

Law No: /2018/QH14

Draft

LAW ON CROP PRODUCTION

Pursuant to the Constitution of the Socialist Republic of Vietnam [passed] in 2013;

The National Assembly promulgates the Law on Crop production.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of governing

This Law provides for plant varieties, fertilizers, cultivation, harvesting, purchase, sale, preliminarily-processing, processing, preservation, export and import of crop products; State management of crop production.

Article 2. Applicability

This Law applies to domestic organizations and individuals as well as to foreign organizations and individuals involved in activities of crop production in Vietnam.

Article 3. Interpretation of terms

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

1. *Crop production* means the whole process of cultivation to create a product(s) and use it for different purposes.
2. *Cultivation* means the process of using resources, input materials, labor resources and application of production processes to create products from plants.
3. *Plant varieties* mean a population of plants of the same lowest plant classification level, uniform in morphology, stable through propagation cycles, identified by the expression of traits caused by genotypes or by coordination of genotypes which are regulated and distinguishable from any other plant population by the expression of at least one trait which is capable of inheritance.

Plant varieties include agricultural, forestry, aquatic, ornamental and medicinal plant varieties.

4. *Annual crop plants* mean plants which are sowed and planted, and whose production cycle is finished within a period of not more than one year, or whose roots are kept for harvest in the subsequent years.
5. *Perennial crop plants* mean plants, which have a growth period of two years or more and can be harvested once or several times in the production cycle.

6. *Plant propagating materials* mean plants or parts of plants (seeds, tubers, fruits, roots, stems, branches, leaves, flower buds, cell tissue), hyphae, weeds, algae, micro-algae which can develop to become a new plant for propagation or for sowing and planting.
7. *Major plant species* mean species of plant which are important for economic development must be strictly managed.
8. *Widely-known plant varieties* mean plant varieties which belong to one of the following cases:
 - a) Plant varieties have already been protected or registered in the List of plant varieties in any country;
 - b) Plant varieties are the objects specified in application(s) for registration of protection or application(s) for registration in the List of plant species in any country if these applications are not refused.
9. *Distinctness of plant varieties*: Plant varieties are considered to be distinct if they can be clearly distinguishable from the widely-known plant varieties at the time of submission of the application dossiers for registration of protection of these plant varieties or priority date if the application is entitled to priority; or at the time of submission of application for registration of testing in Vietnam.
10. *Uniformity of plant varieties*: Plant varieties are considered to be uniform if there is a similar appearance of the relevant traits, except for the deviations within the allowable limits for a number of traits in the propagation process.
11. *Stability of plant varieties*: Plant varieties are considered to be stable if the relevant traits of that plant varieties maintain the expression as initially described, unchanged after each crop season of propagation or after each propagation cycle in the case of propagation in accordance with cyclic.
12. *Novelty of plant varieties*: Plant varieties shall be considered novel if propagating materials or harvested products of such plant varieties have not yet been sold by the owner or commercially traded in the market in Vietnam one year before the date of submission of application dossiers for registration of recognition for circulation or protection of the owner's rights, or outside the Vietnamese territory, six years before submission of the application dossiers for tree species and vines, four years for other plant varieties.
13. *Standard variety samples* mean the first variety samples provided by its owner before being tested and used including seeds, seedlings, tubers or parts of seedling and tubers, that can develop to become an independent individual in accordance with various propagating forms.
14. *Testing* is the assessment of criteria for determining distinctness, uniformity, stability, cultivation value, use value under the controlled or field conditions in accordance with Vietnamese standards [the Vietnamese Standards] or provisional regulations for recognition for circulation of plant varieties.
15. *Controlled testing* means testing in isolation conditions and creating pressure of artificial infection with harmful organisms or adjusting unfavorable factors to ensure the stability and accuracy of the testing.

16. *DUS (Distinctness, Uniformity and Stability) testing* means the testing for distinctness, uniformity and stability of plant varieties.
17. *VCU (Value of cultivation and use) testing* means testing of the value of cultivation, the value of use of plant variety.
18. *Geographical regions of recognition of plant varieties* include North (provinces from Thua Thien Hue to the north); Central (including coastal provinces in the South Central Coast and Central Highlands); and the South (including the Southeast provinces and Mekong River Delta).
19. *Sources of varieties* mean the common name to indicate the leading varieties, mother plants, leading variety gardens, plant variety gardens, plan variety forest and parts of forest that are are selected and recognized.
20. *Genetically modified plant varieties* mean plant varieties whose genetic structure are changed by transgenic technology.
21. *Author's varieties* mean the initial varieties selected by the author, created and meet the quality according to the regulations.
22. *Pre-basic varieties* mean varieties which are propagated from the author's varieties or restoration from the production varieties and meet the quality requirements in accordance with the regulations
23. *Basic varieties* mean the varieties which are propagated from pre-basic varieties and meet the quality [requirements] in accordance with the regulations.
24. *Certified varieties* mean the varieties which are propagated from pre-basic varieties or basic varieties and meet the quality [requirements] in accordance with the regulations.
25. *Leading varieties* mean the plants with high productivity, high quality and stable, more resistant than other plants in the population of one variety.
26. *Leading variety gardens* mean the plant gardens which are propagated by cloning method from leading varieties for production of varieties.
27. *Mother plants, dominant plants* mean the best plants which are selected from natural forests, planted forests, scattered planted plants, forests of varieties or garden of varieties used for obtaining propagating materials.
28. *Garden of forest plant varieties* means the garden which is planted according to a certain diagram by cloned plant lines or from actually-living plants of the selected mother plants.
29. *Forest of varieties* means the forest is planted from actually-living plants of parent plants not in accordance with the diagram or converted from natural forests and planted forest.
30. *Seed batch* means a specific quantity of seeds of the same variety, of the same quality, produced, processed and preserved in the same process, easily identifiable and not exceeding the regulated quantity.
31. *Batch of seedlings* means a identified quantity of seedlings of the same variety, propagated from a source of varieties, the same time, place and propagating technical process.

32. *Sexual propagation* means the use of planted seeds, the variety fruits to cultivate to produce the next generation seed.
33. *Clonal propagation* means the use of vegetative parts of plants such as roots, stems, leaves, tubers, shoots or other parts to produce seedlings, seed tuber and cuttings.
34. *Countries signed the Agreement on the Protection of the Rights to Plant Varieties with Vietnam* mean member nations of the International Convention for the Protection of New Varieties of Plants (UPOV) or the nations having signed bilateral agreements with Vietnam on the protection of rights to plant varieties.
35. *Circulation of plant varieties* means activities related to the production, sale and use of propagating materials.
36. *Fertilizers* mean products that provide nutrients for plants or improve soil to increase yield and quality of plants.
37. *Limiting factors in fertilizer* mean the factors that may cause toxicity, harms, effect to food safety and pollution of the environment, including:
 - a) Arsenic (As), cadmium (Cd), lead (Pb) and mercury (Hg) elements;
 - b) E.coli, Salmonella, coliform bacteria and microorganisms causing harms to plant and diseases to man and animals, which are recognized by the competent State management agencies.
38. *Main substance (also called the main nutrient) in fertilizer* means the nutrient contained in the registered ingredient that determines the nature and utility of the fertilizer.
39. *Fertilizer quality criteria* mean technical parameters on characteristics, composition and content reflecting the quality of fertilizers stipulated in relevant technical regulations or announced, applied standards.
40. *Nutritional elements in fertilizers* mean the chemical elements necessary for the growth and development of plants, including:
 - a) Macronutrient elements mean nitrogen (N), phosphorus (P), potassium (K) elements in the forms that the plants can absorb;
 - b) Secondary nutrient elements mean calcium (Ca), magnesium (Mg), sulfur (S), silicon (Si) elements in the forms that plants can absorb;
 - c) Micronutrient elements mean boron (B), cobalt (Co), iron (Fe), manganese (Mn), molybdenum (Mo), zinc (Zn) elements in the forms that plants can absorb.
41. *Fertilizer production* means the implementation of a part or all of the activity that produces a fertilizer product through chemical, biochemical, biological reactions or physical processes such as grinding, blending, screening, drying, coating, granulating, pelleting or agitating, filtering or just packing the fertilizer.
42. *Fertilizer packing* means the use of machinery and equipment for the extraction of fertilizers from large volumes to small volumes, from large packages to small packages or packaging forms from fixed volume or quantity into the package of a certain volume without changing the nature, composition, content, color, form of fertilizer.

43. Trading of varieties and fertilizers means the performance of one, several or all activities of offering, advertising, displaying, displaying for sale, storing, preserving, transporting, wholesaling, retailing or exporting, importing, and putting varieties and fertilizers into circulation.

Article 4. Principles of activities of crop production

1. To develop market-oriented crop production, increasing added value and sustainability; in accordance with the value chain from production to harvest, preserving, preliminarily-processing, processing and trade.
2. To use resources of land, water, natural conditions and biodiversity of the whole country and each region in order to develop appropriate and efficient crop plants with high competitive advantages.
3. Crop production must comply with the regulation, planning and plans on use of land of the localities already approved by the competent levels [authorities].
4. To apply processes, standards, technical regulations, regulations on requirements for assurance of food safety and protection of the environment in crop production; To apply advanced technology, advanced technology, precision technology, information technology to improve production efficiency and meet the market demand.
5. To take the initiative in preventing, avoiding and mitigating harms caused by natural calamities and epidemics; to adapt with climate change.
6. To develop the crop production to ensure harmonization of the interests of the State with the interests of farmers, organizations and individuals engaged in activities of crop production.
7. To meet the requirements for international integration; to comply with international treaties to which the Socialist Republic of Vietnam is a member.

Article 5. Strategy for development of crop production

1. Strategy for development of crop production is formulated for a 10-year cycle with a 20-year orientation in line with the socio-economic development strategy; strategy for development of agriculture and rural development.
2. Strategy for development of crop production is updated and adjusted when there is a change in the agricultural sector development strategy.
3. Strategy for development of crop production defines the orientation, viewpoints, objectives, tasks, solutions, programs and projects and implementation of the tasks of crop production development for each region and nationwide.
4. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with ministries and branches in, formulating and submitting to the Prime Minister for approval of the strategy for development of crop production.

Article 6.- The State's policies on crop production

1. In each period, the State shall promulgate policies on investment, investment support policies; or provide supports and incentives for the following content:

- a) To build and upgrade infrastructures in service of production and processing of safe, organic and bio-products; to economically use water, renewable energy, crop by-products; to build and upgrade establishments to research, select and create plant varieties;
 - c) To develop and apply high technologies, precision technologies, information technology to crop production, and smart agriculture, which are adaptable to climate change, quality and food safety cultivation;
 - d) To research, select and create plant varieties which are of quality, resistant to pests and adaptable to climate change; to collect, store and preserve gene sources of precious and rare plants; to build plant gene banks;
 - dd) Human resource training; transfer of scientific and technical advances, agricultural extension in crop production;
 - e) To prevent and fight plant pests; damages caused by natural disasters, epidemics; insurance policies for plants;
 - g) To link production according to the value chain; land consolidation, concentration and accumulation of land; transformation of crop plant structure and crop region management, traceability and product certification;
 - h) To build wholesale markets, trading centers and auction floors for crop products; to build product's brand, trade promotion, market development, advertisement and consumption of crop products;
 - i) International cooperation in the field of crop production.
2. The State encourages and creates favorable conditions for organizations and individuals at home and abroad to participate in the following activities:
- a) To cooperate and associate in researching, developing, producing, trading, providing technical services, transferring technology and related activities in the field of crop production in order to mobilize resources, science and technology to develop crop production;
 - b) To develop socialization of public services in the field of crop production. To improve the capacity of test activities and certification of conformity to serve inspection and supervision of quality of materials in service of production and crop products;
 - c) To ensure the rights of owners of protection titles for plant varieties propagated by cloning method that are prone to infringements of copyright.

