

**THE MINISTRY OF
INDUSTRY AND TRADE**

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**THE SOCIALIST REPUBLIC OF VIETNAM
Independence– Freedom – Happiness**

Hanoi, December 30, 2011

CIRCULAR

**CONCERNING QUALITY MANAGEMENT OF PRODUCTS AND GOODS OF GROUP 2
UNDER THE MINISTRY OF INDUSTRY AND TRADE’S MANAGEMENT**

Pursuant to the Decree No. 189/2007/ND-CP dated December 27, 2007 of the Government, defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade; and Decree No. 44/2011/ND-CP dated June 14, 2011, amending and supplementing Article 3 of Decree No.189/2007/ND-CP dated December 27, 2007;

Pursuant to the Law on Product and Goods Quality dated November 21, 2007 and the Decree No. 132/2008/ND-CP dated December 31, 2008 of the Government, detailing a number of articles of the Law on Product and Goods Quality;

Pursuant to the Law on Standards and Technical Regulations dated June 29, 2006 and the Decree No. 127/2007/ND-CP dated August 1, 2007 of the Government, detailing a number of articles of the Law on Standards and Technical Regulations;

The Minister of Industry and Trade provides the quality management of products and goods of group 2 under the Ministry of Industry and Trade’s management as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

This Circular provides the quality management of unsafe inclined products and goods (below referred to as products and goods of group 2) under the Ministry of Industry and Trade’s management and applies to:

1. Organizations and individuals manufacturing, trading and utilizing products and goods of group 2 managed by the Ministry of Industry and Trade.
2. State management agencies in charge of quality of products and goods of group 2 under the Ministry of Industry and Trade and other related agencies and organizations.

3. Organizations of conformity assessment designated or recognized by the Ministry of Industry and Trade.

Article 2. Interpretation of terms

1. Products and goods of group 2 means products and goods which, under proper transportation, storage, preservation and use conditions, are still inclined to cause harms to humans, animals, plants, property and the environment.

2. State examination of product and goods quality means the consideration and re-evaluation of state agency of quality of products and goods, production and service supply, which has been assessed by a conformity assessment organization or applied other quality control measures by manufacturers or traders.

3. Ministry of Industry and Trade's examination agency of product and goods quality means a unit assigned or decentralized to perform the state management of the quality of products and goods under the Ministry of Industry and Trade's management.

4. Quality examination agency of imported product and goods of group 2 means an organization designated by the Ministry of Industry and Trade under the law. The list of these agencies is published on the website of the Ministry of Industry and Trade for importers' selection.

5. Designated conformity assessment organization means an organization satisfying the conditions provided in Section 2 of this Circular and named in the list announced by the Ministry of Industry and Trade, enable manufacturers and traders to select suitable conformity assessment services.

Chapter II

QUALITY MANAGEMENT OF PRODUCTS AND GOODS OF GROUP 2

Section 1: QUALITY ASSURANCE CONDITIONS OF PRODUCTS AND GOODS OF GROUP 2

Article 3. Quality assurance conditions of products and goods of group 2 in manufacturing

1. Applying a quality control system to ensure product quality's conformity with relevant technical regulations and labeling products under the law on goods labeling before releasing the products.

2. Getting certified and announced for conformity with relevant technical regulations. The announcement of conformity shall comply with Section 2 of this Circular. In case products and goods of group 2 having a particular manufacture process, manufacturers shall apply national technical regulations regarding manufacture process conditions and getting certified for regulation conformity by designated certification organizations.

3. For products and goods of group 2 with unsafe-inclined new properties under proper transportation, storage, preservation and utilization, which have not been covered by relevant national technical regulations or unsafe-inclined products marketed in Vietnam for the first time, manufacturers shall be responsible for proving the safety of those products to humans, animals, plants, property and the environment under the Ministry of Industry and Trade's regulations.
4. Submitting to the examination by agencies examining the quality of products and goods in manufacturing under Article 20 of this Circular.

