

## Vietnamese Agricultural Products Quarantine –Reviews And Recommendations

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**Abstract:** Although the volume and value of agricultural export products have increased over time, Vietnam's exports remain primarily raw or semi processed goods with low added value. The quantity and quality of exported goods are not guaranteed due to production fragmentation; raw material areas have not been well built, there is a lack of advanced farming methods and cooperation between stakeholders in the chain linking agricultural production consumption, particularly not meeting the import standards of developed countries. One of the main reasons for the above situation is that Vietnam's legal regulations are still insufficient; the feasibility is low, and it is not compatible with common international standards. Due to violations of maximum residue levels of pesticides and quarantine of harmful pests, agricultural products exported from Vietnam are frequently refused import or destroyed. As a result, both theoretical and practical research into Vietnam's plant quarantine law for agricultural export products is critical.

**Keywords:** plant quarantine, export, agricultural products, regulations, Vietnam

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### 1. Introduction

Plant quarantine, as defined in Clause 3 Article 3 of the 2013 Law on Plant Protection and Quarantine (as amended in 2018), is the activity of preventing, detecting, and controlling plant quarantine items that are subject to control and alien pests. The subject of plant quarantine is a pathogenic organism capable of wreaking havoc on plants, which has not yet existed or is existing but has a restricted distribution in Vietnam and must be tightly regulated (Clause 8 Article 3 of the Law on Plant Protection and Quarantine 2013). Plant quarantine is required for all objects subject to plant quarantine for import, export, transit, and domestic plant quarantine, unless exempted by the rules of the Law on Plant Protection and Quarantine. Except in the case of plant quarantine, the Minister of Agriculture and Rural Development states (Clause 1, Article 25 of the Law on Plant Protection and Quarantine 2013). The Worldwide Plant Protection Convention establishes the current international standards for plant quarantine (IPPC). The International Convention for the Protection of Plants is an international treaty organization whose mission is to provide coordinated, effective action against the introduction and spread of plant pests and plant foods. The International Convention for the Protection of Plants strives

to standardize international phytosanitary standards to foster international cooperation in preventing the spread and import of plant pests, hence ensuring food security and biodiversity and facilitating international trade (IPPC, 2021).

To safeguard indigenous plants, to be clear about plant quarantine requirements for export and import goods, and to adhere to international commitments (Article 7 of the IPPC), depending on the era. The Ministry of Agriculture and Rural Development will publish a list of items subject to plant quarantine and items subject to plant quarantine that must undergo pest risk analysis prior to being imported into Vietnam. Apart from registering for food safety inspections in accordance with the Food Safety Law, agricultural products must carry out quarantine procedures and produce a phytosanitary certificate when importing commodities if they are on the list of items subject to plant quarantine following export. Vietnamese legislation requires that commodities not on the list of objects subject to quarantine be subject to plant quarantine as necessary. importing countries' requirements and international conventions to which Vietnam has signed or acceded (Article 1 of Circular 30/2014/TT-BNNPTNT). Article 33 of the 2013 Law on Plant Protection and Quarantine regulates the sequence and procedures for plant quarantine for export. In the event of quarantine at the manufacturing facility, the point of origin, or the location of deep storage. In the domestic market, the owner of plant quarantined objects must produce the Phytosanitary Certificate at the final border crossing for export (Article 31 of the Law on Plant Protection and Quarantine 2013).

Thus, plant quarantine is used to control and prevent the spread of pests and diseases on exported agricultural products during transit and distribution to foreign markets. The phytosanitary measure is one of the sanitary and epidemiological controls stipulated in the SPS Agreement for preventing the spread of pests and illnesses on a wide scale and protecting the health of consumers and animals. Importing the country's flora and ecosystem. Phytosanitary measures are normally administered in the exporting country, but they may be enforced in both exporting and importing countries in certain circumstances (Palaniappan and Venugopal, 2016).

## **2. Procedure for plant quarantine for export and issuance of phytosanitary certificates under Vietnamese law**

The procedure for registering plant quarantine for export and issuing a phytosanitary certificate is specified in Article 33 of the 2013 Law on Plant Protection and Quarantine and in detail in Articles 9 and 10 of Minister of Agriculture and Rural Development Circular No. 33/2014/TT-BNNPTNT dated October 30, 2014, stipulating the order and procedures for plant quarantine for import, export, transit, and post-importation of objects. Plants are subject to quarantine in the following ways:

First, register the plants for quarantine.

