

STANDING COMMITTEE
OF NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 12-2003-PL-UBTVQH11

ORDINANCE ON HYGIENE AND SAFETY OF FOODSTUFFS

In order to protect people's health and lives and to preserve and develop mankind; and in order to strengthen the efficiency of State administration of hygiene and safety of foodstuffs;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam as amended by Resolution 51-2001-QH10 of Legislature X of the National Assembly at its 10th session on 25 December 2001;

Pursuant to Resolution 12-2002-QH11 of Legislature XI of the National Assembly at its 2nd session on 16 December 2002 on the program for formulation of laws and ordinances during Legislature XI of the National Assembly (2002-2007) and in 2003;

This Ordinance governs the hygiene and safety of foodstuffs.

CHAPTER I

General Provisions

Article 1 *Governing scope*

This Ordinance regulates the ensuring of hygiene and safety of foodstuffs during the process of manufacture and trading and the prevention and remedying of poisonous foodstuffs and contagion via foodstuffs.

Article 2

Vietnamese organizations, family households and individuals and foreign organizations and individuals manufacturing or trading foodstuffs within the territory of Vietnam must comply with the provisions of this Ordinance and with other provisions of relevant laws. In the case of any inconsistency between an international treaty signed or acceded to by the Socialist Republic of Vietnam and the provisions of this Ordinance, the provisions of such international treaty shall apply.

Article 3

In this Ordinance, the following terms shall be understood as follows:

1. *Foodstuffs or food* means products which people eat or drink in the form of fresh, raw, processed or preserved food.
2. *Hygiene and safety of foodstuffs* means satisfying the necessary conditions and taking the necessary measures to ensure foodstuffs do not cause harm to people's health and lives.
3. *Manufacturing and trading foodstuffs* means implementing one, a number or all of the activities of planting crops, raising animals, collecting and gathering, catching and trapping; and of processing partially or processing fully, packing, preserving, transporting and selling foodstuffs.
4. *Food processing establishments* means enterprises, family households, communal kitchens, restaurants and other food processing establishments.
5. *Poisonous foodstuffs* means food which contains poison and which causes a pathological poisonous condition when eaten or drunk.
6. *Contagion via foodstuffs* means an illness which is caused by eating or drinking foodstuffs which are contaminated by a pathogenic agent.
7. *Food additives* means substances with or without nutritious value which are added to the ingredients of food during its processing, treatment, packing or transportation aimed at keeping the food intact or improving its characteristics.
8. *Substances assisting food processing* means substances used during the processing of food raw materials or food ingredients aimed at completing the technology for food treatment or processing.
9. *Nutritious micro-substances* means vitamins or mineral substances with low concentration which are necessary for the growth, development and maintenance of the life of the human body.
10. *Functional food* means food used to assist activity of parts of the body, with nutritious benefit, and which create bodily comfort and reduces the risk of illness occurring.
11. *High risk food* means food which can readily act as a biological, chemical or physical agent to harm the health of the consumer.
12. *Food preserved by irradiation methods* means food which has been exposed to a radioactive source in order to prevent deterioration.

13. *Gene* means one particle of a chromosome molecule which determines the heredity of an organism.
14. *Genetically modified food* means food prepared from genetically modified organisms by using gene technology.

Article 4

1. Trading in foodstuffs is a conditional business line.
2. Organizations, family households and individuals manufacturing and trading foodstuffs shall be responsible for the hygiene and safety of the foodstuffs manufactured or traded.

Article 5

1. The State shall have policies and shall take measures to ensure that foodstuffs are hygienic and safe with the aim of protecting people's health and lives.
2. The State shall encourage Vietnamese organizations, family households and individuals and foreign organizations and individuals manufacturing and trading foodstuffs within the territory of Vietnam to apply progressive quality control systems aimed at ensuring the hygiene and safety of foodstuffs.
3. The State shall facilitate the extension of international co-operation in the sector of ensuring hygiene and safety of foodstuffs.

Article 6

The Vietnam Fatherland Front and its member organizations shall, within the scope of their respective duties and powers, be responsible to disseminate information about the laws on hygiene and safety of foodstuffs and to mobilize the citizens to implement those laws and to supervise implementation of those laws.