Article 4. Quality assurance conditions of imported goods and products of group 2

1. Getting announced and certified for conformity with relevant technical regulations by a certification organization designated by the Ministry of Industry and Trade or recognized under Article 26 of the Law on Product and Goods Quality. The announcement of conformity shall comply with Section 2 of this Circular.
2. Imported goods of group 2 which fail to satisfy the requirements provided in Clause 1 of this Article shall, upon their importation, be assessed at the border gate of exportation or importation by an assessment organization designated by the Ministry of Industry and Trade or recognized under Article 26 of the Law on Product and Goods Quality.
3. Imported goods of group 2 shall be receiving quality examination upon importation under Article 21 of this Circular.
4. Regarding the goods of group 2 which are subjected to technical regulations regarding the conditions of manufacturing of such products or goods, importer shall provide addition certificates related to the manufacture conditions issued by a designated or recognized certification organization.
5. Regarding the goods of group 2 with unsafe-inclined new properties under proper transportation, storage, preservation and utilization which have not been covered by relevant technical regulations or of unsafe-inclined goods imported into Vietnam for the first time, importer shall be responsible for proving the safety of those goods to humans, animals, plants, property and the environment under the Ministry of Industry and Trade's regulations.
6. Goods manufactured by export processing zone enterprises for domestic market shall be quality controlled like imported goods.

Article 5. Quality assurance conditions of exported goods of group 2

Exported products and goods of group 2 shall comply with Article 32 of the Law on Product and Goods Quality and Article 9 of the Decree No. 132/2008/ND-CP dated December 31, 2008 of the Government, detailing a number of articles of the Law on Product and Goods Quality.

Article 6. Quality assurance conditions of goods of group 2 while putting into circulation

1. Satisfying quality assurance conditions applicable to products and goods in manufacture or import.
2. Complying with relevant technical regulations in goods circulation or actively applying quality control measures to maintain the quality of commodities.
3. Submitting to the examination of relevant agencies regarding the quality of products and goods in circulation under Article 23 of this Circular.
4. Products and goods of group 2, which subjected to strict safety requirements in transportation, must satisfy safety requirements in transportation and fire and explosion prevention and fighting under the law on fire and explosion prevention and fighting.

Article 7. Quality assurance conditions for goods of group 2 in utilization

1. Following manufacturers' instructions and relevant national technical regulations on safety upon utilization, transportation, storage, preservation, repair and maintenance.
2. For goods of group 2, which belong to the list of goods subjected to inspection during utilization, the goods shall be used only after obtaining an inspection certificate granted by a designated inspection organization.
3. Submitting to the examination of relevant agencies regarding the quality of products and goods in use under Article 24 of this Circular.

Section 2: ANNOUNCEMENT AND CERTIFICATION OF REGULATION CONFORMITY AND DESIGNATION OF CONFORMITY ASSESSMENT ORGANIZATIONS

Article 8. Announcement of conformity with technical regulations of products and goods of group 2

1. Manufacturers and traders of products and goods of group 2 shall make the announcement of their products' and goods' conformity with relevant technical regulations.
2. In case of products and goods of group 2 for which national technical regulations are not available, the announcement shall be made according to standards (TCVN, TCCS or foreign standards) or other technical regulations applicable to those goods and products until national technical regulations applicable to them are promulgated and take effect.

Article 9. Dossiers of announcement of conformity with technical regulations of products and goods of group 2

A dossier of announcement of conformity with technical regulations of products and goods of group 2 comprises:

1. A form of regulation conformity statement made according to Annex I of this Circular
2. Copy of the certificate of conformity with relevant technical regulations of the goods or products granted by a conformity certification organization.
3. General description in writing of the products or goods.
4. Standards directly related to the products or goods (TCVN, TCCS or foreign standards) or other technical regulations.
5. Instruction for use in writing of the products or goods.

Article 10. Procedures of receiving and announcing regulation conformity

1. Manufacturers and traders of products and goods of group 2 shall get their products and goods assessed for conformity with relevant technical regulations by conformity certification organizations designated by the Ministry of Industry and Trade.