Article 7.- International cooperation on crop production

The content of international cooperation on crop production includes:

1. To sign and implement international treaties and agreements in the field of crop production.
2. To cooperate in developing and focusing on scientific research, technology transfer on varieties, materials, processes of cultivation, processing and preservation of agricultural products.
3. To cooperate in developing human resources in the field of crop production.

4. To cooperate in investment in production and development of agricultural product consumption markets.

Article 8.- Prohibited behaviors

1. Producing, trading and using plant varieties not yet circulated in Vietnam, except for production and use for purposes of research, testing, advertising, exhibition or use of parental varieties for production of hybrid seeds; Plant varieties and propagating materials do not meet the announced standards and quality standard regulations; plant varieties are not the right varieties already circulated; out of date.
2. Producing and trading of fertilizers not yet recognized for circulation in Vietnam; fertilizers fail to satisfy the announced standards and quality regulations; fake fertilizers, [fertilizers with] poor quality; unknown origin; out of date.
3. Producing and trading plant varieties and fertilizers when they have not yet been issued with a certificate of eligibility or fail to meet the the requirements for production or trading.
4. Producing plant propagating materials that fails to fully comply with the production process and standards.
5. Violation of the regulations on labeling and advertising; falsely supplying information on plant varieties or fertilizers already approved by the competent levels [authorities] or deviating from information already announced upon registration of product circulation.
6. Purchasing, selling, cross-border transportation of varieties, supplies and agricultural products of unknown origin, threatening to harm plant genetic resources and human health.
7. Conducting the testing, test, expertise and certification of quality of varieties, fertilizers and crop products when they are not yet eligible for operation or issuance with permits.
8. Providing wrongly or forging the results of testing, inspection, examination, expertise and certification of quality, standard conformity stamps and regulation conformity stamp respect to supplies and crop products.
9. Violations of the rights in respect to plant varieties.
10. Export of plant varieties in the List of plant varieties prohibited from export; exporting and importing plant varieties in the List of those restricted from export when the permit has not been obtained.
11. Behavior affecting biodiversity in crop production.
12. Illegally producing and trading plants containing narcotic substances.

Chapter II

PLANT VARIETIES

Section 1

RESEARCHING, SELECTING, CREATING, TESTING PLANT VARIETIES

Article 9.- Rights and obligations of organizations and individuals researching, selecting and creating plant varieties

1. Organizations and individuals that research, select and create plant varieties may have the following rights:
 - a) To be entitled to research, select and create plant varieties in the Vietnamese territory according to the provisions of this Law and other relevant laws;
 - b) To enjoy the State's mechanisms and policies on support for investment in science and technology and specific policies for domains and regions according to the provisions of the law;
 - c) The State ensures the enforcement of intellectual property rights in respect to new plant varieties;
 - d) To be entitled to use plant varieties not in the List of prohibited plant varieties under the provisions of the law as materials for selection, creation of new plant varieties;
 - dd) To cooperate with organizations and individuals inside and outside the country in researching, selecting and creating plant varieties.
2. Organizations and individuals that research, select and create plant varieties shall have the obligations:
 - a) When conducting research in, selecting, creating, experimenting and testing of genetically modified plants, [such organizations and individuals] must use strict protection measures and safely isolate them according to the regulations on biodiversity;
 - b) When transferring plant varieties which have been researched, selected, created and recognized with use of the State budget source, they must comply with the provisions of the law on technology transfer.

Article 10. Plant variety testing

1. Plant varieties in the List of major plant species promulgated by the Minister of Agriculture and Rural Development must fully be subject to the DUS testing stipulated in Article 11 and the VCU testing stipulated in Article 12 of this Law before registering for recognition of circulation in Vietnam.
2. All plant varieties must be subject to DUS testing when registering for protection of owner's rights to plant varieties.
3. Cases not subject to DUS testing
 - a) Forest plant varieties;
 - b) Plant varieties have been protected in Vietnam;
 - c) Plant varieties which have had result of DUS testing or have been protected in the country, which has signed agreement on exchange of results of DUS testing and agreement on plant variety protection with Vietnam.
4. Plant varieties, when requesting for exceptional recognition of circulation under Article 28 of this Law, may not be required for conducting DUS and VCU testing.

5. Subject conducting plant variety testing: means an organization which is issued with a certificate of eligibility for conducting testing.
6. Testing bases: The testing of plant varieties shall comply with the national standards ("the Vietnamese Standards"). In cases where the Vietnamese Standards has not yet been issued, the Minister of Agriculture and Rural Development shall promulgate testing process(es) to be uniformly applied.

DUS testing can be applied according to the Vietnamese Standards or testing process or UPOV guidelines.

7. For perennial plants, the testing organization may inherit the field testing established by the owner in accordance with the Vietnamese Standards or provisional testing process(es) or UPOV guidelines for observing and monitoring necessary criteria, without arrangement of independent experiments from the beginning.
8. In each period, the Minister of Agriculture and Rural Development shall promulgate the List of major plant species.

Article 11. DUS testing

1. Conducted at a fixed point in the field in a recognized geographic region [for] plant varieties in the two crop seasons.
2. DUS testing results are used to recognize and protect plant varieties.

Article 12. VCU testing

1. VCU testing includes controlled testing and demonstration in the field.
 - a) Controlled testing shall be conducted only to assess the resistance criteria of varieties to the harmful organism and the unfavorable conditions as stipulated in the Vietnamese Standards or the testing process;

Controlled testing conducted at an unique location and [the result of which] may be used for all geographic regions where the circulation of plant varieties is recognized;

In case of testing of the traits of resistance to harmful organisms, the right species, race, or bio-type of the pests, which are collected in the geographical region of recognition of the plant varieties, must be used for artificial infection;

- b) Demonstration in the field: It is applied to assess the cultivation value criteria and the use value of varieties, including all criteria that have been assessed in the controlled testing as stipulated in point a, Clause 1 of this Article.

2. Time, place and scope of use of the field testing results

- a) Time:

For varieties of annual crop plants, the testing is conducted in at least three (03) crop seasons, of which two (2) have identical name. In cases where the varieties are registered to be used for only one crop season, only two (02) seasons of registration of use are required to be tested.

For varieties of perennial crop plants which are harvested one (01) time per year, at least two (02) harvesting seasons shall be observed; For perennial crop plants which are

harvested in plenty of seasons per year, at least three (03) harvesting seasons shall be observed within at least one (01) year;

- b) Location: in each geographical region of recognition of plant varieties specified in Clause 18, Article 3 of this Law, the testing must be conducted at at least 3 representative points;
- c) Scope of use of the results: VCU testing in the field in the geographical region where specific plant varieties are recognized shall be used only to recognize the circulation of such plant varieties in that region.

Article 13.- Testing of genetically modified plant varieties

1. Genetically modified plants, when carrying out the testing for registration of recognition of circulation of plant varieties, the provisions of the law on biological type must be complied.
2. Biological safety testing of genetically modified plants if they fully meet the requirements stipulated by the law on biosafety, the Vietnamese Standards or testing process(es) for VCU testing specified in Article 12 of this Law; having sufficient data on the value of cultivation and use value according to the requirements for recognition of the circulation of plant varieties, the data collected in the biosafety testing shall be used for recognition of the circulation of the plant varieties.

Article 14.- Order of testing plant varieties

1. Before testing, the owner of the varieties must send a notice on the testing directly or by post to the specialized management agency assigned by the Ministry of Agriculture and Rural Development (hereinafter referred to as the specialized managing agency); to submit variety samples for storing according to the provisions of Article 15 of this Law.

When submitting variety samples, the owner of the varieties must commit that the varieties do not coincide with the varieties protected in any country and shall take responsibility before the law for the truthfulness of the declaration. In cases where the owner wishes to register for protection or recognition of circulation of the varieties already protected in country other than Vietnam, such variety samples must have the same names with and must be identical with the variety samples already protected in that country.

2. When receiving written registration of testing and variety samples, the specialized management agency shall formulate the written receipt and notify the testing organizations for knowledge to access the source of varieties for use as control varieties, widely-known ones.
3. When using for the purpose of testing or control, the testing organizations shall receive standard variety samples directly from the specialized management agency or from the owner but must be from the standard variety sources packed and sealed by the specialized management agency.
4. For perennial plants, the owner of the varieties must notify locations of garden used in the field testing already established by the owner under Article 30 of this Law so that the specialized management agency notifies widely to the testing organizations for knowledge and use as a control garden during the testing. In case the garden is in service of field testing is newly established by the testing organization, the owner of the varieties must also notify location to the specialized management agency in order to widely notify to other testing organizations, which use it as control garden.

Garden used in the testing or garden established and newly planted from plants used in the testing, which are certified as leading variety garden, garden of varieties and forest of varieties issued together with the decision(s) on recognition of circulation and protection of plant varieties specified in Article 24 of this Law shall be used as a source of standard samples preserved and stored by the owner on the spot.

Article 15. Receipt, storage, preservation and propagation of standard variety samples

1. Standard variety samples must be received, stored, preserved by the specialized management agency or eligible organizations and individuals hired to store and preserve according to the Vietnamese Standards on reception, preservation and new propagation of standard varieties. In case there is no Vietnamese standard, the Ministry of Agriculture and Rural Development issues provisional regulations to apply.
2. The specialized management agency must send a standard variety sample to the national variety bank for long-term preservation as a national gene source.
3. Standard variety samples may be newly propagated to ensure their vitality or serve management needs, but must take suitable methods under the Vietnamese Standards or the provisional regulations promulgated by the Ministry of Agriculture and Rural Development as stipulated in Clause 1 of this Article to ensure uniformity with standard samples.
4. Standard variety samples shall be used in the following cases:
 - a) Being control varieties, similar varieties, typical varieties in the DUS testing;
 - b) Being a standard samples in the expertise, testing and post-inspection of plant varieties;
 - c) Being a standard samples in inspecting, examining and settling disputes of plant varieties;
 - d) Being genetic resource to be preserved and stored.
5. Organizations and individuals that keep and use standard variety samples must not violate the intellectual property right of their owner according to the provisions of the law.

Funds for storage, preservation and new propagation of standard varieties shall be deducted from the fees for maintaining the validity of titles of protection of the rights to plant varieties according to the provisions of the Law on intellectual property and the law on fees and charges. fees.

Article 16.- Recognition of organizations eligible for storing, preserving and propagate standard variety samples

1. Requirements are as follows:
 - a) Having the enterprise registration certificate or decision on establishment issued by a competent agency;
 - b) Having at least 5 technicians with university or higher degree in one of the specialties related to plants, plant protection and silviculture, and [having] labor contracts with indefinite term or labor contracts with a term of full 12 months or more;

- c) Having or renting land, equipment, laboratory, greenhouses and net houses to meet the requirements for preservation, storage and propagation of standard samples according to the Vietnamese Standards or the provisional regulations.
2. Dossiers
- a) A written request for issuance of a certificate of eligibility for preservation, storage and propagation of the plant variety;
 - b) A copy of enterprise registration certificate or decision on establishment;
 - c) The originals or copies of the labor contracts; Copies of diplomas and certificates of technicians stipulated in Clause 2 of this Article;
 - d) Documents evidencing the location, land area, equipment, laboratory, greenhouses and net houses specified in Clause 3 of this Article.
3. Order and procedures
- a) Organizations, which request for the recognition of eligibility for preservation, storage and propagation of standard varieties, shall send one set of dossiers directly or by post or online public service portal to the specialized management agency;
 - b) Within 3 working days, the specialized management agency shall check the validity of the dossiers; if the dossiers are incomplete or invalid, [the specialized management agency shall provide] guidance for the supplementation according to the regulations;
 - c) Within 5 working days from the date of receipt of complete and valid dossiers, the specialized management agency shall set up an appraisal team. The appraisal team consists of five members who are experts with appropriate expertise and representatives of relevant management agencies;
 - d) Within 10 working days from the date on which the decision on establishment [of the appraisal team] is issued, the appraisal team shall have to conduct appraisal of the dossiers, assessment of its actual capacity and shall report it to the specialized management agency. Basing itself on the appraisal team's report on appraisal results, the specialized management agency shall issue a certificate of eligibility for preservation, storage and propagation of standard varieties. In case of refusal of issuance, they must reply in writing, clearly stating the reasons therefor;
 - dd) Funds for appraisal of dossiers, assessment and recognition of organizations eligible for preservation, preservation and propagation of standard variety samples shall be ensured from the sources of collected fees according to the provisions of the law on charges and fees.