Article 7

Consumers shall have the right to be informed about the hygiene and safety of foodstuffs and to choose and use appropriate foodstuffs. Consumers shall be responsible to implement hygiene and safety of foodstuffs, to protect themselves in the consumption of foodstuffs, and to implement fully guidelines on hygiene and safety of foodstuffs. Consumers shall be responsible to report on their own initiative any poisonous foodstuffs and contagion via foodstuffs; and to lodge complaints and denunciations about and to detect breaches of the laws on hygiene

and safety of foodstuffs in order to protect their own health and the health of the public.

Article 8

The following conduct shall be prohibited:

1. Planting crops, raising animals, collecting and gathering, catching and trapping; or partially or fully processing, packing, preserving, transporting or selling foodstuffs in contravention of the law.
2. Manufacturing and trading:
 - (a) Foodstuffs which are stale, rotten, deteriorated or contaminated and dirty and which may cause harm to people's health and lives;
 - (b) Foodstuffs which are toxic or poisonous;
 - (c) Foodstuffs which contain parasites causing disease or which contain micro-organisms causing disease or micro-organisms beyond the prescribed levels;
 - (d) Meat foodstuffs or foodstuffs manufactured from meat not subject to veterinary examination or which was examined but failed to satisfy requirements;
 - (dd) Domestic animals, poultry or marine creatures which died from disease, poison or uncertain causes; products manufactured or processed from domestic animals, poultry or marine creatures which died from disease, poison or uncertain causes;
 - (e) Foodstuffs which are contaminated or dirty because their packaging or container became dirty, broken or torn during transportation;
 - (g) Foodstuffs which are beyond their use expiry date.
3. Manufacturing and trading animals or plants which contain germs which are able to be transmitted to people, animals or plants.
4. Manufacturing and trading foodstuffs from raw materials other than food or from chemicals which are not on the list of substances permitted to be used.
5. Manufacturing and trading food additives, substances assisting food processing, nutritious micro-substances, functional food, high risk food, food preserved by irradiation methods or genetically modified food which has not yet been permitted by the competent State administrative body.

6. Using polluted transportation facilities or transportation facilities which have transported toxic substances in order to transport food.
7. Providing false information, advertising or labelling, or other dishonest conduct regarding hygiene and safety of foodstuffs.

CHAPTER II

Manufacturing and Trading Foodstuffs

SECTION 1

Manufacturing and Trading Fresh or Raw Foodstuffs

Article 9

Organizations, family households and individuals manufacturing and trading fresh or raw foodstuffs must ensure that the locations where they raise animals, plant crops or sell foodstuffs are not contaminated by the surrounding environment, and they must isolate such locations from areas which are able to pollute the environment or contaminate foodstuffs.

Article 10

Organizations, family households and individuals manufacturing and trading fresh or raw foodstuffs must take measures to treat waste in accordance with the laws on protection of the environment.

Article 11

The use of fertilizers, animal feed, plant protection agents, veterinary drugs, food preservatives, growth stimulants, drugs which increase weight or stimulate breeding, and other substances relating to hygiene and safety of foodstuffs must comply with the provisions of the law.

Article 12

Organizations, family households and individuals manufacturing and trading fresh or raw foodstuffs shall be responsible:

1. To ensure that the fresh or raw foodstuffs which they manufacture or trade are not contaminated, are preserved in a clean location, and are isolated from any storage area for chemicals and in particular for toxic chemicals and other pathogenic substances.

2. They shall be liable for the origin of the foodstuffs which they manufacture or trade.

SECTION 2

Food Processing

Article 13

1. Locations where organizations, family households and individuals process foodstuffs must be in areas which satisfy the conditions for ensuring hygiene and safety of foodstuffs.
2. Locations in which foodstuffs are processed must be designed, built, installed and operated in a manner which satisfies the requirements for hygiene and safety of foodstuffs.

Article 14

1. The use of raw materials in order to process food must ensure hygiene and safety in accordance with the provisions of law.
2. Food processing establishments must take every measure in order that foodstuffs will not be contaminated or dirty and not infected with germs which are transmittable to people, animals and plants.
3. Food processing establishments must ensure that their processing procedures are consistent with the provisions of the laws on hygiene and safety of foodstuffs.

