

**THE MINISTRY OF LABOR,  
WAR INVALIDS AND SOCIAL  
AFFAIRS**

**SOCIALIST REPUBLIC OF VIET NAM**  
**Independence - Freedom - Happiness**  
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No. 03/2010/TT-BLDTBXH

*Hanoi, January 19, 2010*

**CIRCULAR**

**PROMULGATING A LIST OF GROUP-2 PRODUCTS AND GOODS AND GUIDING THE  
ORDER OF, PROCEDURES FOR, AND CONTENTS OF, QUALITY INSPECTION OF  
PRODUCTS AND GOODS IN PRODUCTION**

**THE MINISTRY OF LABOR, WAR INVALIDS AND SOCIAL AFFAIRS**

*Pursuant to the November 21, 2007 Law on Product and Goods Quality;*

*Pursuant to the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing a  
number of articles of the Law on Product and Goods Quality;*

*Pursuant to the Government's Decree No. 186/2007/ND-CP of December 27, 2007, defining the  
functions, tasks, powers and organizational structure of the Ministry of Labor, War Invalids and  
Social Affairs;*

*After consulting the Ministry of Science and Technology, the Ministry of Labor, War Invalids  
and Social Affairs promulgates a list of group-2 products and goods and guides the order of,  
procedures for, and contents of, state quality inspection of products and goods under its state  
management responsibility as follows:*

**Section I. GENERAL PROVISIONS**

**Article 1. Scope of regulation**

1. This Circular promulgates a list of group-2 products and goods falling under the state management responsibility of the Ministry of Labor, War Invalids and Social Affairs specified at Point f, Clause 2, Article 32 of Decree No. 132/2008/ND-CP, including machinery and equipment subject to strict labor safety requirements, public recreation facilities and personal protection equipment which are likely to become unsafe in the use process, below referred to as the list of group-2 products and goods (Appendix I to this Circular, not printed herein).
2. This Circular guides the contents and order of and procedures for state quality inspection of products and goods on the list of group-2 products and goods in production.
3. This Circular provides for responsibilities of concerned parties in the state quality inspection of products and goods on the list of group-2 products and goods in production.

**Article 2. Subjects of application**

1. Organizations and individuals producing or trading in products and goods on the list of group-2 products and goods provided in Appendix I to this Circular (not printed herein).
2. Agencies performing the state management of product and goods quality and other concerned agencies and organizations.
3. Conformity evaluation organizations which are designated to examine, inspect and test the quality of products and goods on the list of group-2 products and goods (below referred to as designated conformity evaluation organizations).

## **Section II. GROUNDS FOR. MODES AND METHODS OF STATE QUALITY INSPECTION**

### **Article 3. Inspection grounds**

1. Grounds for quality inspection of group-2 products and goods in production are relevant technical regulations and conformity evaluation processes, announced applicable standards and laws related to requirements on quality, safety and hygiene, human health and the environment for each kind of products and goods (see Appendix XII to this Circular).
2. For products and goods without relevant technical regulations, inspection bases are replaceable national standards and technical regulations on conformity evaluation or other ones specified in Appendix XII to this Circular.

### **Article 4. Quality assurance conditions on group-2 products and goods before they are marketed**

1. Products and goods on the list of group-2 products and goods must be certified to be technical regulation-conformable according to relevant technical regulations and conformity evaluation regulations;
2. Products and goods on the list of group-2 products and goods without relevant technical regulation for conformity evaluation must be certified to be standard-conformable according to national standards specified in Appendix XII to this Circular;
3. For products and goods on the list of group-2 products and goods without relevant national technical regulations or national standards, before these products and goods are marketed and put into use. they must obtain certification of inspection and testing results showing their conformity to an international or a foreign relevant standard or the manufacturers standard which are approved by inspection agencies.
4. Machinery and equipment subject to strict labor safety requirements and public recreation facilities on the list of group-2 products and goods must be certified to be standard - or technical regulation-conformable. When being ex-warehoused, they must be inspected according to current regulations and may be put into use only if they are certified to be conformable with safety requirements.