Section 2

RECOGNIZING AND MANAGING ACTIVITIES OF ORGANIZATIONS TESTING PLANT VARIETIES

Article 17.- Requirements for recognition of organizations eligible for testing plant varieties

- 1. Having a certificate of enterprise registration or decision on establishment issued by a competent agency.

2. Having at least 5 technicians, including those who are directly responsible for testing, [having] university or higher degree, in one of the specialties related to plants, plant protection and silviculture, and [having] labor contracts with indefinite term or labor contracts with a term of full 12 months or more.
3. Having or renting locations, land area, equipment, laboratory, greenhouses and net houses suitable for the testing form (DUS or VCU); plants; content and scale of the testing; the geographical region of recognition of the plant varieties; and in accordance with the Vietnamese Standards on plant variety testing.
4. For establishments registering the eligibility for DUS testing, apart from the requirements specified in Clauses 1, 2 and 3 of this Article, [the establishment] must have standard variety samples of widely known plant varieties in the testing plant species

Article 18.- Dossiers, order, procedures and competence to issue certificates of eligibility for testing of plant varieties

1. Dossiers are as follows:
 - a) Written request for issuance of a certificate of eligibility for testing of plant variety;
 - b) A notarized copy of the certificate of enterprise registration or decision on establishment;
 - c) The originals or copies of the labor contracts; Copies of diplomas and certificates of technicians specified in Clause 2, Article 17 of this Law;
 - d) Documents evidencing the location, land area, equipment, laboratory, greenhouses and net houses specified in Clause 3, Article 17 of this Law;
 - dd) The list of standard samples of widely known plant varieties specified in Clause 4, Article 15 of this Law, for establishments conducting DUS testing;
 - e) Receipt of fee for appraisal of dossiers, assessment, recognition and re-recognition of organization eligible for testing of plant varieties.
2. Order and procedures
 - a) Organization requesting for recognition of eligibility for testing shall submit one (01) set of dossiers directly or by post or online public service portal to the specialized management agency;
 - b) Within 3 working days, the specialized management agency shall check the validity of the dossiers; if the dossiers are incomplete or invalid, [the specialized management agency shall provide] guidance for supplementation according to the regulations;
 - c) Within 5 working days from the date of receipt of complete and valid dossiers, the specialized management agency shall set up appraisal team. The appraisal team consists of five (05) members who are experts with appropriate expertise and representatives of relevant management agencies;
 - d) Within 10 working days from the date of issuance of decision on establishment [of the appraisal team], the appraisal team shall have to conduct appraisal of the dossiers, assessment of its actual capacity and shall report it to the specialized management agency. Based on the appraisal team's report on the appraisal results, the specialized

management agency shall issue a certificate of eligibility for testing of the plant varieties and post it on the portal of the specialized management agency. In case of refusal [of issuance], they must reply in writing and clearly state the reasons therefor;

- dd) Funds for appraisal of dossiers, assessment and recognition of organizations eligible for testing of plant varieties shall be ensured [to be paid] from the sources of collected fees stipulated in Clause 8, Article 21 of this Law.

Article 19.- Dossiers, order and procedures for re-issuance of certificates of organization eligibility for testing of plant varieties

- 1. Cases of re-issuance are as follows:
 - a) Certificates of recognition are lost or damaged;
 - b) Changing the content inscribed in the certificates.
- 2. Dossiers are as follows:
 - a) Written request for re-issuance of a certificate of eligibility for testing of plant varieties;
 - b) Documents evidencing satisfaction of the requirements specified in Clauses 3 and 4, Article 10 of this Law, for cases of re-issuance specified in Point b, Clause 1 of this Article;
 - c) Receipt of fee for appraisal of dossiers, assessment, recognition and re-recognition of organization eligible for testing of plant varieties.
- 3. Order and procedures
 - a) Organizations, which request for re-issuance of a certificate of recognition, shall submit 1 set of dossiers directly or by post or online public-service portal of a specialized management agency;
 - b) In case of re-issuance of lost or damaged certificates, within 5 working days, the specialized management agencies shall appraise and re-issue certificates of eligibility for testing of plant varieties;
 - c) In case of re-issuance due to change in the testing form or scope: [the order and procedure shall] comply with the provisions of Clause 2, Article 17 of this Law;
 - d) Funds for appraisal of dossiers, assessment and re-recognition organizations eligible for testing plant varieties shall be ensured [to be paid] from the sources of collected fees according to the provisions of the law on charges and fees.

Article 20.- Revocation of certificates of organization eligible for testing of plant varieties

- 1. A certificate of recognition of organization eligible for testing of a plant variety shall be revoked in the following cases:
 - a) Being erased to falsify the content inscribed in the certificates of eligibility for testing of plant varieties;
 - b) Detecting fake papers or untruthful information in the registered dossiers;

- c) Organizations, which are issued with a certificate of recognition, commit breach, that the law stipulate that the certificate of eligibility for testing of plant varieties must be revoked.
2. The specialized management agencies under the Ministry of Agriculture and Rural Development may have the competent to revoked certificates of eligibility for testing of plant varieties.

Article 21.- Rights and obligations of plant variety testing organizations

1. To collect fees for testing services as agreed upon;
2. To conduct the testing in accordance with the content and scope inscribed in the certificates of eligibility for testing of plant varieties and the Vietnamese Standards, testing process(es);
3. Do not carry out testing for the purposes of registration for recognition of circulation and protection of plant varieties in one of the following cases:
 - a) The varieties are owned by the testing organization;
 - b) Varieties of units in partnership with the testing organizations when registering the certification of eligibility for testing;
 - c) Varieties of companies, which and the testing organizations have the same parent company, or group, or corporation;
 - d) Varieties of units and centers, which and the testing organizations have the same non-business unit;
4. To report to the specialized management agency when there is a change in the operation conditions of the organizations within 15 days after the change.
5. To take responsibility before the law for the testing results and keeping archives of the results according to the provisions of the archiving law.
6. Before December 30 every year, to report to the Ministry of Agriculture and Rural Development or the specialized management agencies on the results of their operations.
7. To take responsibility for confidentiality before the owners of testing varieties.
8. To pay fees for appraisal of dossiers, assessment, recognition and re-recognition of organizations eligible for testing plant varieties according to the provisions of the law on charges and fees.

Section 3

**RECOGNITION OF CIRCULATION, PROTECTION AND ANNOUNCEMENT
OF CIRCULATION OF PLANT VARIETIES**

Article 22. General principles

1. The plant varieties belonging to major plant species may only allowed to be circulated in Vietnam when the circulation of which is recognized by the Ministry of Agriculture and Rural Development according to the provisions of Article 23 of this Law or

recognized exceptionally in accordance with the provisions of Article 28 of this Law, except for the purpose of research, testing, advertising, exhibition and use of parental seed to produce hybrid seed.

2. Except for cases of exceptional recognition of circulation specified in Article 28 of this Law or recognition of circulation of forest plant varieties, owners have plant varieties belonging to the major plant species recognized for circulation shall be entitled to protection of rights to the plant varieties, if having been protected before registration of recognition of circulation;. To be issued with certificates of circulation of plant varieties and titles of protection of plant varieties attached with the decisions on recognition of circulation and protection of the rights to the plant varieties.
3. The protection of the rights to plant varieties belonging to the main plant species not registered yet for circulation; plant varieties not belonging to the major plant species shall comply with the provisions of the law on intellectual property.
4. Plant varieties other than the major plant varieties may only be permitted to be circulated in Vietnam when its owner announces himself/herself for circulation in accordance with the provisions of Article 29 of this Law.
5. For varieties of perennial crops which have been issued with a certificate of recognition of circulation and protection of the plant varieties, the leading variety gardens, forest of varieties, garden of varieties which are used in testing or the gardens set up from plants of the testing fields, which are recognized as leading variety gardens, forest of varieties, garden of varieties shall not be subject to the procedure for selection and recognition in accordance with the provisions in Article 32 of this Law.
6. Domestic and foreign organizations and individuals have the right to register the recognition of circulation of plant varieties in Vietnam in their name.

Article 23.- Naming of plant varieties

1. Each plant variety is given a unique name and is used in all transactions related to this variety.
2. The name of a plant variety shall not be accepted in the following cases:
 - a) Including only digits;
 - b) Violating the social ethics;
 - c) It is easy to mislead the characteristics and features of such variety;
 - d) It is easy to mislead the author's identity;
 - dd) Coinciding with the commercial name of the protected variety.
3. If a plant variety has been protected, the name of such variety already inscribed in its protection title must be used.
4. Organizations and individuals trading in propagating materials of plant varieties must use the varieties' registered names.
5. When using the name of a plant variety in combination with a trademark, trade name or similar indications together with the name of a plant variety which has been recognized

for circulation or announced for circulated to produce or trade, these names must be able to be identified easily.

Article 24.- Issuance of decisions on recognition of the circulation and protection of rights to major plant varieties

1. Requirements.
 - a) Being a plant variety of novelty;
 - b) Varieties have proper names according to the provisions in Article 23 of this Law;
 - c) Having the results of DUS testing in Vietnam or the country having signed agreements to exchange DUS testing results with Vietnam, ensuring the distinctness, uniformity and stability; or have been issued with protection title of plant variety in Vietnam or other countries which have signed agreements on the protection of plant varieties with Vietnam;
 - d) Having results of VCU testing, which meet the criteria of value of cultivation and use value according to the Vietnamese Standards. Where there is no the Vietnamese Standards, the Minister of Agriculture and Rural Development shall promulgate a provisional regulations on the value of cultivation and use value of each of plant species for application;

The testing of plant variety is conducted in a geographical region where the plant varieties are recognized, the circulation of the plant variety may only be recognized in such geographical region of testing;

- dd) Having a standard variety samples supplied by the managing agencies or plant variety protection organizations or DUS testing organizations of foreign countries in case of not conducting DUS testing in Vietnam;
 - e) Having mother trees, dominant trees, leading varieties, leading variety gardens, forests of varieties or gardens of varieties for perennial trees using the clonal propagation method;
 - g) Having a process of cultivation compiled by the owner of the varieties; a written announcement of information on the label or advertisement of the plant varieties;
 - h) Being assessed for satisfaction of the requirements by the Plant Variety Advisory Council set up by the Minister of Agriculture and Rural Development under Article 27 of this Law.