Article 15

1. Food processing establishments may only use food additives, substances assisting food processing and nutritious micro-substances which are on the list of substances permitted to be used, and they must use the correct dosages and observe the prescribed limits.
2. The Ministry of Health shall issue lists of food additives, substances assisting food processing and nutritious micro-substances which are permitted to be used, and their usage dosages and limits.

Article 16

Organizations, family households and individuals shall have the responsibility during food processing:

1. If the surface of equipment and instruments directly contacts foodstuffs during food processing, to use only equipment and instruments made from materials which satisfy the requirements for hygiene and safety of foodstuffs.
2. To use containers, packets, instruments and equipment which satisfy the requirements for hygiene and safety and which do not contaminate the foodstuffs.
3. To use water for food processing which satisfies the prescribed standards.
4. To use safe washing detergents, sterilizing agents and disinfectants which do not harm people's health and lives and which do not cause environmental pollution.

SECTION 3**Preservation and Transportation of Foodstuffs****Article 17**

1. Food packaging must satisfy the requirements for hygiene and safety of foodstuffs, must protect the foodstuffs from contamination, must ensure the quality of the foodstuffs during their preservation and use period, and must facilitate labelling.
2. Packaging which directly contacts foodstuffs must be tested and checked for hygiene and safety of foodstuffs.

Article 18

1. Organizations, family households and individuals manufacturing and trading foodstuffs must apply appropriate methods to preserve foodstuffs in order to ensure that they do not become rancid or decayed but retain their quality and taste and to ensure that pollutants in foodstuffs are not increased.
2. The State administrative body for hygiene and safety of foodstuffs shall guide the methods to preserve foodstuffs and shall provide regulations on dosages of food preservatives and the preservation period for each type of foodstuff.

Article 19

1. Food preserved by irradiation methods and circulating within the territory of Vietnam must be labelled "food preserved by irradiation methods" in the Vietnamese language or be labelled with an international symbol, and the State administrative body for hygiene and safety of foodstuffs must permit its circulation.
2. Organizations, family households and individuals may only trade food preserved by irradiation methods which is on the list of permitted foodstuffs preserved by irradiation methods and which is within the radiation limits prescribed by law.

The Ministry of Health shall provide a list of foodstuffs permitted to be preserved by irradiation.

Article 20

1. Genetically modified food or genetically modified food raw materials must be labelled "genetically modified food" in the Vietnamese language.
2. The Government shall provide specific regulations on the management and use of genetically modified food.

Article 21

Organizations, family households and individuals shall preserve foodstuffs and food ingredients during the process of transportation in order that they will not be contaminated by biological, chemical or physical agents not permitted to be put into food; and the quality, hygiene and safety of foodstuffs must be maintained until the foodstuffs reach the consumer.

Article 22

Facilities used to transport foodstuffs must satisfy all of the following conditions:

1. Be made from materials which do not contaminate foodstuffs or their packaging.
2. Be easy to disinfect and wash.
3. Make it easy to recognize different types of foodstuffs.
4. Prevent pollution, including smoke and dust, and avoid contagion as between different foodstuffs.
5. Maintain and control the conditions ensuring hygiene and safety of foodstuffs during transportation.

SECTION 4

Import and Export of Foodstuffs

Article 23

Organizations, family households and individuals importing or exporting foodstuffs, food additives, substances assisting food processing, nutritious micro-substances, functional food, high risk food, food preserved by irradiation methods or genetically modified food shall be responsible for the hygiene and safety of the foodstuffs imported or exported; and when they import, they must comply with the laws of Vietnam; and when they export, they must comply with the provisions of this Ordinance and the laws of the importing country.

Article 24

1. Organizations, family households and individuals importing or exporting foodstuffs must have a certificate of inspection from the competent State body confirming satisfaction of the standards on hygiene and safety of foodstuffs.
2. The competent State body which conducts inspections of hygiene and safety of imported and exported foodstuffs shall be legally liable for the results of such inspections.

The Government shall regulate the procedures for inspections of hygiene and safety of imported and exported foodstuffs.