### **Article 5. Modes of state quality inspection of group-2 products and goods**

Modes of state quality inspection of group-2 products and goods in production and business are as follows:

1. Inspection under annual plans approved by competent state agencies;
  - 1.1. Bases for elaboration of annual plans
    - a/ Information on exported products' and goods' failure to satisfy quality conditions prescribed in Article 32 of the Law on Product and Goods Quality;
    - b/ Information on products' and goods' failure to satisfy quality conditions during market circulation and in the use process;
  - 1.2. Contents of an inspection plan:
    - a/ Products and goods subject to inspection:
    - b/ Inspection site;

- c/ Inspection time (by month);
- d/ Funds for organization of the inspection:
- e/ Organization of the inspection.

## 2. Unexpected quality inspection of products and goods

Grounds for unexpected quality inspection of products and goods in production and trading include:

- a/ Requests of labor inspection agencies and quality management agencies in the process of inspection and examination when they detect any violations;
- b/ Complaints and denunciations about product and goods quality;
- c/ Information in the mass media about products' and goods' failure to satisfy quality conditions;
- d/ Domestic, foreign, regional and international warnings about goods quality.

### **Article 6.** Inspection methods

1. For machinery and equipment subject to strict labor safety requirements and public recreation facilities, inspection methods include: inspecting the system of quality control in production and designating a conformity evaluation organization to evaluate the conformity with quality and safety requirements of products and goods of suspected quality or safety.
2. For personal protection equipment, inspection methods include: inspecting the system of quality control in production and taking samples of products and goods of suspected quality or safety for testing.

### **Article 7.** Samples used for testing for the quality inspection of products and goods

1. For monitoring the quality of products and goods in production, random samples will be taken at production units or bought in the market for testing at a designated conformity evaluation organization;
2. The order of and procedures for taking samples are specified as follows:
  - a/ Based on the regulations on testing methods or technical regulations on conformity evaluation applicable to goods, the inspection team shall take samples of products and goods using the random sampling method; the quantity of samples must be sufficient for testing to be-inspected criteria;
  - b/ After being taken, samples must be sealed with the signatures of the sample taker and a representative of the establishment where samples are taken;
  - c/ The inspection team shall make a written record on the sampling according to the form provided in Appendix IV to this Circular (not printed herein).

In case the representative of the establishment where samples are taken refuses to sign a written record, it is still legally valid if signed by the sample taker and the head of the inspection team.

- d/ Samples must be sent to the designated conformity evaluation organization for testing. When handing over samples, it is required to make a receipt according to the form provided in Appendix XI to this Circular (not printed herein).

Testing results of the designated conformity evaluation organization shall be used as a ground for the inspection agency to take subsequent steps in the course of inspection.

3. Expenses for taking and testing product and goods samples comply with Article 41 of the Law on Product and Goods Quality.

### **Section III. INSPECTION CONTENTS. ORDER AND PROCEDURES AND HANDLING OF INSPECTION RESULTS**

**Article 8.** Contents of state quality inspection of product and goods in production

1. Inspection of the compliance with requirements under relevant technical regulations related to the conditions of the production process and methods for quality control of products and goods in production;
2. Inspection of the display of announced applicable standards; the display of conformity evaluation results and standard- or technical regulation-conformity marks;
3. Checking of inspection and testing results;
4. Inspection of the contents and display of warnings about products' and goods' likeliness to become unsafe;
5. Inspection of the conformity of products and goods with accompanied documents;
6. Inspection and testing of samples taken under Clause 2, Article 7, Section II of this Circular at designated conformity evaluation organizations.

**Article 9.** Inspection order and procedures

The inspection team shall carry out inspection according to the following order and procedures:

1. To announce the inspection decision, made according to the form provided in Appendix II to this Circular (not printed herein) before conducting the inspection;
2. To conduct inspection according to the contents prescribed in Article 8 of this Section;
3. To make an inspection record according to the form provided in Appendix III to this Circular (not printed herein). The record must bear signatures of the representatives of the inspected establishment and the inspection team. In case the representative of the inspected establishment refuses to sign the written record, the written record signed by the head and members of the inspection team is still legally valid.

In case of necessity to take samples, the inspection team shall do so under Article 7, Section II of this Circular;

4. To report inspection results to the inspection agency and propose the notification of the results of sample testing to organizations and individuals having inspected products and goods within 5 days after the receipt of sample testing results. Such a notification shall be made according to the form provided in Appendix V to this Circular (not printed herein).
5. To process inspection results under Articles 10 and 11 of this Section.

