

THE GOVERNMENT

**SOCIALIST REPUBLIC OF
VIETNAM**

No.113/2003/ND-CP

Independence- Freedom- Happiness

Hanoi, October 7, 2003

DECREE OF THE GOVERNMENT

On the management of fertilizer production and trading

THE GOVERNMENT

Pursuant to the Law on Organization of the Government dated December 25, 2001;

At the proposal of the Minister of Agriculture and Rural Development,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. This Decree provides for the production, processing, export, import trading, testing and State management of fertilizers, aiming to protect the legitimate interests of organizations and individuals that produce, trading in or use fertilizers; and contributing to raising the crops' yield and quality and protecting soil fertility and ecological environment.

Article 2. Fertilizers prescribed in this Decree include:

Assorted inorganic fertilizers, bio-organic fertilizers, mineral organic fertilizers, multi-nutrient fertilizers, compound fertilizers, mixed fertilizers, microbiological fertilizers, foliar fertilizers and fertilizers added with growth regulators (hereinafter referred collectively to as fertilizers).

Pure growth regulators, moisture-preserving preparations and soil adhesive binders shall not be governed by this Decree.

Article 3. Domestic as well as foreign organizations and individuals engaged in fertilizer-related activities in the Vietnamese territory shall have to abide by this Decree, except for cases where otherwise provide for by international treaties which Vietnam has signed or acceded to.

Article 4. In this Decree, the following terms shall be construed as follows:

1. Root fertilizers mean assorted fertilizers to be applied directly to soil or water in order to provide plants with nutrients through their root assemblages;
2. Foliar fertilizers mean assorted fertilizers to be sprinkled or sprayed directly on plant foliage or stems in order to provide nutrients for plants;
3. Inorganic fertilizers (mineral fertilizers, chemical fertilizers) mean fertilizers containing inorganic nutrients necessary for the growth and development of plants;
4. Single fertilizers (single mineral fertilizers) mean inorganic fertilizers containing only one nutrient;
5. Multi-nutrient fertilizers mean inorganic fertilizers containing two or more nutrients;
6. Compound fertilizers mean multi-nutrient fertilizers produced on the basis of chemically synthesizing assorted raw materials;
7. Mixed fertilizers mean multi-nutrient fertilizers produced by way of mechanically mixing many single fertilizers;
8. Microbiological fertilizers mean fertilizers containing one or more useful microbe species, with a density compatible with the promulgated standards;
9. Bio-organic fertilizers mean fertilizers produced from organic raw materials through the effects of useful microbes or other biological agents;
10. Mineral organic fertilizers mean fertilizers produced from organic raw materials and added with one or more mineral nutrients;
11. Traditional organic fertilizers mean assorted barnyard manure, human excrement, urine, straw, green manure and crops' by-products;
12. Nutritious contents mean the quantities of major nutrients in fertilizers, which are expressed in percentage;
13. Allowable toxic contents mean the maximum allowable contents of heavy

metals, harmful organisms, biure and free acids in fertilizers;

14. Fertilizers added with growth regulators mean inorganic or organic fertilizers added with a small quantity of vitamins, enzymes, organic acids or chemicals, which stimulate or repress the growth and development of plants;

15. Processing means the production of fertilizers by Vietnam-based enterprises having the function of producing fertilizers under contracts with foreign traders.

Chapter II

PRODUCTION AND PROCESSING OF FERTILIZERS

Article 5. Organizations and individuals permitted to produce fertilizers must have the fertilizer business registration certificates granted by competent State agencies and fully meet the following conditions:

1. Having suitable machinery and equipment for the production of fertilizers with prescribed quality standards;
2. Having fertilizer quality-analyzing and -testing sections. In cases where the enterprises do not have fertilizer quality-analyzing and -testing sections, they shall hire analyzing laboratories recognized by competent State agencies to carry out the testing.
3. Having waste-treatment system so as not to cause environmental pollution and ensure conditions on labor safety and environmental sanitation and safety as prescribed by legislation on labor and environment;
4. Having a contingent of officials and workers who possess high professional qualifications and are capable of meeting the requirements of production technology and management of fertilizer quality.

Article 6. The Ministry of Agriculture and Rural Development shall issue the list of fertilizers permitted for production, trading and use in Vietnam (hereinafter called the list of fertilizers) in each period.

Article 7. Organizations and/or individuals wishing to experimentally produce fertilizers outside the list of fertilizers must obtain written consents of the Ministry of Agriculture and Rural Development.

Article 8. Organizations and individuals meeting all conditions prescribed in Article 5 of this Decree may process fertilizers for foreign traders.

Article 9. The processing of fertilizers outside the list of fertilizers must be consented by the Ministry of Agriculture and Rural Development.

Chapter III

IMPORT, EXPORT OF, AND TRADING IN FERTILIZERS

Article 10. The import of fertilizers outside the list of fertilizers for testing must be agreed upon by the Ministry of Agriculture and Rural Development.

Article 11. Organizations and/or individuals exporting and/or importing fertilizers shall have to take responsibility for the quality thereof.

Article 12. The temporary import for re-export and transit of fertilizers shall comply with current law provisions on temporary import for re-export and transit of goods.

Article 13. Organizations and individuals trading in fertilizers must fully meet the following conditions:

1. Having the certificates of registration for fertilizer business.
2. Having locations for trading in fertilizers without causing environmental pollution.
3. Having warehouses for storing fertilizers.

