificates and announcement documents on products and goods and packings thereof and in documents on objects already certified and announced to be technical regulation-conformable;

c/ To supply, upon request of a competent state agency or conformity certification organization, documents evidencing the assurance of the conformity of products, goods, services, processes and environment with relevant technical regulations;

d/ To suspend the provision of products, goods, services or processes failing to conform with relevant technical regulations according to decisions of competent state agencies;

e/ To pay a fee for technical-regulation conformity certification.

Section 4. CONFORMITY CERTIFICATION ORGANIZATIONS

Article 50.- Conformity certification organizations

1. Non-business units providing technical services.
2. Enterprises.
3. Vietnam-based branches of foreign certification organizations.

Article 51.- Operation conditions of conformity certification organizations

A conformity assessment organization must satisfy the following conditions:

1. Having an organizational apparatus and capability meeting requirements in national standards and international standards for conformity certification organizations;
2. Having established and maintained a management system meeting requirements in national and international standards.
3. Having registered standard conformity and technical-regulation conformity activities with a competent state agency.

Article 52.- Rights and obligations of conformity certification organizations

1. Conformity certification organizations have the following rights:

- a/ To grant standard conformity or technical-regulation conformity certificates for products, goods, services, processes and environment conformable to standards or technical regulations;
- b/ To assign the right to use standard conformity or technical-regulation conformity marks to organizations and individuals having products and goods already certified to be standard- or technical regulation-conformable;
- c/ To withdraw granted standard conformity or technical-regulation conformity certificates and the assigned right to use standard conformity or technical-regulation conformity marks.

2. Conformity certification organizations have the following obligations:

- a/ To certify standard conformity or technical-regulation conformity in the registered domains under contracts signed with certification-requesting organizations or individuals;
- b/ To ensure objectivity and fairness in standard conformity or technical-regulation conformity certification activities; to refrain from giving consultancy to certification-requesting organizations or individuals;
- c/ To keep confidential information collected in the course of conducting certification;
- d/ To supervise certified objects in order to ensure their sustained conformity with relevant standards or technical regulations;
- e/ To take responsibility before law for their activities;
- f/ To widely announce on the mass media the withdrawal of standard conformity or technical-regulation conformity certificates and the right to use standard conformity or technical-regulation conformity marks.

Section 5. MUTUAL ACCREDITATION AND RECOGNITION

Article 53.- Accreditation

1. Accreditation shall be conducted with respect to the following organizations:

- a/ Testing laboratories;
- b/ Calibration laboratories;
- c/ Conformity certification organizations;
- d/ Inspection organizations.

2. Accreditation shall be conducted on the basis of national standards and international standards.
3. Accreditation shall be conducted by accreditation organizations specified in Article 54 of this Law.

Article 54.- Accreditation organizations

1. Accreditation organizations are non-business scientific units conducting assessment and accreditation of the capabilities of organizations defined in Clause 1, Article 53 of this Law.
2. Accreditation organizations must meet the following conditions:
 - a/ Having an organizational apparatus and capability satisfying requirements in national standards and international standards for accreditation organizations; having been recognized by international and regional accreditation organizations;
 - b/ Operating in accordance with requirements in national standards and international standards for accreditation organizations;
 - c/ Having established and maintained a management system meeting requirements in national standards and international standards;
 - d/ Operating in an independent and objective manner.
3. The Minister of Science and Technology shall stipulate organization and operation of accreditation organizations.

Article 55.- Rights and obligations of accreditation organizations

1. Accreditation organizations have the following rights:
 - a/ To grant accreditation certificates to organizations defined in Clause 1, Article 53 of this Law;
 - b/ To withdraw accreditation certificates.
2. Accreditation organizations have the following obligations:
 - a/ To carry out accreditation at the request of organizations or individuals;
 - b/ To ensure objectivity and fairness in accreditation activities; refrain from giving consultancy to accreditation-requesting organizations specified in Clause 1, Article 53 of this Law;
 - c/ To keep confidential information collected in the course of conducting accreditation;
 - d/ To supervise accredited organizations in order to ensure their sustained capabilities in

conformity with relevant standards;

e/ To take responsibility before law for their activities.

Article 56.- Rights and obligations of accredited organizations:

1. Accredited organizations have the following rights:

a/ To propose competent state agencies to use results of conformity assessment activities with respect to certification, testing, calibration and inspection already accredited to serve state management requirements;

b/ To lodge complaints about accreditation results issued by accreditation organizations or their breaches of the undertaking to conduct accreditation;

c/ Conformity certification organizations specified at Point c, Clause 1, Article 53 of this Law shall also have the rights provided in Clause 1, Article 52 of this Law.