**Article 10.** Handling measures to be taken in case products and goods fail to satisfy requirements regarding technical regulation-conformity certification, technical regulation-conformity announcement, application of technical regulations, conformity evaluation processes and announced applicable standards related to the production process

1. When conducting the state quality inspection of product and goods quality in production, if detecting that these products and goods fail to satisfy requirements on technical regulation-conformity certification, technical regulation-conformity announcement and application of technical regulations, conformity evaluation processes and announced applicable standards related to the production process, the inspection team shall handle the case according to Article 13 of the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing the implementation of a number of articles of the Law on Product and Goods Quality, specifically:

a/ The inspection team shall make a written record and request the concerned unit to suspend the production of products and goods. Within 24 hours, it shall report the case to the product and goods quality inspection agency for the latter to issue a notice of suspension of the production of products and goods, made according to the form provided in Appendix VII to this Circular (not printed herein), and handle the case according to its competence.

b/ After the production unit takes remedies as required and reports such in writing to the inspection agency, the inspection agency shall issue a notice, made according to the form provided in Appendix IX to this Circular (not printed herein), for the production establishment to resume its production activities.

c/ In case products and goods are likely to become unsafe for users or the producer further commits violations or refuses to abide by requirements of the inspection agency, within 7 working days after the date of obtaining conclusions on the producer's violations, the inspection agency shall issue a notice of products' and goods' failure to satisfy quality requirements, made according to the form provided in Appendix X to this Circular (not printed herein), and handle the case according to law.

2. In case the inspection team has a member who is an inspector, this inspector may handle administrative violations according to law.

**Article 11.** Handling measures to be taken in case the results of sample inspection and testing show that goods are unconformable with announced applicable standards or relevant technical regulations and conformity evaluation processes

The inspection agency shall handle the case according to Clauses 2 and 3, Article 40 of the Law on Product and Goods Quality, specifically:

1. The inspection team shall report sample testing results to the inspection agency for the latter to issue a notice of sample testing results, made according to the form provided in Appendix V to this Circular {not printed herein}, informing the production establishment and goods sellers and users of the goods' failure to satisfy quality requirements.

2. The inspection agency shall request the producer and traders to provide information relating to products and goods of the same kind such as the quantity of inventories and goods already ex-warehoused and contact goods sellers and users to provide them with information for them to take remedies, repair products and goods and perform their obligations as prescribed by law;

3. The inspection agency shall issue a notice of suspension of the production, circulation and use of products and goods which are unconformable with quality requirements, made according to the form provided in Appendix VIII to this Circular {not printed herein}, and seal inventories in the inspected establishment.

4. If disagreeing with sample-testing results of the conformity evaluation organization designated by the inspection agency, within 2 working days after receiving the notice of sample-testing results, the producer may request the inspection agency to designate another qualified conformity evaluation organization to evaluate the quality of inventories. These conformity evaluation results shall be used as a basis for the inspection agency to handle the case and draw final conclusions. Expenses for conformity evaluation shall be paid by the producer.

In case the conformity evaluation results of the conformity evaluation organization designated by the inspection agency are incorrect, causing damage to the producers and traders of these products and goods, the conformity evaluation organization shall pay compensation according to law.

5. If having sufficient evidence to believe that products and goods are unconformable with announced applicable standards, relevant technical regulations or conformity evaluation processes or the producer fails to comply with requirements stated in the notice of production suspension, the inspection agency shall propose a specialized inspectorate to handle the case according to law.

6. The inspection agency shall issue a notice to permit the establishment to resume its production only after the establishment has taken satisfactory remedies and report such in writing to the inspection agency.

7. Upon detecting that the quality of products and goods in production is unconformable with announced applicable standards, relevant technical regulations and conformity evaluation processes, the inspection team shall notify such to agencies performing the quality inspection of products and goods during circulation and in the use process for the latter to consider the quality inspection of products and goods circulated in the market according to the Government's Decree No. 132/2008/ND-CP of December 31, 2008, detailing the implementation of a number of articles of the Law on Product and Goods Quality.

#### **Section IV. ORGANIZATION OF IMPLEMENTATION**

##### **Article 12.** State quality inspection agencies

1. The agency performing the state quality inspection of group-2 products and goods at the central level is the Bureau for Safe Work.
2. Agencies performing the state quality inspection of group-2 products and goods in localities are provincial-level Labor, War Invalids and Social Affairs Departments.