Article 14. Fertilizers, when being transported, must be firmly stored in packages or containers so as to ensure their quality and not to cause environmental pollution.

Article 15. Fertilizers must have labels in conformity with competent agencies' regulation on labeling of domestically circulated goods and import/export goods.

Article 16. The trading in fertilizers outside the list of fertilizers, fake fertilizers, fertilizers with expired use date; fertilizers suspended from production and/or consumption; and/or fertilizers without labels or with unregistered labels is strictly prohibited.

Chapter IV

TESTING AND RECOGNITION OF FERTILIZER

Article 17. Fertilizers which must be tested include: microbiological fertilizers,

biological organic fertilizers, mineral organic fertilizers, foliar fertilizers and fertilizers added with growth regulators not yet included in the list of fertilizers permitted for production, trading and use in Vietnam.

The Ministry of Agriculture and Rural Development shall specify the order and procedures for testing fertilizers.

Article 18. Fertilizers which must be tested include:

1. Fertilizers included in the list of fertilizers permitted for production, trading and use in Vietnam.
2. Inorganic fertilizers such as single fertilizers, multi-nutrient fertilizers, compound fertilizers and mixed fertilizers which are up to the quality standards.
3. Traditional organic fertilizers.
4. Fertilizers which are outcomes of research works and recognized by the Ministry of Science and Technology or the Ministry of Agriculture and Rural Development as technical advances.

Article 19. Organizations and/or individuals performing the task of testing fertilizers must fully meet the conditions prescribed by the Ministry of Agriculture and Rural Development.

The Ministry of Agriculture and Rural Development shall expertise and recognize new fertilizers.

Chapter V

STATE MANAGEMENT OVER FERTILIZERS

Article 20. The contents of State management over fertilizers cover:

1. Drawing up plans and planing on fertilizers;
2. Promulgating or proposing competent authorities to promulgate and organizing the implementation of, legal documents on fertilizer management, fertilizer production process and regulations, standards, mechanisms and policies to encourage the production and use of fertilizers;
3. Testing and recognizing new fertilizers;
4. Collecting and managing information and materials on fertilizers.

5. Organizing the research into, and application of, scientific and technological advances to activities in the field of fertilizers.
6. Popularizing and disseminating knowledge and experience on the management and use of fertilizers;
7. Examining and inspecting the observance of State regulations and the settlement of complaints, denunciation and disputes regarding fertilizers;
8. Entering into international cooperation in the field of fertilizers.

Article 21. The Ministry of Agriculture and Rural Development shall have:

1. To assume the prime responsibility for, and coordinate with the Ministry of Industry and concerned ministries and branches in formulating plans and policies on the use of fertilizers and production of organic fertilizers;
2. To elaborate, promulgate or propose competent authorities to promulgate and organize the implementation of legal documents, procedures, regulations, standards, mechanisms and policies on the use of fertilizers and the production of organic fertilizers;
3. To organize the testing of, and recognize, new fertilizers;
4. To collect and manage information and materials on fertilizers;
5. To coordinate with ministries and branches in organizing the research into, and application of, scientific and technological advances to activities of using fertilizers and producing organic fertilizers;
6. To examine, inspect and handle violations in the use of fertilizers and the production of organic fertilizers;
7. To popularize and disseminate knowledge and experience on the trading in, and use of, fertilizers and the production of organic fertilizers;
8. To enter into international cooperation in the fields of using fertilizers and producing organic fertilizers.

Article 22. The Ministry of Industry shall have:

1. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and concerned ministries and branches in formulating plans and policies on the production of inorganic fertilizers;

2. To elaborate, promulgate or propose competent authorities to promulgate and organize the implementation of legal documents, procedures and regulations, standards and policies to support the production of inorganic fertilizers;
3. To collect and manage information and materials on the production of inorganic fertilizers;
4. To organize the research into, and application of scientific and technological advances to activities in the field of producing inorganic fertilizers;
5. To examine, inspect and handle violations in the production of inorganic fertilizers;
6. To popularize and disseminate knowledge and experiences on the production of inorganic fertilizers.
7. To enter into international cooperation in the field of producing inorganic fertilizers;

Article 23. The provincial/municipal People's Committees shall, within the scope of their powers and tasks, perform the State management in:

1. Elaborating plans on the use of fertilizers in their localities;
2. Directing and guiding the efficient use of fertilizers, so as not to cause environmental pollution;
3. Examining, inspecting and handling violations in the field of fertilizers.

Article 24. Organizations and individuals producing and/or trading in fertilizers shall have to pay charges and fees for testing and recognition of new fertilizers as well as expertise of fertilizers' quality according to law provisions on charges and fees.

Chapter VI

HANDLING OF VIOLATIONS

Article 25. Organizations and individuals committing acts of violating the provisions of this Decree regarding the production, purchase, sale and transportation of, and the provision of services related to fertilizers shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability; if causing damage, they must pay compensations therefor.

Article 26. Those who abuse their positions and powers and commit acts of violating the provisions of this Decree as well as other acts in contravention of law provisions on State management over fertilizers shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensations therefor.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 27. This Decree takes effect 15 days after its publication in the Official Gazette; all previous regulations contrary to this Decree are hereby annulled.

Article 28. The ministers, the heads of the ministerial-level agencies, the heads of agencies attached to the Government, the presidents of the provincial/municipal People's Committees shall have to implement this Decree.

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

(Signed and sealed)

Phan Van Khai

(This translation is for reference only)