2. Dossiers are as follows:

- a) Written request for recognition of the circulation of plant varieties;
 - b) Evidence or commitment of the novelty of the plant varieties;
 - c) Results of DUS testing or protection titles in accordance with the provisions in Point c, Clause 1 of this Article;
 - d) Results of VCU testing specified at Point d, Clause 1 of this Article;
 - dd) Standard variety samples specified in Point dd, Clause 1 of this Article;

- e) Minutes of receipt of standard variety samples prepared by specialized management agency;
 - g) Dossiers on parent trees, dominant plants, leading varieties, leading variety gardens specified in Point e, Clause 1 of this Article;
 - h) Cultivation process of the varieties compiled by the owner of the varieties as stipulated in Point g, Clause 1 of this Article;
 - i) Written announcement of information inscribed on the label or advertisement of the plant varieties stipulated in Point g, Clause 1 of this Article;
 - j) Written consent of the owner in cases where [the varieties] have many owners;
 - l) Receipts of fees for appraisal and recognition of circulation of the plant varieties in accordance with the law on fees and charges.
3. Order and procedures for submission of dossiers and the competence to recognize circulation
- a) Owners of plant varieties shall submit one set of dossiers directly or via the post office or online public service portal of the specialized management agency;
 - b) Within 3 working days, the specialized management agency shall check the completeness and validity of the dossiers; if the dossiers are incomplete or invalid, [the specialized management agency shall provide] guidance for supplementation according to the regulations;
 - c) Within 10 working days from the date of receipt of complete and valid dossiers, the specialized management agency shall organize meetings of the Plant Variety Advisory Council to assess the content of the dossiers;
 - d) Within 5 working days from the date of receipt of the assessment results and proposals of the Plant Variety Advisory Council, the specialized management agency shall propose the Minister of Agriculture and Rural Development to promulgate a decision on recognition of circulation and protection of rights to the plant varieties attached to the production process: Written announcement of information inscribed on the label or advertisement of the plant varieties; Dossiers on the mother trees, leading varieties, leading variety gardens, forests of varieties and gardens of varieties appraised and certified by the Plant Varieties Advisory Council; Certificate of recognition of circulation of the plant varieties; Protection titles of the plant varieties;

Where a plant variety has been issued with a protection title, the Ministry of Agriculture and Rural Development shall issue a decision to recognize circulation of the plant varieties together with the production process; Written announcement of information inscribed on the label or advertisement of the plant varieties; Dossiers on mother plants, leading varieties, gardens of varieties, forests of varieties and gardens of varieties appraised and certified by the Plant Variety Advisory Council; Certificate of recognition of circulation of the plant varieties;

To post the decision and attached documents on the portal of the Ministry of Agriculture and Rural Development and the specialized management agency;

In case of refusing to issue a certificate of recognition of circulation and protection of the plant varieties, it must notify in writing the owner of the varieties and clearly state the reasons therefor;

4. Plant varieties are allowed to circulate from the date of signing the decision of recognition of circulation and issuance of protection title.
5. The Ministry of Agriculture and Rural Development shall stipulate quantity and composition of, and shall promulgate a regulations on the operation of, the Advisory Council for the recognition of circulation of plant varieties.

Article 25.- Re-issuance of decisions on recognition of circulation and issuance of protection titles for plant varieties

1. Cases of re-issuance
 - a) A certificates of recognition of circulation or a plant variety protection titles, issued together with the decision on recognition of circulation and protection of plant varieties which are lost or damaged;
 - b) Correcting information in the certificate of recognition of circulation or the plant variety protection titles;
 - c) Correcting information in documents attached with decisions on recognition of circulation of plant varieties.

2. Dossiers are as follows:

- a) Written request;
- b) The originals or copies of the results of search for new variety names in case of correction of the varieties' name;
- c) A notarized contract on the transfer of the owner in case of correction of owner;
- d) Result of VCU testing in geographic region to be proposed for recognition of circulation meet the value of cultivation, use value according to the Vietnamese Standards or provisional regulations promulgated by the Ministry of Agriculture and Rural Development in respect to cases of correction of information inscribed in the decision on the scope of circulation of the varieties; Information announced together with the decision on recognition of circulation of the plant varieties;
- dd) Receipts of fees for appraisal of dossiers to re-issuance of decisions on recognition of circulation and protection of rights to the plant varieties.

3. Order and procedures

Owners of varieties shall submit one set of dossiers directly or by post or via the specialized management agency's electronic portal.

- a) In case of re-issuance of decisions on recognition of the circulation and protection of the rights to the plant varieties due to loss or damage or correction of name or correction of owner of the plant varieties: Within 5 working days from the date of receipt of valid dossiers, the specialized management agency shall appraise the dossiers and propose the Ministry of Agriculture and Rural Development to re-issue decision on recognition of circulation and protection of the rights to the plant varieties, enclosed

with the certificate of recognition of circulation and protection title of the plant varieties as amended;

- b) In case of re-issuance due to expansion of scope of circulation of plant varieties, the order and procedures shall be applied as stipulated in Clause 4, Article 25 of this Law.

Article 26.- Cancellation of decisions on recognition of circulation of plant varieties

Revocation of decisions on recognition of circulation of plant varieties are conducted in the following cases:

1. The Plant Variety Advisory Council has clear evidence and conclusion there is change in distinctness, uniformity, stability, value of cultivation and use value of varieties compared to the written announcement upon recognition of circulation of plant varieties; Evidence of adverse effects of plant varieties on human health and the environment.
2. There is a fraudulence of registration dossiers for recognition of circulation of plant varieties, which is concluded by the competent agency.
3. Owner of the varieties fails to perform the obligations stipulated in Article 33 of this Law.

Article 27.- Issuance of decisions on recognition of exceptional circulation of major plant varieties

1. Plant varieties belonging to major plant species, which have existed widely and are important in production and no longer satisfy the novelty for recognition of circulation under the provisions in Article 24 of this Law, shall be recognized for exceptional circulation when the localities, where the varieties currently circulate, have recommendations.
2. Dossiers are as follows:
 - a) A written request for recognition of exceptional circulation of plant varieties to be issued by Department of Agriculture and Rural Development of the provincial level;
 - b) A detailed description of the characteristics of the varieties.
3. Responsibility to prepare dossiers

Departments of Agriculture and Rural Development of the provincial level shall formulate application dossiers for recognition of exceptional circulation of plant varieties.

4. The order, procedures and competence for recognition of exceptional circulation of plant varieties.

Within 5 working days from the time of receipt of the dossiers, the specialized management agency shall appraise the dossiers, If [the dossiers are] valid, the Minister of Agriculture and Rural Development shall be proposed to promulate a decision on recognition of exceptional circulation of plant varieties; to post the decision on the information portal of the Ministry of Agriculture and Rural Development and the specialized management agency.

In case of refusal to issue decision on recognition of circulation, dossier-formulating unit must be notified for knowledge, clearly stating the reasons therefor.

Article 28.- Announcement of plant varieties which are not the major plants

1. Requirements are as follows:
 - a) Being a plant variety with the appropriate name as stipulated in Article 23 of this Law;
 - b) Having establishment's written standard announcement on value of cultivation, value of use. In case where there is the Vietnamese Standards, the Vietnamese Standards must be applied;
 - c) Having mother plants, leading varieties, leading variety gardens, forest of varieties, garden of standards in respect to varieties using clonal propagation method;
 - d) Having a process of cultivation compiled by owner of varieties; written announcement of information written the label or advertisement of the plant varieties.
2. Dossiers for announcement
 - a) Written announcement of circulation of the plant varieties;
 - b) Establishment's standards on cultivation value and use value as specified in Point b, Clause 1 of this Article;
 - c) Dossiers on mother plants, leading varieties, leading variety gardens, forest of varieties, garden of varieties specified in Point c, Clause 1 of this Article;
 - d) Cultivation process compiled by the owner of varieties specified in Point d, Clause 1 of this Article;
 - dd) Written announcement of information inscribed on the label or advertisement of the plant varieties as specified in Point d, Clause 1 of this Article;
3. The order and procedures for receipt of the announcement of circulation of the plant varieties
 - a) Owner of varieties shall submit one set of dossiers for announcement of circulation of varieties directly or by post or via online public service portal to Department of Agriculture and Rural Development of the the provincial level where the operation or permanent resident address of the owner is registered;
 - b) Within three working 3 days, the receiving unit shall check the completeness; In case of inadequacy, supplementation shall be required;
 - c) Within 5 working days from the date of receipt of adequate dossiers, the receiving unit shall check the dossiers, if the dossiers is valid, [the receiving unit shall] notify the owner of of the receipt of announcement of circulation of the plant varieties; post the notice and all dossiers on the portal of the Department of Agriculture and Rural Development, Ministry of Agriculture and Rural Development and specialized management agency. If the dossiers is invalid, it shall reply in writing, clearly stating the reasons therefor;

Plant varieties are allowed to circulate from the date on which the Department of Agriculture and Rural Development issues a notice of receiving the announcement of circulation.

Article 29. Rights and obligations of owners of plant varieties

1. Owners of plant varieties have the right to put the plant varieties into circulation for the purpose of producing and trading the varieties and commodity; to store, exploit or authorize other persons to keep, exploit the author's varieties, mother plants, leading varieties, leading variety gardens, gardens of varieties, forest of varieties.
2. Owners of plant varieties have the following obligations:
 - a) To store, restore or authorize other persons to store or restore the varieties of the author, mother plants, leading varieties, leading variety gardens, gardens of varieties, forests of varieties to ensure to keep the traits the same as they are recognized and protected;
 - b) To provide information on varieties; to supply plant propagating materials specified in Point a, Clause 1 of this Article at the request of the specialized management agencies and the society;
 - c) When putting varieties into production, they must be the right varieties already recognized for circulation or announced for circulation and the right quality of propagating materials as announced; if committing violation, [owner of the varieties] shall make compensation for damages to the users;
 - d) To pay fees for appraisal of dossiers for issuance, re-issuance of decision on recognition of circulation and protection of plant varieties; Fees for appraisal of dossiers for announcement of circulation of plant varieties shall comply with the provisions of the law on charges and fees.
3. Apart from the rights and obligations stipulated in Clauses 1 and 2 of this Article, owners of plant varieties, who are issued decision on recognition of circulation and protection of the rights to plant varieties, may be fully entitled to the rights and shall fully perform obligations of holder of the plant varieties protection title in accordance with the law on intellectual property in respect to plant varieties; to pay fees for maintaining the decisions on the recognition of circulation and protection of the plant varieties according to the provisions of the law on charges and fees in respect to holders of plant variety protection title.

Article 30. Rights and obligations of organizations and individuals using plant varieties

1. To be provided with sufficient information about varieties and use instructions.
2. To be compensated for damages caused by fault of variety owner or producing and trading establishments.
3. To comply with the production process announced by owner.
4. Only use those varieties which have already been recognized for circulation or already announced for circulation.
5. Upon occurrence of incident or detection of bad effect caused by plant varieties, [organizations and individuals using plant varieties] must immediately notify the variety-providing organizations and individuals and commune-level People's Committee or relevant professional agency in order to take remedy measures.
6. To pay royalties for use of varieties according to the provisions of the law on intellectual property.

Article 31.- Recognition, re-recognition and revocation of decisions on recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forest of varieties, garden of varieties

1. Mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties. gardens of varieties which have already existed in the production must be selected before being used as propagating materials.
2. Dossiers of selection and recognition include the followings:
 - a) Written proposal;
 - b) Location of plant gardens;
 - c) Report on sources of varieties;
 - d) Results of researches or contests (if any);
 - dd) Receipts of fee for appraisal of dossiers and actual appraisal in service of recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties and gardens of varieties.
3. Order and procedures
 - a) Organizations and individuals registering for recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties gardens of varieties shall send 1 set of dossiers directly or by post or through the information portal to Departments of Agriculture and Rural Development at the provincial level where the mother plants, the dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties;
 - b) Within 3 working days from the date of receipt of the dossiers, Departments of Agriculture and Rural Development shall check the completeness and validity of the dossiers in accordance with the regulations, if the dossiers are incomplete or invalid, they must notify and guide organizations and individuals to complete the dossiers;
 - c) Within 5 working days from the date of receipt of complete dossiers as stipulated, Departments of Agriculture and Rural Development shall issue decision to set up Selection Council. The Council is composed of 5 members representing scientists, management agencies and related professional agencies;
 - d) At the time of harvest or when the plants fully express the traits and features of the varieties, the Council shall organize the appraisal of the mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties to prepare a appraisal report to submit the Department of Agriculture and Rural Development;
 - dd) Within 5 working days from the date of receipt of the appraisal report of the Selection Council, the Department of Agriculture and Rural Development shall issue a decision on recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties. In case of non-recognition, it must reply in writing and clearly state the reasons therefor.
4. Recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties.