2. Accredited organizations have the following obligations:

a/ To ensure conformity of their accredited organizational apparatus and capability with requirements in relevant national standards and international standards;

b/ To maintain a management system meeting requirements in relevant national standards and international standards;

c/ To ensure objectivity and fairness in conformity assessment activities;

d/ Conformity certification organizations specified at Point c, Clause 1, Article 53 of this Law shall also perform the obligations defined in Clause 2, Article 52 of this Law;

e/ To pay a fee for accreditation.

Article 57.- Mutual recognition agreements

1. Mutual recognition agreements include:

a/ The recognition by Vietnam and other countries or territories of one another's conformity assessment results shall comply with treaties to which the Socialist Republic of Vietnam is a contracting party;

b/ The recognition by Vietnamese conformity assessment organizations and conformity assessment organizations of other countries or territories of one another's conformity assessment results shall be effected on their agreements.

2. The Ministry of Science and Technology shall assume the prime responsibility for, and

coordinate with other concerned ministries and ministerial-level agencies in, organizing the implementation of mutual recognition agreements mentioned in Clause 1 of this Law.

Chapter V

RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS OPERATING IN THE DOMAIN OF STANDARD AND THE DOMAIN OF TECHNICAL REGULATION

Article 58.- Responsibilities of the Government

The Government shall perform the unified state management of activities in the domain of standard and the domain of technical regulation.

Article 59.- Responsibilities of the Ministry of Science and Technology

1. The Ministry of Science and Technology shall take responsibility to the Government for performing uniform state management of activities in the domain of standard and the domain of technical regulation.

2. The Ministry of Science and Technology has the following responsibilities:

a/ To formulate and promulgate or submit to competent state agencies or persons for promulgation, and organize the implementation of, policies and strategies on activities in the domain of standard and the domain of technical regulation; organize the elaboration and approval of plannings and plans on formulation of national standards and national technical regulations in the domains under their assigned management;

b/ To formulate and promulgate or submit to competent state agencies or persons for promulgation legal documents on standards and technical regulations, and organize the implementation thereof;

c/ To evaluate and announce national standards; organize formulation and announcement of national standards in the domain under its assigned management; to promulgate organization and operation regulations of technical boards for national standards; to guide the formulation and application of national standards; to guide the formulation and announcement of manufacturer standards; to guide the application of international, regional and foreign standards;

d/ To evaluate national technical regulations; to guide the formulation of technical regulations; to organize the formulation and promulgation of national technical regulations in the domain under its assigned management;

e/ To manage and guide conformity assessment activities;

f/ To build and develop human resources for activities in the domain of standard and the domain of technical regulation; to organize scientific research and technological development related to

standards and technical regulations;

g/ To manage international cooperation on standards and technical regulations;

h/ To organize and manage activities of the national network of notification and enquiry points related to standards, technical regulations and conformity assessment;

i/ To conduct propaganda about and guidance on the observance of the law on standards and technical regulations; to make statistics on the domain of standard and the domain of technical regulation;

j/ To supervise and inspect the observance of law on standards and technical regulations; to handle violations in accordance with law; to settle complaints and denunciations related to activities in the domain of standard and the domain of technical regulation in accordance with the law on complaints and denunciations.

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

1. Ministries and ministerial-level agencies, within the scope of their respective tasks and powers, have the following responsibilities:

a/ To formulate and promulgate or submit to competent state agencies or competent persons for promulgation legal documents on relevant standards and technical regulations;

b/ To organize the elaboration and approval of plannings and plans on formulation on national technical regulations; to organize the formulation and promulgation of national technical regulations in the domains under their respective management;

c/ To propose plannings and plans on formulation of national standards; to organize the formulation of draft national standards in the branches or domains under their respective management;

d/ To manage the formulation and promulgation of local technical regulations; to give comments on draft local technical regulations;

e/ To manage activities of announcement of technical-regulation conformity and certification of technical-regulation conformity;

f/ To make statistics on activities of formulation, promulgation and application of technical regulations issued by themselves;

g/ To participate in international cooperation on standards and technical regulations;

h/ To disseminate, and guide the application of, standards and technical regulations;

i/ To supervise and inspect activities in the domain of technical regulation; to handle violations in accordance with law;

j/ To settle complaints and denunciations related to activities in the domain of technical regulation in accordance with the law on complaints and denunciations;

2. Government-attached agencies, within the scope of their tasks and powers, have the following responsibilities:

a/ To formulate and submit to competent state agencies or persons for promulgation legal documents on relevant standards and technical regulations;

b/ To elaborate and submit to competent state agencies or persons for approval plannings and plans on formulation of national technical regulations;

c/ To organize the formulation of draft national technical regulations; to guide the formulation of local technical regulations; to give comments on draft local technical regulations;

d/ To propose plannings and plans on formulation of national standards; to organize the formulation of draft national standards in the domains under their assigned management;

e/ To disseminate, and guide the application of, standards and technical regulations;

f/ To participate in international cooperation on standards and technical regulations;

g/ To supervise and inspect activities in the domain of technical regulation; to handle violations in accordance with law;

h/ To settle complaints and denunciations related to activities in the domain of technical regulation in accordance with the law on complaints and denunciations.