Article 25

1. In the case of a country which has signed an international treaty pursuant to which Vietnam and such country grant mutual recognition of activities of quality certification and recognition of quality control systems, when a competent organization of such country has already certified that imported or exported foodstuffs have satisfied the hygiene and safety standards, the foodstuffs may still be subject to a further inspection upon discovery of any indication that the foodstuffs are in breach of the laws of Vietnam on hygiene and safety of foodstuffs.
2. When imported or exported foodstuffs have been certified as satisfying standards, and the foodstuffs are from a manufacturing or trading organization or individual having been certified as having a quality control system for hygiene and safety of foodstuffs which is consistent with Vietnamese, foreign or international standards applicable in Vietnam, the number of occasions of inspection of hygiene and safety may be reduced.

Article 26

1. Imported foodstuffs which fail to satisfy the requirements on hygiene and safety of foodstuffs may be withdrawn from circulation, re-processed, have their use purpose changed, be destroyed or be re-exported in accordance with a decision of the competent State body. Organizations, family households and individuals shall be liable to pay all costs for dealing with foodstuffs which they import and which fail to satisfy the requirements.
2. Exported foodstuffs which fail to satisfy the requirements on hygiene and safety of foodstuffs may be re-processed, have their use purpose changed, or be destroyed in accordance with a decision of the competent State body. Organizations, family households and individuals shall be liable to pay all costs for dealing with foodstuffs which they export and which fail to satisfy the requirements.

Article 27

1. Foodstuffs for individual consumption accompanying a person entering, exiting or transiting through Vietnam; foodstuffs used for staff and passengers on means of transportation entering, exiting or transiting through Vietnam; and foodstuffs which are goods in transit through Vietnam must ensure the requirements on hygiene and safety of foodstuffs pursuant to the provisions of this Ordinance and other provisions of relevant laws.

SECTION 5**Conditions for Manufacturing and Trading Foodstuffs****Article 28**

1. Organizations, family households and individuals manufacturing and trading foodstuffs must implement the conditions on hygiene and safety of foodstuffs stipulated in Sections 1, 2, 3 and 4 of this Chapter.
2. Organizations, family households and individuals manufacturing and trading high risk food must have a certificate issued by the competent State body certifying satisfaction of all conditions on hygiene and safety of foodstuffs.

The Government shall provide a list of high risk food and shall provide regulations on the authority and procedures for issuance of certificates certifying satisfaction of all conditions on hygiene and safety of foodstuffs.

Article 29

1. Persons who are directly involved in the manufacture and trading of foodstuffs must satisfy fully health standards, must not have any contagious disease, and must be knowledgeable about hygiene and safety of foodstuffs.
2. The Ministry of Health shall provide regulations on health standards and on requirements on knowledge about hygiene and safety of foodstuffs applicable to persons who are directly involved in the manufacture and trading of foodstuffs, as appropriate for each manufacturing or trading branch and trade.

Article 30

1. Organizations, family households and individuals manufacturing and trading foodstuffs shall be responsible to ensure the health standards of persons who are directly involved in manufacturing and trading at their establishments in accordance with law.
2. The Ministry of Health shall provide regulations on health checks applicable to workers at establishments which manufacture and trade foodstuffs.

SECTION 6

Proclamation of Standards on Hygiene and Safety of Foodstuffs**Article 31**

Organizations, family households and individuals shall only be permitted to manufacture and trade foodstuffs which ensure the standards on hygiene and safety of foodstuffs.

Article 32

The competent State body shall promulgate standards on hygiene and safety of foodstuffs, on testing methods, and regulations on management of hygiene and safety of foodstuffs applicable to foodstuffs, food additives, substances assisting food processing, nutritious micro-substances, functional food, high risk food, food preserved by irradiation methods, genetically modified food, containers and materials used to package foodstuffs, and instruments and equipment used in manufacturing and trading foodstuffs.

Article 33

1. Organizations and individuals manufacturing and trading foodstuffs and having business registration must proclaim the applicability of Vietnamese

standards or industry standards in accordance with law; if they proclaim their own basic standards, such standards must not be lower than industry standards or Vietnamese standards.