Decisions on recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties stipulated in this Article shall be valid for 5 years from the date of issuance. After the validity term, organizations and individuals requesting for re-recognition shall send the written request together with decision of the latest recognition to the Department of Agriculture and Rural Development for re-issuance of the decisions. The order and procedures shall comply with Clause 3 of this Article.

5. Decisions on recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties shall be revoked when there is clear evidence that such mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties are over-exploited; or degenerated; or seriously damaged; or infected with harmful organisms that can not be recovered.

Article 32.- Rights and obligations of owners of leading varieties, leading variety gardens, mother plants

1. To exploit or authorize organizations and/or individuals to exploit propagating materials from mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties for production and trading purposes.
2. Must maintain the conditions for caring and restoring varieties to keep the characteristics of the varieties the same as when it is recognized.
3. Not to exploit the propagating materials beyond the stipulated limits, not to let varieties be infected with dangerous diseases or degenerated.
4. To pay the fee for selection and recognition of mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties according to the provisions of the law on charges and fees.

Section 4

MANUFACTURE AND TRANSPORTATION OF PLANT VARIETIES

Article 33.- Requirements on organizations and individuals that produce and trade in plant varieties

1. **Requirements on organizations and individuals producing plant varieties**
 - a) Having technicians graduated from college or higher in the fields of crop production;
 - b) Having or renting infrastructure facilities and equipment suitable to the production scale and the Vietnamese Standards on the production of plant varieties. In cases where the Vietnamese Standards has not yet been issued, the Minister of Agriculture and Rural Development shall promulgate the provisional regulations for application; or variety-producing establishment may promulgate its standards itself for application when there are not the Vietnamese Standards or provisional regulations.
2. Requirements on organizations and individuals trading in plant varieties
Having full dossiers of traceability according to the regulations; variety bags and plant varieties must have stamps of traceability so that users and the management agencies can inspect.

Article 34. Announcement of activities of production and trading of plant varieties

1. Before producing or trading in plant varieties, organizations and individuals shall have to announce information on location and content of production and trading to the Department of Agriculture and Rural Development of the locality, whose address of production and trading or permanent resident address is registered, for organization of inspection, check and coordination in the necessary cases.
5. Within 5 working days from the time of receipt of the notice, the Department of Agriculture and Rural Development shall send notice on receipt of the notice to owners; post content of the notice on the portal of the Department of Agriculture and Rural Development, Ministry of Agriculture and Rural Development and specialized management agency.
3. When there is a change in the announced information, they must notify to the Department of Agriculture and Rural Development for knowledge and adjustment.

Article 35.- Production of plant varieties

1. Production of plant varieties must comply with the Vietnamese Standards, if there is no the Vietnamese Standards, the Ministry of Agriculture and Rural Development shall promulgate the provisional regulations or the production establishments shall promulgate its establishment's standards for application when there are no the Vietnamese Standards and provisional standards.
2. Producing varieties by sexual method
 - a) Seed production: According to the three-level system, the production of pre-basic varieties, basic varieties and certified varieties;
 - b) Production of plant varieties from multi-line hybrid seeds: produced from seeds of the multi-line hybrid seed producing garden, ensuring the right varieties, purity, free from pests and diseases;
 - c) Production of forest plant varieties: when nursing, seeds from mother plants, gardens of varieties, forests of varieties or from imported seeds compliant with the national standards must be used; For natural forest plant seeds or specialty plants which do not have a standard source of seeds may be collected from the selected forest.
3. **Production of varieties by cloned method**
 - a) For categories of annual crops propagated asexually by provided varieties or produced in the propagating fields or gardens, the right varieties, purity and disease-free must be ensured;
 - b) For perennial crops produced by the clonal method, they must be propagated from mother plants, dominant plants, leading varieties, leading variety gardens, forests of varieties, gardens of varieties, which have been recognized or selected;
 - c) Clonal propagation can be done by traditional methods or using high technology (invitro, rescue of embryo);
 - d) The Ministry of Agriculture and Rural Development shall promulgate the technical process of producing plant varieties by the cloning method. Where varieties have a narrow scope of circulation in some regions and there are no procedures promulgated by the Ministry of Agriculture and Rural Development, the Department of Agriculture

and Rural Development of the provincial level shall promulgate for uniform application in the province.

4. Production of genetically modified plant varieties must fully comply with the provisions of the Law on Biodiversity and the Law on Food Safety regarding the management of biosafety risks of genetically modified plants.

Article 36.- Rights and obligations of organizations and individuals that produce and/or trade in plant varieties

1. Organizations and individuals shall have the right to conduct production and trading of plant varieties when satisfying the requirements specified in this Article.
2. To fully comply with the provisions of Articles 34, 35, 36 and 37 of this Law.
3. To announce standard conformity and regulation conformity according to the provisions of the law.
4. To recall and treat plant varieties which fail to meet the quality requirements when they are circulated in the market.
5. To abide by the inspection and examination by the competent agency in the production and trading of plant varieties.
6. To maintain and provide sufficient documents to prove the origin of the propagating materials when required.
7. Not to violate the prohibited behaviors specified in Article 8 of this Law.

Section 5.

MANAGEMENT OF QUALITY OF PLANT VARIETIES

Article 37.- Management principles

1. Plant variety quality management includes the management of quality and propagating materials of plant varieties.
2. Plant propagating materials shall be managed on the basis of announced applied standards and relevant technical regulations according to the provisions of the law on product and goods quality, including:
 - a) Plant propagating materials in respect to varieties belonging to the major plant species in the List of group - 2 products and goods, which are managed by national technical regulations ("the National Technical Regulations") and announced applied standards;
 - b) Plant propagating materials not belonging to the major plant species are group-1 products and goods, which are managed by announced applied standards.

Article 38.- Announcement of standards applicable to plant varieties and plant-propagating materials

1. Organizations and individuals that produce and/or trade in plant varieties must announce their basic characteristics, warning information and standard number in one of the following forms:

- a) On package of plant varieties;
 - b) On labels of plant varieties;
 - c) In documents accompanying the plant varieties.
2. Content of announcement of the quality of plant varieties must conform to the announced documents attached with its decisions on recognition of circulation and protection of plant varieties for the major plant varieties or announcement of quality of plant varieties for non-major plant varieties
 3. Content of announcement of the quality of plant propagating materials must conform to the National Technical Regulations on the quality of plant propagating materials and shall comply with the law on standards and technical regulations.

Article 39.- Field testing, sampling, testing, quality certification, quality standard announcement, operation registration and designation of conformity assessment organizations for quality of plant propagating materials

1. Field testing, sampling of plant propagating materials
 - a) Only field of varieties and gardens of varieties are produced in accordance with the Vietnamese Standards on field testing may be harvested as propagating materials. In cases where the Vietnamese Standards has not yet been issued, the Ministry of Agriculture and Rural Development shall issue provisional regulations for application; or organizations and individuals shall themselves formulate and announce the standards of establishments for application when the Vietnamese Standards or provisional regulations have not yet been issued;
 - b) Field testing and sampling of plant propagating materials shall comply with the Vietnamese Standards; In cases where the Vietnamese Standards has not yet been issued, the Ministry of Agriculture and Rural Development shall promulgate provisional regulations for application, or organizations and individuals shall themselves formulate and announce the standards of establishments for application when the Vietnamese Standards or provisional regulations have not yet been issued;
 - c) The Ministry of Agriculture and Rural Development shall guide the professional training on field testing and taking samples of plant propagating materials.
2. Testing, quality certification, quality standard announcement, operation registration and designation of conformity assessment organizations for the quality of plant propagating materials shall comply with the provisions of the law on standards, technical regulations and the law on quality of products and goods.

Article 40. Labeling and advertisement of plant varieties

1. The labeling and advertisement of plant varieties must comply with the law on labeling and advertisement. The content of labeling and advertisement for major plant varieties must be consistent with the content inscribed in the announced documents enclosed with decisions on recognition of circulation and protection of plant varieties; For non-major plant varieties, they must be compatible with the information announced by their owners together with the notice on receipt of the announcement on circulation of plant varieties.

2. Apart from labeling according to the general regulations, plant variety labels must fully state the following information:
 - a) Name of plant variety;
 - b) Summary of instructions for use;
 - c) Name and address of plant variety production and trading establishment. In cases where the establishment's address does not match the address of the production or trade establishment, it shall also include the address of the establishment and the address of its production;
 - d) Quantity of plant varieties (quantity of varieties or number of plants, rootballs and cuttings);
 - dd) Quality criteria of varieties and propagating materials;
 - e) Date of production, expiry date: date of production of plant varieties by extraction or grafting method shall be date of extraction or date of grafting; date of production of plant varieties from seed shall be seed-sowing date; date of production of seeds or tubers shall be the date when they are harvested;

For imported propagating materials, date of production is the date inscribed on the package in foreign countries;
 - g) Guidance on preservation and use;
 - h) Name of producing country for imported plant varieties;
 - i) Regulation conformity stamp, safety warnings;
 - k) Code of batch of goods;
 - l) Traceability stamp.
3. Propagating materials must be packed tightly and affixed with traceability stamp for each bag or package. In case of not being packed tightly, it must be in the form of appropriate bags and bundles, and must be affixed with traceability stamp for each bag, bundle or each plant (when bags or bundles can not be used) and must have additional label for each batch of varieties.
4. For genetically modified plant varieties, information on genetically modified varieties must be shown.

Section 6

EXPORT AND IMPORT OF PLANT VARIETIES

Article 41. Export of plant varieties

1. Organizations and individuals may export plant varieties not in the List of plant varieties prohibited from export and restricted from export and must comply with the provisions of the law on trade and foreign trade in plant varieties.
2. The Minister of Agriculture and Rural Development shall promulgate the List of plant varieties prohibited and restricted from export beyond the Vietnamese territory.

3. Organizations and individuals researching, cooperating and exchanging with foreign countries plant varieties in the List of plant varieties restricted from export for scientific research or testing purposes, donations, display and other purposes must propose in writing and must be approved by the Minister of Agriculture and Rural Development for export.
4. Plant varieties which are selected, created, discovered and developed from domestic rare and precious gene sources may only be exported when they have been used for at least 3 years in the country for annual plants and 5 year for perennial plants from the time of issuance of decision on recognition of circulation and protection of the plant varieties or [from] the time of notice of receipt of announcement of circulation of the plant varieties. In case of export earlier than the stipulated time-limit, a written request must be made and the Ministry of Agriculture and Rural Development has permitted.

Article 42. Import of plant varieties

1. Organizations and individuals may import plant varieties, which have been issued with decision on recognition of circulation and protection of plant varieties or plant varieties already announced for circulation in Vietnam, and must fully comply with the provisions of the laws on trade, foreign trade, plant protection and quarantine.
2. For plant varieties, which have not yet been issued with a decision on recognition of circulation and protection or announcement for circulation in Vietnam, organizations and individuals that wish to import them for scientific research or for purposes of testing, donating, displaying, or importing parental seeds to produce hybrid seeds must be permitted for import by the Minister of Agriculture and Rural Development.

Article 43. Issuance of permit for import and export of plant varieties

1. Dossiers are as follows:
 - a) Written request for export or import;
 - b) Technical declaration (for each variety, it is only submitted when exporting and importing [the variety] for the first time);
 - c) In case of export or import in service of international research or cooperation, one copy of the cooperation agreement in foreign language(s) must be added together with one (01) notarized translation into Vietnamese;
 - d) In case of export or import, participation in fairs or exhibitions, written certification or the organizing unit's invitation to participate in fairs or exhibitions must be supplemented;
 - dd) In case of export or import as gifts, one (01) copy of the written certification between the two parties in the foreign language must be added together with one (01) notarized translation into Vietnamese;
 - e) In case of importing genetically modified plants, notarized copies of biosafety certificates and certificates of genetically modified plants eligible for use as feed and animal feed of the competent State management agency of Vietnam must be obtained; If importing for biosafety testing, there must be a testing plan approved by the Biosafety Council as established and approved by the Minister of Agriculture and Rural Development.