Article 61.- Responsibilities of provincial/municipal People's Committees

Provincial/municipal People's Committees, within the scope of their tasks and powers, have the following responsibilities:

1. To propose plans on formulation of national standards and national technical regulations; to organize the elaboration and implementation of plans on formulation of local technical regulations.

2. To promulgate, and guide the application of, local technical regulations.

3. To build necessary material and technical foundations for activities in the domain of standard and domain of technical regulation in localities.

4. To organize the implementation of, propaganda about and education in the law on standards

and technical regulations.

5. To supervise and inspect the observance of the law on standards and technical regulations; to handle violations in accordance with law.

6. To settle complaints and denunciations related to activities in the domain of standards and the domain of technical regulation in accordance with the law on complaints and denunciations.

Article 62.- Responsibilities of production and business organizations and individuals

1. To announce standards applicable to products, goods, services, processes and environment.

2. To announce products, goods, services, processes and environment conformable with relevant technical regulations.

3. To ensure conformity of products, goods, services, processes and environment with announced technical regulations and standards.

Article 63.- Responsibilities of associations and unions

1. To give opinions on the formulation of relevant legal documents, national standards and technical regulations.

2. To disseminate and train their members in the knowledge about and provide necessary information on activities in the domain of standard and the domain of technical regulation among their members and competent state agencies in accordance with law.

Article 64.- Inspectorate of activities in the domain of standard and the domain of technical regulation

1. The inspectorate of activities in the domain of standard and the domain of technical regulation is a specialized inspectorate.

2. Inspection of activities in the domain of standard and the domain of technical regulation shall be conducted in accordance with the law on inspection.

3. The Government shall issue detailed regulations on the organization and operation of the inspectorate of activities in the domain of standard and the domain of technical regulation.

Article 65.- Handling of violations of the law on standards and technical regulations

1. Persons who commit acts of violating the law on standards and technical regulations shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they must pay compensation therefor in accordance with law.

2. Organizations that violate the law on standards and technical regulations shall, depending on the nature and severity of their violations, be administratively sanctioned or suspended from operation; if causing damage, they must pay compensation therefor in accordance with law.

Article 66.- Complaints and denunciations related to activities in the domain of standard and the domain of technical regulation

1. Organizations and individuals are entitled to lodge complaints with competent state agencies or persons about the latter's administrative decisions or administrative acts which they deem illegal or about acts of infringing upon their legitimate rights and interests in activities in the domain of standard and the domain of technical regulation in accordance with law.

2. Individuals are entitled to denounce to competent state agencies or competent persons acts of violation of the law on standards and technical regulations.

Article 67.- Settlement of complaints and denunciations related to activities in the domain of standard and the domain of technical regulation

State agencies and persons competent to settle complaints and denunciations shall consider and settle complaints and denunciations related to activities in the domain of standard and the domain of technical regulation in accordance with the law on complaints and denunciations.

Article 68.- Resolution of disputes in activities in the domain of standard and the domain of technical regulation

The State shall encourage parties to disputes in activities in the domain of standard and the domain of technical regulation to resolve their disputes through conciliation; in case of conciliation failure, the parties may initiate lawsuits at a court or an arbitration in accordance with law.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 69.- Transition provisions

1. Vietnam standards and branch standards already promulgated under the 1999 Ordinance on Goods Quality and under other laws and ordinances shall be reviewed and converted into national standards or national technical regulations.

2. Technical regulations, processes, rules, standards and documents already promulgated for mandatory application in service of state management shall be reviewed and converted into technical regulations.

3. The Government shall provide for the conversion of branch standards into national standards or national technical regulations defined in Clause 1 of this Article and the conversion of

technical regulations, processes, rules, standards and documents subject to mandatory application into technical regulations defined in Clause 2 of this Article.

Article 70.- Implementation effect

This Law takes effect on January 1, 2007.

Article 71.- Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was passed on June 29, 2006, by the XIth National Assembly of the Socialist Republic of Vietnam at its 9th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)
Nguyen Phu Trong