2. Organizations and individuals manufacturing and trading foodstuffs and having business registration must implement correctly their proclaimed standards and the regulations on hygiene and safety of foodstuffs promulgated by the competent State body; and they shall conduct regular checks and shall be responsible for hygiene and safety of the foodstuffs manufactured and traded.
3. Organizations, family households and individuals manufacturing and trading foodstuffs and not having business registration must implement correctly the provisions of the laws on hygiene and safety of foodstuffs and shall be liable for the hygiene and safety of the foodstuffs manufactured and traded.

SECTION 7

Advertising and Recording on Labels of Foodstuffs

Article 34

1. Advertising foodstuffs, food additives, substances assisting food processing, nutritious micro-substances, functional food, high risk food, food preserved by irradiation methods, genetically modified food and matters relating to foodstuffs shall be implemented in accordance with the laws on advertising.

Advertisers shall be responsible for the contents of their advertisements.

2. The contents of advertisements for foodstuffs, food additives, substances assisting food processing, nutritious micro-substances, functional food, high risk food, food preserved by irradiation methods, genetically modified food and matters relating to foodstuffs must be truthful, accurate and clear and must not cause loss and damage to manufacturers, traders and consumers.

Article 35

1. Pre-packaged foodstuffs must have a food label. Food labels must record fully, accurately, clearly and truthfully the food ingredients and other items in accordance with law. It shall be prohibited to record on food labels in any form whatsoever that the foodstuff is efficacious as a substitute for a therapeutic medicine.

2. Organizations and individuals manufacturing and trading pre-packaged foodstuffs within the territory of Vietnam must label food prior to its dispatch from the food production line.
3. Food labels must contain the following basic particulars:
 - (a) Name of the foodstuff;
 - (b) Name and address of the food manufacturing establishment;
 - (c) Quantity of the foodstuff;
 - (d) Ingredients constituting the foodstuff;
 - (dd) Basic quality criteria of the foodstuff;
 - (e) Date of manufacture, expiry date and preservation date of the foodstuff;
 - (g) Instructions on preservation and instructions on use of the foodstuff;
 - (h) Origin of the foodstuff.

CHAPTER III

Preventing and Remediating Poisonous Foodstuffs and Contagion via Foodstuffs

Article 36

Measures for preventing poisonous foodstuffs and contagion via foodstuffs shall comprise:

1. Ensuring hygiene and safety during the process of manufacture, trading and consumption of foodstuffs.
2. Teaching, disseminating and popularizing knowledge of and practices in hygiene and safety of foodstuffs for manufacturers, traders and consumers.
3. Checking and inspecting hygiene and safety of foodstuffs during manufacture and trading.
4. Analyzing the risks of foodstuffs becoming contaminated.

5. Investigating, examining and archiving data on hygiene and safety of foodstuffs.
6. Retaining samples of foodstuffs in accordance with law.

Article 37

1. Measures for remedying poisonous foodstuffs and contagion via foodstuffs shall comprise:
 - (a) Detecting and organizing prompt medical treatment for people with food poisoning and for people who have been infected with a disease after eating or drinking foodstuffs;
 - (b) Suspending manufacture and trading of contaminated foodstuffs;
 - (c) Recovering manufactured foodstuffs which are circulating on the market and which are contaminated;
 - (d) Announcing promptly to consumers any situation of poisonous foodstuffs, of contagion via foodstuffs, or of foodstuffs circulating on the market and which are contaminated;
 - (dd) Investigating promptly and confirming the causes of any poisonous foodstuffs or contagion via foodstuffs;
 - (e) Taking measures to prevent the transmission of disease caused by poisonous foodstuffs or contagion via foodstuffs.
2. The Government shall delegate specific responsibilities to ministries, ministerial equivalent bodies and Government bodies for the prevention of and remedying poisonous foodstuffs and contagion via foodstuffs.

Article 38

1. Organizations, family households and individuals manufacturing, trading and using foodstuffs shall be responsible to take measures on their own initiative for preventing and remedying promptly poisonous foodstuffs and contagion via foodstuffs.
2. Any organization, family household or individual manufacturing, trading and using foodstuffs and causing poisonous foodstuffs or contagion via foodstuffs shall be responsible to take immediately effective remedying measures and, at the same time, to notify immediately the local people's committee or the nearest State administrative body for hygiene and safety of foodstuffs and shall be liable to pay all costs for remedying poisonous foodstuffs or contagion via foodstuffs in accordance with law.