##### **Article 13.** Responsibilities of inspection agencies

1. Based on this Circular, agencies performing the state quality inspection of products and goods shall elaborate annual plans on quality inspection of products and goods for submission to superior management agencies for approval;
2. Annually, inspection agencies shall complete the elaboration of plans on quality inspection of goods in production for the subsequent year under the guidance of the Ministry of Science and Technology;
3. Plans on quality inspection of products and goods of local inspection agencies must be reported to the Ministry of Labor, War Invalids and Social Affairs (the Bureau for Safe Work) after they are approved;

4. The Bureau for Safe Work shall summarize plans on quality inspection of products and goods for reporting to the Ministry of Science and Technology (the Directorate for Standards, Metrology and Quality) according to regulations.

**Article 14.** Reporting on inspection results

1. Inspection agencies shall summarize and report the results of biannual inspection (before July 15). annual inspection (before January 20 of the subsequent year) and unexpected inspection when requested or when conducting unexpected inspection. Reports shall be made according to the form provided in Appendix VI to this Circular (not printed herein).

2. The Bureau for Safe Work shall summarize the results of quality inspection of products and goods in production and trading and report them to the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Science and Technology (the Directorate for Standards, Metrology and Quality).

**Section V. IMPLEMENTATION PROVISIONS**

**Article 15.** Effect

This Circular takes effect on March 1, 2010.

**Article 16.** Implementation responsibilities

1. Ministries, ministerial-level agencies, government-attached agencies, provincial-level People's Committees and concerned agencies, organizations and individuals shall implement this Circular.

2. The Bureau for Safe Work shall urge, guide and examine the implementation of this Circular.

3. Any problems arising in the process of implementation should be reported to the Ministry of Labor, War Invalids and Social Affairs for study and settlement.

**FOR THE MINISTER OF  
LABOR, WAR INVALIDS AND SOCIAL AFFAIRS  
DEPUTY MINISTER**

**Bui Hong Linh**

**APPENDIX XII**

GROUNDS FOR QUALITY INSPECTION OF GROUP-2 PRODUCTS AND GOODS  
(To Circular No. 03/2010/TT-BLDTBXH of January 19, 2010, of the Ministry of Labor, War Invalids and Social Affairs)

No.	Name of products and goods	Inspection grounds (for standards being safety, hygiene, health and environment criteria)
I	MACHINERY AND EQUIPMENT SUBJECT TO STRICT LABOR SAFETY	

	REQUIREMENTS	
1	Steam boilers of all type (including also overheating and water-warming parts) with a fixed working steam pressure of over 0.7 bar (according to the classification under Vietnam standard TCVN 6004: 1995)	QCVN: 01/2008/BLDTBXH: National technical regulation on labor safety for steam boilers and pressure vessels
2	Water heaters with solvent temperature of over 115°C (according to the classification under Vietnam standard TCVN 6004: 1995)	Vietnam standard TCVN 6004:1995
3	Pressure tanks with a fixed working pressure of over 0.7 bar (excluding hydrostatic pressure) (according to the classification under Vietnam standard TCVN 6153: 1996)	QCVN: 01/2008/BLDTBXH: National technical regulation on labor safety for steam boilers and pressure vessels
4	Cisterns and tanks used for storing and transporting liquefied gas or liquids with a working pressure of over 0.7 bar or non-pressure powder liquids and solids, which use gas with a pressure of over 0.7 bar (according to the classification under Vietnam standard 6153:1996)	QCVN: 01/2008/BLDTBXH: National technical regulation on labor safety for steam boilers and pressure vessels
5	Cooling systems of all kinds (according to the classification under Vietnam standard TCVN 6104: 1996), except for those with working water or air solvent; cooling systems with a charged solvent volume of less than 5 kg, for cooling solvents of group 1, or less than 2.5 kg, for cooling solvents of group 2, or an unlimited charged solvent volume, for cooling solvents of group 3	Vietnam standard TCVN 6104: 1996
6	Grade-I and -II steam or hot water pipelines with an outer diameter of 51 mm or more, grade-III and -IV pipelines with an outer diameter of 76 mm or more (according to the classification under Vietnam standards TCVN 6158 and 6159: 1996)	Vietnam standards TCVN 6158: 1996 and 6159: 1996
7	Bottles for containing and transporting compressed gas, liquefied gas and dissolved gas with a working pressure of over 0.7 bar (according to the classification under Vietnam standard TCVN 6153:1996 and ISO 11119-2002 on manufacture of gas cylinders of composite	Vietnam standard TCVN 6153:1996 ISO 11119-2002 and international, regional and foreign standards applicable to the production process
8	Systems for regulating and charging air, liquefied gas and dissoluble gas	Relevant Vietnam standards and international, regional and foreign standards applicable to the production process