In case an organization or individual conducts self-assessment of regulation conformity, that organization or individual shall conduct testing at a laboratory designated by the Ministry of Industry and Trade.

The results of regulation conformity assessment shall serve as a basis for organizations or individuals to announce regulation conformity.

2. When announcing regulation conformity, manufacturers, traders and importers shall register their regulation conformity statements at local Industry and Trade Departments in which they register operation, production and business.

3. Within five (5) working days after receiving a complete dossier of announcement of technical regulation conformity of an organization or individual, the provincial-level Industry and Trade Department shall send to that organization or individual a certification of regulation conformity announcement in writing. The certification form shall be made according to Annex II of this Circular.

Article 11. Requirements of designated testing organizations

A designated testing organization must fully satisfy the following conditions:

1. Obtaining a certificate of meeting national standard TCVN ISO/IEC 17025:2007 or international standard ISO/IEC 17025:2005.
2. Having registered testing service with the Ministry of Science and Technology under regulations.

3. For each specific field, there should be at least 2 testers with professional qualifications relevant to the testing of relevant products and goods and with 3 years or more of working experience.
4. Having sufficient technical documents, necessary standards and testing processes in conformity with relevant technical regulations.
5. A testing organization, which is granted accreditation certificate by a lawful Vietnamese accreditation organization or a lawful foreign accreditation organization being a member of the Pacific Accreditation Cooperation (PAC) and the International Accreditation Forum (IAF), may be prioritized for consideration and designation.

Article 12. Requirements of designated assessment organizations

A designated assessment organization must fully satisfy the following conditions:

1. Having registered assessment services under the Commercial Law, the Government's Decree No. 20/2006/ND-CP dated February 20, 2006, detailing the Commercial Law regarding commercial assessment service business, and the Circular No. 06/2006/TT-BTM dated April 11, 2006 of the Ministry of Commerce , guiding the registration of seals of commercial assessment service providers.
2. Having assessment capacity to meet national standard of TCVN ISO/IEC 17020:2001 or international standard of ISO/IEC 17020:1998.
3. For each specific field, having at least 2 assessors with professional qualifications relevant to the assessment of relevant products and goods and with 3 years or more of working experience.
4. Having sufficient technical documents, necessary standards and testing processes in conformity with relevant technical regulations.
5. An assessment organization, which is granted accreditation certificate by a lawful Vietnamese accreditation organization or a lawful foreign accreditation organization being a member of the Pacific Accreditation Cooperation (PAC) and the International Accreditation Forum (IAF), may be prioritized for consideration and designation.

Article 13. Requirements of designated inspection organizations

A designated inspection organization must fully satisfy the following conditions:

1. Having registered inspection services with the Ministry of Industry and Trade. Concerning pressure equipment and lifting equipment which belong to the list of machinery and equipment subject to strict labor safety requirements under the Ministry of Industry and Trade's state management, inspection organization must comply with Circular No. 35/2009/TT-BCT dated December 9, 2009, providing operation conditions of technical safety inspection organizations.

2. Having testing laboratories to meet national standard of TCVN ISO/IEC 17025:2007 or international standard of ISO/IEC 17025:2005.
3. For each specific field, having at least 2 inspectors with professional qualifications relevant to the inspection of relevant products and goods and with 3 years or more of working experience.
4. Having sufficient technical documents, necessary standards and testing processes in conformity with relevant technical regulations.
5. An inspection organization, which is granted accreditation certificate by a lawful Vietnamese accreditation organization or a lawful foreign accreditation organization being a member of the Pacific Accreditation Cooperation (PAC) and the International Accreditation Forum (IAF), may be prioritized for consideration and designation.