2. Order and procedures are as follows:
 - a) Organizations and individuals shall submit a set of dossiers directly or via post offices or via web portal of the specialized management agency or via the national web portal;
 - b) Within 5 working days from the time of receiving valid dossiers, the receiving unit shall organize appraisal of the dossiers. In cases where it is necessary to amend or supplement, the owners thereof shall be notified for completion. The time for addition and completion of the inadequate dossiers is not more than 3 months from the date of receiving the dossiers for the first time. Exceeding this time limit, organizations or individuals that fail to supplement, complete the dossiers shall have to submit new dossiers;
 - c) Within 10 working days from the time of receiving valid dossiers, the specialized management agency shall appraise and submit them to the Minister of Agriculture and Rural Development for issuance of permit for export, import and/or posting information on the national web portal for the case of submission of the application dossiers for issuance of permit via national electronic information portal; or shall send notice to organizations and individuals and post information on the web portal of the Ministry of Agriculture and Rural Development and the specialized management agency. In case of refusal to issue permit, it must notify organizations and individuals, clearly stating the reasons therefor;
 - d) Permit is valid only for batch of goods is applied for export or import registration.

Article 44.- Inspection of quality of imported plant varieties

1. Imported plant varieties must be inspected for quality, except for plant varieties are temporarily imported for re-export, plant varieties in transit, transferred from one border-gate to another border-gate; plant varieties sent to bonded warehouses.
2. The State inspection agency in charge of quality of imported plant varieties shall be the specialized management agency.
3. Imported plant variety batches shall only be considered as completing the customs procedures when the specialized management agency has notification of the results of State inspection.
4. After taking samples, batches of plant varieties shall be allowed to be brought to preservation warehouses before the inspection results are obtained and comply with the regulations on customs inspection and supervision procedures applicable to import and export goods.
5. Dossiers of State inspection of quality of imported plant varieties must be kept for 5 years as from the date of issuance of notice of the State inspection results.

Article 45.- National reserve of plant varieties

1. The Minister of Agriculture and Rural Development shall submit to the Prime Minister for deciding the quantity and list of plant varieties for national reserves.
2. Plant varieties in the List of national reserve goods must conform to the structure of plant varieties being commonly used in localities; It is managed and used in accordance with the law on national reserves.

Chapter III
FERTILIZERS

Section 1

FERTILIZER RECOGNITION AND TESTING

Article 46.- General principles on recognition of fertilizers in circulation

1. Fertilizers are goods of conditional trade group which are recognized for circulation in Vietnam.
2. Domestic or foreign organizations and individuals (having representative offices, companies or branches of companies licensed to operate in Vietnam) may register recognition of fertilizers in their names.
3. Each organization or individual may register recognition of only one fertilizer name for each ingredient formula, registered fertilizer nutrient content.
4. The Government shall stipulate the dossiers, order, procedures, time limits and competence to recognize fertilizers circulated in Vietnam.

Article 47.- Fertilizers are not be recognized for circulation or revocation of decisions on recognition of fertilizers circulated in Vietnam

1. Fertilizers are not recognized for circulation
 - a) Containing harmful elements in excess of the maximum limits specified in the national technical regulations, national standards and other relevant regulations;
 - b) Having scientific evidences on high-risk fertilizers, which cause adverse impacts on human health and the environment;
 - c) Its trade names are coincident with trade name of other fertilizers having been recognized for circulation.
2. Decisions on recognition of fertilizers circulated in Vietnam is canceled [when]:
 - a) There are scientific evidences that the fertilizers have high risk of cause adverse impacts on human health and the environment;
 - b) Detecting the use of fake documents or provision of information in documents incorrect with the fertilizers proposed for circulation;
 - c) Fertilizers have been recognized for circulation but have expired and have not been re-recognized.
3. The Government shall stipulate the order and procedures for canceling decisions on recognition of fertilizers circulated in Vietnam.

Article 48.- Forms of recognition of fertilizers in circulation

1. Recognition for the first time
 - a) Fertilizers are domestically researched or created;
 - b) Fertilizers are imported into Vietnam for the first time;

- c) Fertilizers already recognized for circulation are registered for change of quality criteria.
- 2. Re-recognition
 - a) Circulation time-limit of fertilizers have expired;
 - b) To change information of organizations and individuals that have fertilizers already recognized for circulation; decisions on recognition of fertilizers circulated in Vietnam are lost or damaged;
 - c) To transfer fertilizer names;
 - d) To change names of fertilizers already recognized for circulation.

The cases of re-recognition specified in Points b, c and d, Clause 2 of this Article shall be implemented only if the quality criteria of fertilizers are not changed.

Article 49.- Principles of testing fertilizers

- 1. Fertilizers must be subject to testing before being recognized for use, except for the categories of fertilizers stipulated in Clause 2 of this Article.
- 2. Fertilizers not subject to testing:
 - a) Organic fertilizers, traditional organic fertilizer used to fertilize roots;
 - b) Single fertilizers and compound fertilizers, which are used for fertilizing roots and without being supplemented with substances to increase its use efficiency, soil improvers, microorganisms, biological substances, growth regulators or substances to change the nature, utility and use efficiency of fertilizers;
 - c) Fertilizers are the results of State-level, ministerial-level or provincial-level research projects, which are recognized as technical advances.
- 3. Fertilizers must be subject to both demonstration and typical testing; demonstration may be conducted only after the end of typical testing.
- 4. Testing of fertilizers must be subject to approval of the Ministry of Agriculture and Rural Development and carried out at the organizations accredited to be eligible for testing.
- 5. Testing of fertilizers shall comply with the national standards (the Vietnamese Standards). In the absence of corresponding the Vietnamese Standards, the testing shall be conducted in accordance with the fertilizer testing rules.
- 6. Amount of fertilizer allowed to be produced or imported for testing shall be determined based on the dosage fertilized to each kind of plants and the actual testing area but shall not exceed amount [of fertilizer] used for 10 hectares for testing of annual crop plants and 20 hectares for perennial crop plants.
- 7. The Government shall stipulate dossiers, order and procedures for registration of testing.

Article 50.- Requirements for recognition of organizations conducting fertilizer testing

- 1. Organizations are established under the provisions of the law.

2. Persons directly in charge of testing must have university or higher degree in one of the following specialties: crop production, plant protection, agro-chemical soil, agronomy, chemistry, biology and must have certificate of training in fertilizer testing.
3. Having at least 5 people conducting official testing of the organization (civil servants or under labor contracts with indefinite term or labor contracts with definite terms), who satisfy the following requirements:
 - a) Having university or higher degree in the specialties specified in Clause 2 of this Article;
 - b) Having certificates of training in fertilizer testing.
4. Having adequate facilities and equipment for the fertilizer testing.
5. The Government shall detail this Article.

Section 2

PRODUCTION AND TRADING OF FERTILIZER

Article 51.- Requirements for issuance of certificates of eligibility for fertilizer production

1. Organizations and individuals producing fertilizers must satisfy the following requirements:
 - a) Organizations and individuals established under the provisions of the law;
 - b) Having production location and workshop area suitable to the capacity of the fertilizer production line and machinery;
 - c) Production lines, machinery and equipment from the processing of raw materials to the final products meet the technology process;

Stages and systems are required to use mechanized or automated machines and equipment;

Machines and equipment subject to strict safety requirements and test and measurement equipment must be expertised, calibrated and adjusted in accordance with the law;
 - d) Having separate raw material areas and finished product areas; having shelves or liners for placing goods;
 - dd) Having laboratories recognized or contracted with designated testing organizations to assess the quality criteria of fertilizers they produce;
 - e) Having a quality management system compatible with ISO 9001 or equivalent, for newly set up establishments, the latest is one year after its establishment;
 - g) Direct managers and managers of production have university or higher degrees in one of the specialties: crop production, plant protection, agro-chemical soil, agronomy, chemistry, biology.
2. For establishments operating fertilizer packages only, they are not required to satisfy the requirements specified in Points e and f, Clause 1 of this Article.

3. The Government shall stipulate the dossiers, order, procedures, time-limits and competence to issue certificates of eligibility for fertilizer production.

Article 52.- Requirements for issuance of certificates of eligibility for fertilizer trading

1. Organizations and individuals trading in fertilizers must satisfy the following requirements:
 - a) Organizations and individuals are registered or established under the provisions of the law;
 - b) Having a fertilizer-selling shop(s). Fertilizer shops must have: signboards; record of buying and selling fertilizer; public price list of each kind of fertilizer listed at visible place, easy to see and read;
 - c) Having fertilizer-storing areas; have shelves or liners to place goods;
 - d) Persons directly selling fertilizers must hold certificates of professional training in fertilizers, except for cases where they have obtained intermediate or higher degree in one of the following specialties: crop production, plant protection, agro-chemical soil, agronomy, chemistry, biology.
2. In cases where establishments trading in fertilizers do not have shops, [the establishments] must have a certificate of enterprise registration; have a fixed and lawful place of transaction; keep records of the purchase and sale of fertilizers and satisfy the provisions in Point d, Clause 1 of this Article.
3. The Government shall stipulate the content of professional training in fertilizers and dossiers, order, procedures, time-limit and competence to issue certificates of eligibility for fertilizer trading.

Section 3

EXPORT AND IMPORT OF FERTILIZERS

Article 53.- Export of fertilizers

Fertilizers for export must comply with the regulations of importing countries, contracts international treaties, international agreements on mutual recognition of results of conformity assessment with the concerned countries or territories.

Article 54.- Import of fertilizers

1. Organizations and individuals that have fertilizers already recognized for circulation in Vietnam and imported or authorized to other organizations and individuals to import shall not be required to obtain an import permit, except for cases specified in Clause 2 of this Article.

In case of authorization to import, the authorized organizations and individuals shall have to present the authorization from organizations and individuals that register their names to the importing organizations and individuals at customs office.

2. Organizations and individuals importing unrecognized fertilizers must have import permit in one of the following cases:
 - a) Fertilizers for testing;

- b) Specialized fertilizers for sport grounds, amusement parks;
 - c) Fertilizers for specialized use by foreign-invested enterprises in service of production within the enterprise's scope; used in foreign projects in Vietnam;
 - d) Fertilizers used as gifts; samples;
 - dd) Fertilizers participating in fairs and exhibitions;
 - e) Fertilizers imported for production of fertilizers for export;
 - g) Fertilizers for scientific researches;
 - h) Fertilizers used as raw materials for fertilizer production.
3. The Government shall stipulate the dossiers, order, procedures and competence to issue permits for import of fertilizers.

Section 4

QUALITY MANAGEMENT, LABELING, NAMING, ADVERTISEMENT OF FERTILIZERS

Article 55. Management of fertilizer quality

1. Fertilizer quality shall be managed according to the provisions of the law on product and goods quality.
2. Conformity assessment organizations wishing to participate in testing, expertising, appraising and certifying the quality of fertilizers must be subject to certification of operating fields according to the provisions of the law on conditions of trading and conformity assessment services and designated by the Ministry of Agriculture and Rural Development in accordance with the Law on Product and Goods Quality and relevant documents.
3. The sampling of fertilizers for quality testing in service of the State management must be conducted by the samplers having a certificate of training in taking fertilizer samples; the Ministry of Agriculture and Rural Development shall stipulate the content of training and the issuance of certificate of training in taking samples.