Article 39

Any organization or individual discovering indications of poisonous foodstuffs or contagion via foodstuffs shall be responsible to notify immediately the nearest local health centre or people's committee in order that the latter can take measures to avert promptly and remedy the situation.

Article 40

People's committees at all levels shall be responsible to take measures for prevention of poisonous foodstuffs and contagion via foodstuffs within their respective localities. If there is an outbreak of poisonous foodstuffs or contagion via foodstuffs, a people's committee must take immediately the necessary measures to resolve the situation effectively and to prevent its spread and, at the same time, notify the State authority at the next direct level, the competent State administrative body for hygiene and safety of foodstuffs, and people's committees in areas to which the disease could spread.

Local people's committees in areas to which poisonous foodstuffs or contagion via foodstuffs could spread shall be responsible to notify the local people in order that they can avert the disease, co-ordinate in taking measures to resolve the situation effectively and prevent any further spread.

Article 41

1. If a local people's committee in an area where there is an outbreak of poisonous foodstuffs or contagion via foodstuffs is unable to resolve effectively the situation and avert its spread, it shall request the State authority at the next direct level or the competent State administrative body for hygiene and safety of foodstuffs to resolve the situation or to assist in resolving it.
2. If an outbreak of contagion via foodstuffs creates an epidemic with the risk of spreading on a large scale and threatening people's health and lives, it shall be dealt with in accordance with the provisions of the laws on emergency situations.

CHAPTER IV

State Administration of Hygiene and Safety of Foodstuffs

Article 42

State administration of hygiene and safety of foodstuffs shall comprise the following matters:

1. Formulation of strategies, policies, master planning and specific plans on hygiene and safety of foodstuffs, and organization of their implementation.
2. Promulgation of legal instruments on hygiene and safety of foodstuffs, and organization of their implementation; formulation and implementation of regulations and standards on hygiene and safety of foodstuffs.
3. Formulation of master planning on preventing and remedying poisonous foodstuffs and contagion via foodstuffs, and organization of its implementation.
4. Administration of the checking and testing systems for hygiene and safety of foodstuffs.
5. Administration of proclamation of standards on hygiene and safety of foodstuffs and certification of satisfaction of conditions for hygiene and safety of foodstuffs.
6. Organization of scientific and technological research in the sector of hygiene and safety of foodstuffs.
7. Professional training and fostering on hygiene and safety of foodstuffs.
8. Organization of information about and disseminating and popularizing knowledge and laws on hygiene and safety of foodstuffs.
9. International co-operation on hygiene and safety of foodstuffs.
10. Inspections and checks; resolution of complaints and denunciations and dealing with breaches of the laws on hygiene and safety of foodstuffs.

Article 43

1. The Government shall exercise uniform State administration of hygiene and safety of foodstuffs.
2. The Ministry of Health shall be responsible before the Government to exercise State administration of hygiene and safety of foodstuffs.

3. Ministries and branches shall, within the scope of their respective duties and powers, be responsible to co-ordinate with the Ministry of Health in exercising State administration of hygiene and safety of foodstuffs in sectors for which responsibility is delegated to them in accordance with the following principles:
 - (a) Ministries managing specialized industries shall, in co-ordination with the Ministry of Health and the relevant ministries and branches, exercise State administration of hygiene and safety of foodstuffs during the manufacturing process;
 - (b) The Ministry of Health shall oversee co-ordination with the relevant ministries and branches to exercise State administration of hygiene and safety of foodstuffs during circulation.
4. People's committees at all levels shall, within the scope of their respective duties and powers, be responsible to exercise State administration of hygiene and safety of foodstuffs in their respective localities.

CHAPTER V

Checks and Inspections of Hygiene and Safety of Foodstuffs

Article 44

1. The State administrative body for hygiene and safety of foodstuffs shall, within the scope of its duties and powers, be responsible to inspect the implementation of the provisions of the laws on hygiene and safety of foodstuffs.
2. The Government shall provide specific regulations on inspections of hygiene and safety of foodstuffs during manufacture and trading.