Article 14. Requirements of designated certification organizations

A designated certification organization must fully satisfy the following conditions:

1. Having registered certification services with the Ministry of Science and Technology under regulations.
2. The management system and operation capacity of certification organization shall be conformity with national or international standards and international guidelines applicable to each type of service as follows:
 - a/ National standard of TCVN 7457:2004 or international standard of ISO/IEC Guide 65:1996 and relevant guidelines of the International Accreditation Forum (IAF), for certification of products and goods;
 - b/ National standard of TCVN ISO/IEC 17021:2008 or international standard of ISO/IEC 17021:2006 and relevant guidelines of the International Accreditation Forum (IAF), for certification of management systems;
 - c/ Having assessment capacity to meet national standard of TCVN ISO 19011:2003 or international standard of ISO 19011:2002.
3. Having at least 5 permanent evaluators (civil servants or employees working under labor contracts of an indefinite term or a term of 12 months or more) with a tertiary or higher degree and expertise relevant to the certification of relevant products, goods, processes and environment, and 3 years or more of working experience.
4. Having sufficient technical documents, standards and testing processes in conformity with relevant technical regulations.

Article 15. Order and procedures of designating conformity assessment organizations

1. A conformity assessment organization wishing to act in quality testing, assessment, inspection or certification of products and goods of group 2 in a particular field shall make and submit a registration dossier to the Science and Technology Department - the Ministry of Industry and Trade.

2. If the dossier is sent by post, the organization shall submit certified true copies of the documents specified at Points b and g, Clause 3 of this Article.

3. A registration dossier includes:

a/ Written registration for designation of conformity assessment, made according to Form 1, Annex III of this Circular;

b/ Copy of the registration certificate of services of testing, assessment, inspection or certification;

c/ List of testers, assessors, inspectors or evaluators satisfying the requirements provided in Clause 3, Article 11; and Articles 12, 13 and 14 of this Circular, made according to Form 2, Annex III of this Circular;

d/ List of technical documents, standards and processes of testing, assessing, inspecting or certifying applied for relevant products and goods of group 2, made according to Form 3, Annex III of this Circular;

e/ Forms of testing result notice, assessment certificate, inspection certificate and certificate;

f/ Accreditation certificate of testing, assessment or inspection or certification capability granted by an accreditation organization (if any);

g/ Results of testing, assessment or inspection or certification operations in the registered field of the most recent year (if any).

4. Receipt and processing of registration dossiers:

a/ Within twenty (20) working days after receiving a complete and valid dossier, the Ministry of Industry and Trade shall examine the dossier, establish a council to assess the actual capability of the applicant and issue a Decision on designation of a conformity assessment organization, made according to a Form 4, Annex III of this Circular. The validity of this Decision does not exceed 3 years.

b/ In case of refusing the designation, the Ministry of Industry and Trade shall reply in writing to the applicant of the reason refusing the designation.

c/ Three (3) months before designation decision expires, based on their own wish, a conformity assessment organization may carry out re-registration procedures under Clause 1 of this Article.

d/ A conformity assessment organization designated by the Ministry of Industry and Trade to act in testing, assessment or inspection may carry out registration procedures again under Clause 1 of this Article when changing or increasing its scope or field of operation.

Chapter III

QUALITY EXAMINATION OF PRODUCTS AND GOODS OF GROUP 2

Article 16. Provisions of quality examination of products and goods

1. Quality examination of products and goods of group 2 shall be conducted by products and goods quality examination agencies of the Ministry of Industry and Trade.
2. The exemption or reduction of quality examination of products and goods which have been certified and announced for regulation conformity or certified to have applied advanced management systems by international or regional standards must be approved by the Ministry of Industry and Trade.
3. Dossiers of requesting for exemption or reduction of quality examination of products and goods already certified and announced for regulation conformity or certified for application of advanced management systems by international or regional standards shall be sent to the Science and Technology Department of the Ministry of Industry and Trade. The dossier includes:
 - a/ Application for exemption or reduction;
 - b/ Certificate of business registration (notarized or certified);
 - c/ Import contract (notarized);
 - d/ Certificate of regulation conformity, announcement of regulation conformity, certificate of application of advanced management systems by international or regional standards granted by foreign authorities, enclosed with Vietnamese translations (notarized);
 - e/ Other related documents (if any).