Article 56.- Inspection of quality of imported fertilizers

1. Imported fertilizers must be inspected for quality, except for imported fertilizers specified in Article 67; fertilizers temporarily imported for re-export, fertilizers in transit, fertilizers transferred from one border-gate to another border-gate; fertilizers sent to bonded warehouses; export processing enterprises importing inland fertilizers into export processing zones.
2. The State inspection agency for imported fertilizer quality is a specialized agency under the Ministry of Agriculture and Rural Development.
3. Imported fertilizer batches shall be allowed to complete customs procedures only when there are State inspection result notice from agencies stated in Clause 2 of this Article.

4. Fertilizers shall be permitted to be brought into preservation warehouses before the inspection results are obtained and shall comply with the regulations on customs inspection and supervision procedures for import and export goods.
5. Dossiers on the State inspection of quality of imported fertilizers must be kept for a duration of five (5) years as from the date of issuance of the State inspection result notice.
6. The Government shall provide for the dossiers, order and procedures for State inspection of imported fertilizers.

Article 57. Principles of naming

1. Name of fertilizers must not be identical with the names of fertilizers already recognized for circulation in Vietnam.
2. Names of fertilizers do not mislead the nature, utility, composition and type of fertilizers.
3. Names of fertilizers must not violate traditional fine customs of Vietnam; Do not have the same way of reading or writing with names of leaders, national heroes, celebrities, foods, beverages, pharmaceuticals.
4. Where name of fertilizer component used as the registered fertilizer name coincides with the name of a fertilizer already recognized for circulation, it must add its own symbols so that name in order not to coincide with the name of the fertilized already recognized.
5. For mixed fertilizer names, the content of fertilizer names shall be placed in the following order: Name of fertilizer type, ingredient, private symbols, quantitative number of ingredient included in name, other private symbols (if any).

Ingredients and quantitative numbers of ingredients in the following order: Nutritional factors of polyunsaturated (N), phosphorus (P), potassium (K), secondary nutrients, micronutrients, organic substances, other supplementary substances (if any).

Article 58.- Fertilizer labels

1. Fertilizers circulated domestically and imported fertilizers must be labeled in accordance with the law on goods labeling.
2. Fertilizer labels, apart from compulsory content, must be additionally inscribed with category of fertilizers and the number of fertilizer recognition decisions, for leaf fertilizers, the phrase "phân bón lá"["leaf fertilizer"] must be clearly inscribed.
3. Content inscribed on the labels must comply with the decisions on recognition of circulation of fertilizers in Vietnam.

Article 59.- Advertisement of fertilizers

Organizations and individuals that advertise fertilizers must comply with the provisions of the law on advertisement of fertilizers and be certified by the competent State management agency for advertising content.

**RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS
OPERATION IN FERTILIZER FIELD**

Article 60.- Responsibilities of organizations and individuals that produce, trade in, import or export fertilizers

1. Organizations and individuals producing fertilizer
 - a) To satisfy the requirements for production of fertilizers stipulated in Article 65 of this Law, and only produce fertilizers after the competent State management agency has issued with a certificates of eligibility for production of fertilizers to [the organizations and individuals];
 - b) To strictly comply with the content of the certificates of eligibility for production of fertilizers and the regulations on production of fertilizers;
 - c) To test and store test results of each batch of finished fertilizers before putting them into circulation in the market. To keep archives of the test results for two (02) years and to store and preserve the samples for six (06) months after sampling;
 - d) To recall and treat fertilizers which fail to meet the quality requirements and pay compensations for damages caused to the victims according to the provisions of the law;
 - dd) To report the situation of production, import or export of fertilizers to the competent State management agency before November 30 every year or irregularly when so requested.
 - e) To abide by the inspection and examination by competent State management agencies; to observe the relevant provisions of the law on fertilizer production;
 - g) To advertise and provide information on composition, utility, usage of fertilizers in accordance with to the nature of the fertilizers and the provisions of the law;
 - h) To organize training and use instructions on fertilizers; professional training for laborers directly producing fertilizers;
 - i) Fertilizers to be produced must have a clear origin;
 - k) To abide by the provisions of the laws on fire prevention and fighting; chemistry; labor; environment.
2. Organizations and individuals trading in fertilizers
 - a) To satisfy the requirements for trading in fertilizers specified in Article 66 of this Law and trading in fertilizers is permitted only after the competent State management agency has issued the certificates of eligibility for fertilizer trading;
 - b) Fertilizers must be arranged separately, not mixed with other commodities, and must be preserved in a dry place;
 - c) To advertise or provide information on the composition, utility and use of fertilizers strictly according to the nature of fertilizers and the provisions of the law;
 - d) Checking origin of fertilizers, fertilizer labels, standard-conformity or regulation-conformity stamps and documents related to the quality of fertilizers;

- dd) To abide by inspection and examination by the competent state management agencies in satisfying the requirements for fertilizer trading according to the provisions of this Law and the provisions of the relevant laws;
 - e) To keep archives of lawful vouchers evidencing the origins and places of production, places of importation or places of supply of fertilizers;
 - g) Traded fertilizer must be labeled according to the current regulations;
 - h) To treat disqualified fertilizers and fake fertilizers and to make compensations for damages caused to the victims according to the provisions of the law when the production establishments can not be identified;
 - i) To abide by the provisions of the laws on fire prevention and fighting, chemicals, labor and environment.
3. Organizations and individuals that import or export fertilizers
- a) To comply with regulations on import and export of fertilizers according to the regulations;
 - b) To comply with the regulations on fertilizer quality according to the provisions of the law on product and goods quality;
 - c) To abide by the inspection and examination by the competent state management agencies; to observe the regulations on export and import of other goods according to the provisions of the relevant laws.

Article 61.- Responsibilities of organizations conducting fertilizer testing

1. Fertilizer testing must be objective and accurate.
2. To comply with standards, technical procedures and testing requirements.
3. To take responsibility before law for the testing results.
4. To keep archives of the whole field log, raw data, report on the results of testing for at least 5 years from the date of testing.
5. To abide the inspection and supervision of testing activities by the competent State management agencies.
6. To pay compensations for damages according to the provisions of the law.
7. To report on testing results.
8. Before carrying out testing, [organizations and individuals using fertilizers] must send the fertilizer testing outlines to the competent State management agency of the localities where the testing is conducted so as to have bases to inspect the implementation of the testing.
9. To report results of operations of the fertilizer testing organization to the competent State agency before December 25 every year or extraordinarily at the request of the competent State management agency.

Article 62.- Responsibilities of organizations and individuals that use fertilizers

1. Organizations and individuals that use fertilizers have the following rights:

- a) To be provided with information and instructions on efficient use of fertilizers;
 - b) To request fertilizer-trading establishments to guide use of fertilizers in accordance with the content of their labels;
 - c) To be compensated for damages according to the provisions of the law.
2. Organizations and individuals using fertilizer shall have the following obligations:
- a) To use fertilizers already recognized for circulation in strict accordance with the instructions inscribed on the labels;
 - b) To use fertilizers to ensure efficiency and human safety and food safety on the principle of proper soil, proper types of plants, right doses, right time, proper fertilization;

The Ministry of Agriculture and Rural Development shall formulate a set of documents of guiding the use of fertilizers according to the principles stated in Point b. Clause 2 of this Article.

Article 63.- Responsibilities of samplers

- 1. To take samples according to the regulations, ensuring the objectivity.
- 2. To keep secret all information and data related to the sampling, except for cases where competent state management agencies request reporting.
- 3. To attend training on fertilizer sampling.
- 4. To be responsible before the law for sampling fertilizers.

Chapter IV

CULTIVATION

Section 1

PRINCIPLES OF OPERATION, RIGHTS AND OBLIGATIONS OF CULTIVATING ORGANIZATIONS AND INDIVIDUAL ACTIVITIES

Article 64. Principles of cultivation activities

- 1. To conduct sustainable cultivation in the conditions of soil, water and air environment ensured in accordance with the law.
- 2. To ensure the efficient and sustainable exploitation of natural resources and infrastructure; safety of production environment and disease prevention according to the law.
- 3. To be in line with the planning and plans; to promote regional and local advantages; to be associated with economic development.
- 4. To apply processes, standards, national technical regulations and food safety assurance conditions.
- 5. To create a favorable environment for development of cooperation and linkage to production and construction of concentrated commodity production areas with contracts and quality certification.

6. Towards modern agricultural production, applying high technology, information technology, precision technology, smart agriculture to adapt and mitigate the impacts of climate change.
7. To be protected by the State when other organizations or individuals infringe upon their legitimate rights and interests in the course of cultivation.

Article 65.- Rights of cultivating organizations and individuals

1. To self-organize production or to associate with other organizations and individuals for crop production.
2. To enjoy the State's policies on support or investment incentives for activities of crop production; To support [for compensation of] damages to restore production in case of damages caused by natural calamities or epidemics as stipulated by the Government.
3. To be informed of policies, laws, technical advances, technologies and markets for crop products; to train in crop production in accordance with the regulations of the Government.
4. To be entitled to registration for issuance with plant variety code and to provide information for management of planted regions.
5. To be informed, warned about the situation of climate, environment, epidemics and natural disasters.
6. To participate in agricultural insurance according to the Government's regulations.

Article 66.- Obligations of organizations and individuals in cultivation

1. To use economically and efficiently land and water resources.
2. To only use plant varieties, fertilizers, pesticides and materials permitted for use or circulation in Vietnam under the guidance of specialized agencies or manufacturers.
3. To monitor and supervise criteria of production environment, plant pests; to promptly report to competent authorities when environmental pollution and pest outbreaks occur; to take initiative in treating environmental pollution and plant pest control in accordance with the law on environmental protection and plant quarantine and protection.
4. To comply with the law on natural disaster prevention and control.
5. To keep archives of records, production diary; log books for purchase and use of varieties, fertilizers and pesticides in the course of production in service of traceability according to the provisions. Of the law.
6. To take responsibility before the law for the activities of crop production, quality and food safety of the products they supply; To be subject to the inspection and supervision by competent State agencies in the course of production.
7. To carry out the restructuring of the plants in conformity with the local planning and plans for cultivation development, the plan for land consolidation, the formation of concentrated commodity production zones; In line with the existing infrastructure and plans to upgrade infrastructure for production, mechanization in cultivation.

8. To apply appropriate production measures to protect, maintain, improve and foster soil fertility, reduce pollution, degradation, erosion, runoff, acidification, soil alkali, and spreading of infectious diseases.
9. When participating in production links, [they] must have the following obligations:
 - a) Produce crops identified in the associated region;
 - b) To comply with the processes of production, use of materials and quality management as agreed between the parties. To ensure production activities do not affect adjacent production fields;
 - c) To fully fulfill the commitments in the joint-venture contract and take responsibility before the law for the violations.

Section 2

DEVELOPING, PROTECTING CONCENTRATED CULTIVATION REGIONS AND SPECIFIC CULTIVATION REGIONS

Article 67.- Concentrated cultivation regions and specific cultivation regions

1. The concentrated commodity production regions includes the main crop cultivation regions defined in the provincial planning to have a stable development plan.
2. Specific cultivation regions include organic cultivation; cultivation on sloping land; cultivation on salty alum soils, cultivation on coastal sandy soils and desertifying land, cultivation in urban areas and cultivation in association with tourism.
3. The Ministry of Agriculture and Rural Development shall guide the criteria for determining specialized cultivation regions for concentrated commodity production and specific cultivation.

Article 68.- Development and protection of specialized cultivation regions for concentrated commodity [production]

1. The development of concentrated commodity cultivated regions must be appropriate to the land conditions, climate and market demand, ensuring the efficient exploitation of regional advantages.
2. People's Committees at all levels shall have the following responsibilities:
 - a) To formulate provincial-level plannings, in which specialized cultivation regions for concentrated commodity production are determined, promulgate regulations and decentralize the management and protection of concentrated commodity production regions in association with processing and consumption according to the modern directions. contracted production and quality certification.
 - b) To support construction of infrastructure, logistic services and trade promotion of products for concentrated commodity production regions;
 - c) To assist organizations and individuals involved in the cooperation and association with goods-producing organizations for signing of contracts and assurance of harmony of interests between the parties.