9	Fixed fuel gas pipelines made of metals	Relevant Vietnam standards and international, regional and foreign standards applicable to the production process
10	Cranes of all kinds: crane trucks, rubber tire cranes, caterpillar cranes, locomotive cranes, tower cranes, derrick cranes, cantilever cranes and mini-cranes	Vietnam standard TCVN 4244-2005
11	Bridge cranes: roller bridge cranes and suspension bridge cranes	Vietnam standard TCVN 4244-2005
12	Gantry cranes: gantry cranes, semi-gantry cranes	Vietnam standard TCVN 4244-2005
13	Cable hoists for carrying cargoes or people; cable hoists in construction machinery, tilt well elevators	Vietnam standard TCVN 4244-2005
14	Electric pulleys; plain trolleys of a capacity of 1,000 kg or more	Vietnam standard TCVN 4244-2005
15	Electric rail trolleys	Vietnam standard TCVN 4244-2005; Vietnam standards TCVN 5862:1995 thru 5864:1995; Vietnam standard TCVN 4755: 89; Vietnam standards TCVN 5206:1990 thru 5209:1990
16	Electric hoists for lifting or pulling cargoes in tilted direction; lift tables, lift floors, self-propelled hanging cabins and special-use equipment for raising and lowering people to over 2 m above the ground	
17	Manual hoists of a capacity of 1,000 kg or more	
18	Vertical lifts for cargoes, people or both cargoes and people	Vietnam standard TCVN 4244-2005
19	Elevators of all kinds	Vietnam standard TCVN 5744:1993 Vietnam standard TCVN 5866:1995 Vietnam standard TCVN 5867:1995 Vietnam standard TCVN 6904:2001 Vietnam standard TCVN 6905: 2001
20	Escalators; conveyors or belts for carrying people	Vietnam standard TCVN 6397:1998 Vietnam standard TCVN 6906:2001
21	Forklift trucks of a capacity of 1,000 kg or more	International, regional and foreign standards applicable to the production process and expertise processes
22	Boom lifts: self-propelled boom lifts, boom lifts operated by hydraulic systems or manual drive to lift people to a height of over 2 m	International, regional and foreign standards applicable to the production process and expertise processes
II	PUBLIC RECREATION FACILITIES	

1	Movable performance floors	International, regional and foreign standards applicable to the production process and expertise processes promulgated by the Ministry of Labor, War Invalids and Social Affairs
2	Games in which people are lifted to a height of 2 m or more with a moving speed of 3 m/s or more compared with the fixed floor (roller coasters, merry-go-round, sliding troughs, etc.), except those used for sports competition	International, regional and foreign standards applicable to the production process and expertise processes promulgated by the Ministry of Labor, War Invalids and Social Affairs
3	Telpher systems for transporting people	International, regional and foreign standards applicable to the production process and expertise processes promulgated by the Ministry of Labor, War Invalids and Social Affairs
III	PERSONAL PROTECTION DEVICES	
1	Electricity-insulated gloves	Vietnam standard TCVN 5586:1991
2	Electricity-insulated boots	Vietnam standard TCVN 5588:1991
3	Dust filter semi-masks	Vietnam standard TCVN 7312:2003
4	Dust filter masks	Vietnam standard TCVN 7312:2003 Vietnam standard TCVN 7313:2003
5	Safety belts (including personal fall-arrest systems)	Vietnam standard TCVN 7802-1: 2007 Vietnam standard TCVN 7802-2: 2007 Vietnam standard TCVN 7802-3: 2007 Vietnam standard TCVN 7802-4: 2007 Vietnam standard TCVN 7802-5: 2007 Vietnam standard TCVN 7802-6: 2007
6	Industrial safety helmets	Vietnam standard TCVN 6407:1998
7	Gas masks	Vietnam standard TCVN 3740:1982 Vietnam standard TCVN 3741:1982 Vietnam standard TCVN 3742:1982
8	Electric welding goggles	Vietnam standard TCVN 5083-90 Vietnam standard TCVN 5082-90