Article 45

1. The specialized inspectorate of hygiene and safety of foodstuffs shall conduct inspections of hygiene and safety of foodstuffs.
2. The Government shall provide regulations on the organization and operation of the specialized inspectorate of hygiene and safety of foodstuffs.

Article 46

The duties of the specialized inspectorate of hygiene and safety of foodstuffs shall be:

1. To inspect compliance with the laws on hygiene and safety of foodstuffs by organizations and individuals manufacturing and trading foodstuffs.
2. To inspect implementation of standards on hygiene and safety of foodstuffs; to verify, conclude and recommend to the competent level to deal with breaches of the laws on hygiene and safety of foodstuffs.
3. To propose and participate in the formulation of legal instruments on hygiene and safety of foodstuffs.

Article 47

During the course of inspections, groups of inspectors or individual inspectors shall have the following rights and responsibilities:

1. To require any organization or individual concerned to provide information and data and to reply to issues necessary to assist inspection work; to require entities which are being inspected to provide data and to report on issues relating to contents of an inspection. In necessary cases, to take samples for testing, to seal data and exhibits relating to contents of an inspection, and to prepare minutes on breaches of laws on hygiene and safety of foodstuffs in accordance with law.
2. To request evaluations and conclusions on any matters necessary to assist inspection work.
3. To suspend conduct in breach of laws on hygiene and safety of foodstuffs which is causing harm or which could cause harm to people's health and lives and other acts which cause loss and damage to the interests of the State or to the legal rights and interests of organizations and individuals.
4. To deal with breaches pursuant to their own authority or to recommend that the competent State body deals with breaches of laws on hygiene and safety of foodstuffs in accordance with law.
5. To be legally liable for their conclusions, measures taken and inspection decisions.
6. To exercise other rights and discharge other responsibilities in accordance with law.

Article 48

1. Organizations, family households and individuals manufacturing and trading foodstuffs shall be responsible to create favourable conditions for groups of inspectors and individual inspectors to undertake their duties of inspecting hygiene and safety of foodstuffs.
2. Organizations, family households and individuals being subject to an inspection must comply with any decision on hygiene and safety of foodstuffs issued by a group of inspectors or by an individual inspector.

Article 49

1. Organizations, family households and individuals shall have the right to lodge a complaint or to institute legal proceedings in respect of any administrative decision or administrative act by a competent body, organization or individual during the course of enforcement of the laws on hygiene and safety of foodstuffs.
2. Individuals shall have the right to make a denunciation of any breach of the laws on hygiene and safety of foodstuffs by a competent body, organization or individual.
3. The authority and procedures for resolution of a complaint or denunciation and for legal proceedings as referred to in clauses 1 and 2 of this article shall be implemented in accordance with law.

CHAPTER VI**Commendations and Rewards, Dealing with Breaches****Article 50**

Organizations, family households and individuals with achievements in activities of ensuring hygiene and safety of foodstuffs or in identifying conduct in breach of the laws on hygiene and safety of foodstuffs shall be commended and rewarded in accordance with law.

Article 51

Any organization or individual manufacturing and trading foodstuffs and committing a breach of the provisions of this Ordinance or other provisions of the laws on hygiene and safety of foodstuffs shall, depending on the nature and seriousness of the breach, be subject to administrative penalty or be subject to criminal prosecution; and if they cause damage, they must compensate for it in accordance with law.

Article 52

Any person who takes advantage of his or her position or power to breach the provisions of this Ordinance or other provisions of the laws on hygiene and safety of foodstuffs shall, depending on the nature and seriousness of the breach, be disciplined or be subject to criminal prosecution; and if he or she causes damage, he or she must compensate for it in accordance with law.

CHAPTER VII

Implementing Provisions

Article 53

This Ordinance shall be of full force and effect as of 1 November 2003.

Any previous provisions which are inconsistent with this Ordinance are hereby repealed.

Article 54

The Government shall provide detailed regulations for implementation of this Ordinance.

On behalf of the Standing Committee of the National Assembly
Chairman

NGUYEN VAN AN