Article 17. Grounds for examination

1. Relevant technical regulations, regulations on goods labeling and other related laws on assurance of quality, safety, hygiene, human health and environment applied to each type of products and goods.
2. For products and goods of group 2 without available relevant technical regulations, the grounds for examination shall be standards (TCVN, TCCS or foreign standards) or other technical regulations currently applied for conformity announcement until technical regulations applicable to those products and goods are promulgated.

Article 18. Methods of quality examination of products and goods of group 2 in manufacture, export, market sale and utilization.

1. Examination following annual plans approved by competent state agencies

a/ Grounds for annual planning:

- Exported products and goods which fail to meet quality requirements under Articles 3, 5, 6 and 7 of this Circular;
- Information on products and goods that fail to meet quality requirements in manufacture, export, market sale or utilization;
- Domestic, foreign, regional and international warnings regarding the quality of products and goods.

b/ The contents of examination plan must cover the following:

- Products and goods to be examined;
- Place of examination;
- Date of examination;
- Funds for examination;
- Organization of examination.

2. Unexpected quality examination of products and goods

Grounds for unexpected quality examination of products and goods in production and trading as requested by related functional agencies or superior authorities:

- a/ Request of inspection and quality control agencies;
- b/ Complaints and denunciations regarding products and goods quality;
- c/ Information in the mass media on products or goods that fail to meet quality requirements;
- d/ Domestic, foreign, regional and international warnings regarding quality of the goods.

3. Upon having examination results, the examination agency shall publish these results on its website and notify the enterprise with examined products and goods of the results.

Article 19. Testing samples for quality examination of products and goods of group 2

1. Goods samples shall be taken randomly at manufacturers or on the market for testing at conformity assessment organizations designated by the Ministry of Industry and Trade.

2. Order and procedures of sampling:

a/ An examination agency shall takes samples of products or goods based on standards of testing methods or regulations of conformity assessment;

b/ After taken, samples shall be sealed with the signatures of the sample taker and representative of the establishment at which samples are taken;

c/ A sampling report is made according to Form 14, Annex V of this Circular.

If the representative of the establishment at which samples are taken does not sign the report, the report with the signatures of the sample taker and the examination team leader shall remains legally valid;

d/ Samples shall be sent to a designated conformity assessment organization for inspection and testing.

Inspection and testing results of a designated conformity assessment organization shall serve as a basis for the examination agency's further handling of the case.

Article 20. Order, procedures and contents of quality examination of products and goods of group 2 in manufacturing

The quality examination of products and goods of group 2 in manufacturing shall be conducted by examination teams of relevant quality examination agencies according to the following order, procedures and contents:

1. The examination team announces the examination decision, made according to Form 5, Annex IV.

2. The examination shall be conducted as follows:

a/ Examining the execution of requirements under relevant technical regulations on manufacture process conditions and quality control methods in manufacture;

b/ Examining the results of conformity assessment, goods labels, regulation conformity marks and documents enclosed with products to be examined;

c/ Examining the results of inspection and testing;

d/ Examining contents and presentation of warnings regarding the possibility of unsafeness of product and goods;

e/ Inspecting and testing product samples according to relevant technical regulations when necessary.

3. An examination record is made according to Form 6 Annex IV with the signatures of the representatives of the examined establishment and the examination team. In case the representative of the examined establishment does not sign this record, the record with the signatures of leader and members of the examination team shall remain valid.

4. The examination team shall report examination results and recommendations to the examination agency. The report shall be made according to Form 7, Annex IV of this Circular.

Article 21. Order, procedures and contents of quality examination of imported goods of group 2

The quality examination of imported goods of group 2 shall be conducted by agencies which examine the quality of imported goods of group 2 according to the following order, procedures and contents:

1. The examination agency receives the importer's quality examination registration dossier, made according to Form 10, Annex V of this Circular. The dossier includes:

a/ Written registration for examining quality of imported goods, made according to Form 9, Annex V of this Circular;

b/ Copies of import contract and packing list;

c/ Copies of quality certificate of goods (certified);

d/ Other related technical documents: Copies (certified by the importer) of the bill of lading and invoice; import declaration; certificate of origin (if any); photo or description of goods; specimens of imported goods labels attached with regulation conformity marks and subsidiary labels (if principal labels do not contain all required information).