Article 69.- Development and protection of organic cultivation regions

1. Organic cultivation regions must be planned, protected and have appropriate infrastructure, ensuring no chemical pollution from the outside.
2. Provincial-level People's Committees shall identify and widely announce organic cultivation regions; to promulgate regulations on cultivation on organic cultivation regions within its scope of management.
3. Organic cultivation and crop products of organic cultivation for domestic consumption must conform to the Vietnamese Standards or standards of organizations to which Vietnam is a contracting party or [Vietnam] has agreements on mutual recognition; export service must meet the requirements of the importing country.
4. Plant varieties, fertilizers, soil improvers, pesticides and other input materials used in organic cultivation must meet the standards of organic agriculture and related technical regulations. Not to use synthetic chemicals, growth hormones or genetically modified organisms as input materials in the process of production, preservation or processing.
5. The Government shall stipulate the production and announcement of applicable standards, certification of conformity of organic products and the requirements on certification organizations, labeling, logo, traceability and trading, quality control in respect to organic cultivation products; incentive and support policies and conditions, mechanisms for supporting the development of organic cultivation.

Article 70. Development and protection of cultivation regions on sloping land, salt-sulphate soils, coastal sandy soils, land at the risk of desertification.

1. Cultivation of sloping land, saline soils, coastal sandy soils and deserted and deserted soils should be managed rigorously and strict application of the production processes to prevent erosion, landslide, landslide and land degradation, ensuring sustainable development.
2. The Ministry of Agriculture and Rural Development shall guide in detail the methods of sustainable farming on sloping land, salt-sulphate soils, coastal sandy soils and land in danger of desertification and desertification.
3. Provincial-level People's Committees shall determine regions, widely announce and promulgate regulations on cultivation on sloping land, salt-sulphate soils, coastal sandy soils and land at risk of desertification within their scope of management.

Article 71. Cultivation in urban areas and cultivation associated with tourism

1. The development of cultivation in inner cities and inner towns must have appropriate shielding measures for protection of the environment and avoidance of pollution from dust, waste water, waste and chemicals. In densely populated areas, chemical pesticides shall be used in inner cities or inner town only when obtaining permission from the specialized management agencies.
2. Cultivation areas associated with tourism shall be supported to be maintained and developed in accordance with the regulations of the Government.
3. District-level People's Committees shall determine densely populated areas where it is necessary to restrict the use of chemical pesticides; cultivation areas associated with tourism, widely announcement and promulgation of regulations on use of chemical pesticides in inner cities and inner towns under their respective management scope; regulations on cultivation applicable regions in service of tourism.

Article 72. Management and issuance of cultivation region codes

1. Commodity production regions shall be issued with cultivation region codes in service of the management, exchange of information and traceability of products.
2. The Ministry of Agriculture and Rural Development shall guide the issuance of cultivation codes nationwide.

Chapter V

HARVESTING, PURCHASING, SELLING, PRESERVING, PRELIMINARILY-PROCESSING, PROCESSING, EXPORTING AND IMPORTING CROP PRODUCTS

Article 73.- Harvesting, preserving and processing crop products

1. Harvesting products by appropriate method and means, limiting losses, ensuring product quality; Unused by-products must be treated without causing pollution to the environment. Plants, for which pesticide(s) is used, must comply with the time for harvesting products to be used as food according to the provision of isolation time.
2. Wholesale markets, purchasing establishments, warehouses and processing establishments must apply appropriate technical measures to preserve products in order to ensure food quality and safety.
3. Not to use chemicals or additives in the List of those prohibited or outside the List of those permitted for use in the preservation and processing of crop products.
4. Construction of establishments for preservation and processing of crop products must be in line with the planning, in association with raw material production regions and the ability to consume products and [must] create value chains for sustainable development of the crop production sector.
5. Development of processed products of the crop production sector in accordance with the market mechanism on the basis of application of advanced and modern technologies to preliminarily-processing, preserving and deeply processing [activities] to create products with high added value for satisfaction of demand for export and domestic consumption.

Article 74.- Conditions on establishments purchasing, preliminarily-processing and processing crop products

1. [Crop product] purchasing, preliminarily-processing and processing establishments must satisfy the requirements in accordance with the provisions on food safety and other provisions of the law.
2. Input materials of [crop product] purchasing, preliminarily-processing and processing establishments must have clear origins, ensuring the quality and food safety.

Article 75. Import and export of crop products

1. Organizations and individuals importing crop products must have clear origin dossiers, satisfying quality, food safety and epidemic safety in accordance with the provisions of the law.

2. Organizations and individuals exporting crop products shall comply with the requirements of importing countries.

Article 76. Development of wholesale markets for crop products

1. Wholesale markets for crops products shall be arranged in concentrated crop production regions or places of crop production consumption with large quantity, including transactions, purchase, sale, sale and auction of crop products. .
2. The development of wholesale markets for crop products must comply with the planning.
3. Provincial-level People's Committees shall organize the inspection and supervision of the implementation of regulations on wholesale markets for crop products; To plan land for construction of wholesale markets for crop products.

Article 77.- Management of the quality of crop products

1. Crop products used as food are subject to quality control on the basis of technical regulations and corresponding regulations on safety limits promulgated by the competent State management agencies and standards announced and applied by producers; For crop products used for other purposes, the owners self-declare the applied standard.
2. Products produced from genetically modified plant varieties must be labeled in accordance with the law on food safety and the law on safety and bio-diversity.
3. Products produced from genetically modified plant varieties must be labeled in accordance with the law on safety and bio-diversity.

CHAPTER VI

STATE MANAGEMENT OF CROP PRODUCTION

Article 78.- Responsibilities of the Government, ministries and ministerial-level agencies

1. The Government shall perform the uniform State management over crop production throughout the country
2. The Ministry of Agriculture and Rural Development shall take responsibility before the Government for performing the State management over crop production as follows:
 - a) To perform the State management over activities of crop production throughout the country; To formulate and direct the implementation of strategies, schemes and plans on crop production;
 - b) To promulgate according to its competence or submit to competent authorities for promulgation, and organization of the implementation of policies, legal documents, standards, technical regulations and technical processes on crop production;
 - c) To direct, guide and organize the implementation of plant pest prevention and fighting, restoration of production due to natural calamities and epidemics; management of production and processing and crop production; trade, quality and safety of crop food in accordance with the law;

- d) To organize issuance, re-issuance, extension, revocation and cancelation of permits, written recognition, certificates, protection title, under their management in the crop production;
 - dd) To build databases and information systems; make statistics and reports on crop production;
 - e) To organize the research and application of sciences and technologies; to conduct basic surveys, collect and manage information, documentation and international cooperation in the field of crop production;
 - g) To conduct training, professional training, propaganda, dissemination and education of the law and knowledge of crop production;
 - h) To inspect, examine and settle complaints and denunciations, deal with violations of the law in crop production;
 - i) To promulgate List of major plant species; provisional regulations; regulations on the receipt and preservation of standard variety samples; To guide and manage the issuance of cultivation region codes nationwide; Forms for implementation of the provisions of this Law.
3. The relevant ministries and ministerial-level agencies shall, within their scope of their respective tasks and powers, have to coordinate with the Ministry of Agriculture and Rural Development in performing the task of State management over crop production

Article 79.- Responsibilities of People's Committees at all levels

- 1. The provincial-level People's Committees shall have the following responsibilities:
 - a) To promulgate according to its competence policies and legal documents on crop production to be applied in the localities;
 - b) To organize, guide, propagate and disseminate the State's regulations and policies and supply information to organizations and individuals engaged in production and trading in the field of crop production;
 - c) To formulate and direct the implementation of strategies, plannings and plans for development of crop production in their respective localities;
 - d) To formulate plans and direct the development of cooperative organizations, associations and unions in the field of crop production in their respective localities;
 - dd) To propose the People's Councils of the same level to promulgate policies and allocate funds for the development of plant varieties in their respective localities;
 - e) To manage production and trading activities in the field of crop production according to their assigned competence;
 - g) To inspect and handle violations and settle complaints and denunciations in respect to activities of crop production in the localities;
 - h) To build a system of information and archives of crop production documentation;
 - i) To formulate and organize the implementation of measures to prevent and overcome consequences of natural calamities in the field of crop production.

2. People's Committees of district and commune levels shall, within the scope of their respective tasks and powers, have the following responsibilities:
 - a) To implement the content and measures of management in activities of crop production in the [respective] localities according to the provisions of the law;
 - b) To perform the task of State management over crop production as decentralized or authorized by the People's Committees of the immediate superior;
 - c) To organize, propagate, disseminate and educate the law on crop production in the locality.

Article 80. Responsibilities of the Vietnam Fatherland Front and its member organizations, socio-professional organizations, social organizations

1. The Vietnam Fatherland Front and its member organizations shall, within the scope of their respective functions and tasks, have to propagate and mobilize [organizations and individuals for] the implementation of the policy and law on crop production; To give law-making opinions, to conduct the social supervision and criticism in the field of crop production according to the provisions of the law.
2. Socio-professional organizations and social organizations shall give their law making opinions on in the field of crop production; To propagate and disseminate knowledge and the law on crop production; To provide advice and technical training on crop production.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 81.- Implementation effectiveness

1. This Law shall be of full force and effect as from of 2019.
2. The Ordinance on Plant Varieties shall expire from the effective date of this Law.

Article 82.- Transitional provisions

1. Plant varieties have been recognized as new plant varieties before the effective date of this Law, may continue to be recognized for circulation and posted on the web portal of the Ministry of Agriculture and Rural Development and the specialized management agencies.
2. Plant varieties recognized as new plant varieties in an ecological region(s) within a geographical region recognized for a plant variety according to the provisions of this Law may be extended to the scope of recognition of circulation in the geographical region of the public domain. Receive seedlings for circulation of plant varieties stipulated in this Law.
3. For plant varieties specified in Clause 1, Clause 2 of this Article, the Ministry of Agriculture and Rural Development shall change from decisions on recognition of new plant varieties to decisions on recognition of circulation of plant varieties without the need to carry out the registration procedures for change of decisions on recognition of circulation, they must additionally submit to the specialized management agencies the cultivation process(es) for the varieties and written declaration of information inscribed

on labels or advertisement of the plant varieties specified in Point h, Point i, Clause 2, Article 27 of this Law, suitable to the testing results within 6 months after the effective date of this Law.

4. Plant varieties are currently under testing for recognition of new plant varieties must be subject to VCU testing under controlled conditions and production testing according to the demonstration regulations of this Law and are entitled to be recognized for circulation without trial production.
5. Plant varieties, which have been recognized for trial production and whose results meet the production requirements shall be recognized for circulation in accordance with the provisions [being effective] before the effective date of this Law.
6. Plant varieties, which do not belong to the major plant species, but already recognized as plant varieties prior to the effective date of this Law, may be changed into recognition of circulation in accordance with the provisions of Clause 3 of this Article or may be registered for announcement and circulation in accordance with the provisions in Article 30 of this Law.
7. Application dossiers for protection of new plant varieties already submitted before the effective date of this Law shall comply with the provisions of the Intellectual Property Law.
8. Exceptional recognition shall only apply to plant varieties which have commonly existed in production prior to the effective date of this Law and shall be terminated within a period of two (2) years from the time when this Law takes effect.
9. Fertilizer production permits already issued before the effective date of this Law shall be effective for three (3) years from the effective date of this Law.

This Law was passed by the National Assembly of the Socialist Republic of Vietnam, XIV, 6th Session passed on ... month ... 2018

PRESIDENT OF NATIONAL ASSEMBLY

Nguyen Thi Kim Ngan