2. Three (3) days after receiving the quality examination registration dossier of importer, the examination agency shall examine the validity and completeness of the dossier.

3. The examination agency shall issue a notice to inform the importer that their products or goods comply with regulations applicable to imported goods, enabling the importer to carry out temporary customs clearance procedures. An importer that has not completed the quality examination of imported goods under this Circular may not put the goods into market. The above notice shall be made according to Form 11, Annex V of this Circular.

4. Contents of examination:

a/ Examination agency shall examine the conformity of the quality certificate of the imported goods lot with required technical regulations, announced applicable standards, and conformity

assessment results, goods labels, regulation conformity marks and documents enclosed with the products or goods to be examined;

b/ Testing samples according to announced applicable standards or relevant technical regulations.

5. An examination record is made according to Form 6, Annex IV of this Circular.

6. After examination, if products or goods meet the requirements stated in the examination grounds, the examination agency shall issues a notice regarding results of quality examination of imported goods, certifying that the imported goods satisfy the import regulations. This notice, made according to Form 12, Annex 5 of this Circular, serves as a basis for the importer to complete customs clearance procedures.

After examination, if products or goods fail to meet the requirements stated in the examination grounds, the examination agency shall issues a notice regarding results of quality examination of imported goods, stating that the goods lot fails to meet the import regulations, and concurrently sends a report, made according to Form 13, Annex V of this Circular, to the Ministry of Industry and Trade.

Article 22. Order, procedures and contents of quality examination of exported goods of group 2

The quality examination of exported goods shall comply with Article 10 of the Decree No. 132/2008/ND-CP dated December 31, 2008 of the Government, detailing a number of articles of the Law on Product and Goods Quality.

Article 23. Order, procedures and contents of quality examination of goods of group 2 on market circulations

The quality examination of products and goods of group 2 on market circulation shall be conducted by examination teams. The order, procedures and contents of quality examination of goods on market circulation shall comply with professional processes for examination, control and handling of administrative violations performed by Market Control forces' provided in the Industry and Trade Ministry's Circular No. 26/2009/TT-BCT dated August 26, 2009, regarding professional processes for examination, control and handling of administrative violations of market control forces.

Article 24. Order, procedures and contents of quality examination of goods of group 2 in utilization

The quality examination of products and goods of group 2 in utilization shall comply with the following order, procedures and contents:

1. The examination agency announces the examination decision made according to Form 5 Annex IV of this Circular.

2. Contents of examination:

a/ Examining the executions of relevant technical regulations on use conditions and measures of state management of the quality of products and goods in use;

When necessary, the examination agency may request experts or a designated conformity assessment organization to conduct assessment based on applicable technical regulations.

b/ Examining the executions of requirements on inspection and inspection results and user guide enclosed with goods to be examined;

c/ When finding that the requirements provided at Points a and b of this Clause are not fully executed and there are signs of failing to meet quality requirements, the examination agency considers getting the products or goods tested by a designated conformity assessment organization.

3. An examination record is made according to Form 6, Annex IV of this Circular, with the signatures of the representatives of the examined establishment and examination agency. If the representative of the examined establishment does not sign this record, the record shall remain valid with the signature of the representative of examination agency.

4. The examination agency shall report on examination results under regulations.

Chapter IV

ORGANIZATION OF IMPLEMENTATION

Article 25. Responsibilities of management agencies of the Ministry of Industry and Trade

1. The Science and Technology Department of the Ministry of Industry and Trade shall:

a/ Giving advices to the Ministry of Industry and Trade in order to perform the state management of the quality of products and goods of group 2;

b/ Giving advices to Ministry of Industry and Trade in designating conformity assessment organizations to test, assess, inspect and certify the quality of products and goods of group 2. Examine and supervise designated conformity assessment organizations;

c/ Assuming the prime responsibility for, and coordinating with related agencies in managing the quality of products and goods of group 2;

d/ Making annual plans on quality examination of products and goods of group 2 in manufacture and export;

e/ Reviewing the quality examination of products and goods of group 2 and report to leaders of the Ministry of Industry and Trade;

f/ Taking responsibility of urging, guiding and examining the implementation of this Circular.

2. The Market Control Department shall organize and direct Market Control Sub-Departments of the provinces and cities under central government in examining, controlling and handling violations of regulations regarding the quality of products and goods of group 2 on market circulation under the law.

3. The Industrial Safety Techniques and Environment Agency shall assume the prime responsibility for, and coordinate with related agencies in, examining the quality of products and goods of group 2 in utilization.

Article 26. Responsibilities of provincial-level Industry and Trade Departments

Provincial-level Industry and Trade Departments shall receive announcement registrations of regulation conformity and coordinate with provincial-level Science and Technology Departments in examining local enterprises in executing regulations on quality management regarding products and goods of group 2.

Article 27. Responsibilities of designated conformity assessment organizations

1. To perform the rights and obligations under the Law on Product and Goods Quality and related laws.

Designated testing organizations shall, within the validity duration of designation decision, participate in one proficiency testing and interlaboratory comparison program.

2. To send reports annually or upon request on conformity assessment operations as designated to the designating agencies for summarization. The report shall be made according to Form 16, Annex VI of this Circular.

3. To notify agencies, which issuing designation decisions, of any changes affecting their registered services of testing, assessment, inspection and certification within fifteen (15) days after such changes happen.

Article 28. Responsibilities of organizations and individuals for quality assurance of products and goods of group 2

1. To announce regulation conformity of products and goods of group 2 under Article 8 of this Circular.

2. In the course of manufacture and circulation of products and goods of group 2, manufacturers, exporters or importers shall promptly report to the Ministry of Industry and Trade when manufacture conditions fail to conform to announced standards or products are detected to fail to conform with technical regulations, and concurrently:

A/ To suspend the releasing of products and recall unconformable products currently on market circulation;

B/ To takes measures to remedy such unconformity.

3. After remedying the unconformity, manufacturers, exporters or importers of products and goods of group 2 shall report the results to the Ministry of Industry and Trade before resuming putting those products or goods into the market.

4. After announcing regulation conformity, manufacturers and importers of products and goods shall be responsible for constantly maintaining their products' conformity with relevant regulations, maintaining quality control, testing and regular supervision at enterprises and take full responsibility for such conformity before management agencies and consumers.

5. To ensure the control of manufactured products through the system of signs and codes inscribed on labels of products and goods.

6. To archive the dossier of conformity announcement as a basis for state management agencies' examination and inspection.

7. To re-announce regulation conformity of products and goods of group 2 upon any changes as compared with previously announced regulation conformity announcement.

Article 29. Reporting on quality examination of products and goods of group 2

Examination agencies of products and goods of group 2 shall submit reports to the Ministry of Industry and Trade, regarding the situations and results of quality examination of goods quarterly and biannually (before July 15) and annually (before January 20 of the subsequent year) or upon request. The reports shall be made according to Form 7, Annex IV and Form 15, Annex VI of this Circular, concerning summarizing reports on results of quality examination of imported goods.

Chapter V

IMPLEMENTATION PROVISIONS

Article 30. Effect

This Circular takes effect from February 15, 2012.

Article 31. Implementation responsibilities

1. Examination agencies of quality of products and goods of group 2 and related organizations and individuals shall implement this Circular.

This translation is for reference only

2. When standards or legal documents invoked in this Circular are revised or replaced, the revised or replacing documents shall prevail.
3. Any problems arising in the course of implementation should be promptly reported to the Science and Technology Department of the Ministry of Industry and Trade for revision and supplementation./.

MINISTER OF INDUSTRY AND TRADE

Vu Huy Hoang

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