Organizations and individuals (object owners) must register and submit 01 quarantine registration documents prior to exporting things subject to plant quarantine (usually 1-2 days before shipment). The certificate of plant quarantine registration for export is prepared in accordance with the format specified in Appendix IV of Circular 33/2014/TT-BNNPTNT, and may be submitted directly to the nearest Plant Protection Sub-Department or via PQS (Plants Quarantine System) software to declare plant quarantine procedures (Article 9 Circular 33/2014/TT-BNNPTNT).

Second, reception, verification of records, and inspection of objects.

The plant quarantine agency is in charge of receiving and immediately verifying the dossier's legitimacy. The plant quarantine agency shall quickly determine the location and arrange for authorities to inspect the batch of items in the following order based on the results of the dossier inspection:

i) Conducting a preliminary examination. External inspection of the batch of products, packing, and mode of transit; cracks, crevices, and other potential hiding spots for pests; collection of flying, crawling, or adhering insects outside the batch of objects.

ii) Verify specifics. Inspection and sampling of the cargo on an internal basis in accordance with the provisions of QCVN 01-141:2013/BNNPTNT National technical rule governing the collection of phytosanitary samples; the collection of symptomatic objects and harmful organisms; and the analysis and evaluation of collected objects and harmful organisms.

Third, a phytosanitary certificate should be issued.

Within 24 hours of the initiation of the plant quarantine, the plant quarantine agency shall issue a Phytosanitary Certificate (in the form specified in Appendix V issued with Circular 33/2014/TT-BNNPTNT) to the batch of objects. Quarantine for things that comply with the importing country's phytosanitary regulations. If it exceeds 24 hours owing to professional and technical requirements, the plant quarantine agency shall notify or respond in writing to the owner of the object subject to plant quarantine, explicitly stating the cause. If a batch of objects is discovered to be noncompliant with the phytosanitary requirements of the importing country, the plant quarantine agency shall refuse to provide a phytosanitary certificate and must notify the object owner.

Thus, two steps must be fulfilled prior to exporting items of plant origin in general, and agricultural products in particular:

To begin compliance with food safety inspection processes. Conditions precedent to issuance Notification of eligibility for food safety of agricultural export goods is that such goods must meet Vietnam's food safety assurance conditions and comply with the importing country's food safety regulations pursuant to a contract or an international agreement, including an international agreement on mutual recognition of the results of the conformity assessment with the importing country's country or territory.

Second, establish a quarantine zone for plants. The phytosanitary regulations emphasize the importance of the export consignment meeting the phytosanitary standards of the importing country.

Enterprises exporting agricultural products must follow both procedures outlined above to qualify for customs clearance. Consider that food safety inspection processes for plant-derived products and phytosanitary procedures before export are conducted by the Sub-Department of Food Quarantine at the exporting enterprise's nearest location, and the food safety inspection dossier almost entirely covers plant quarantine. As a result, the author suggests that maintaining two separate procedures is superfluous and that they should be combined into one: food safety inspection and phytosanitary inspection. As a result, the exporting enterprise (object owner) will submit only one set of "Registration for food safety inspection and plant quarantine" to the nearest Plant Protection Sub-department within a time limit of no more than 02 working days from the time the valid dossier is received, and the Plant Protection Sub-department will issue a certificate of food safety and plant quarantine. The dossier and handling process will be predicated on the specimen being added to the food safety inspection process along with the dossier and quarantine stage. Additionally, despite the merger of the food safety inspection procedure and plant quarantine, the authorities continue to issue a Phytosanitary Certificate to the firm. If combining both the inspection and quarantine procedures outlined above helps reform administrative procedures, unifies the inspection process, and maintains records of food safety assurance for agricultural products, it also creates numerous benefits for exporters in terms of cost and time for customs clearance.

Additionally, there have been instances where items correspond to the regulations of the importing country but not to those of Vietnam, and hence are not permitted to export. For instance, the Dalat Hasfarm Flower Company and 40 flower farmer households in Da Lat were forced to destroy 700,000 chrysanthemum branches intended for export to Australia after the Plant Protection Department's Quarantine Team in Duc Trong district, Lam Dong province refused to issue a phytosanitary license for such flowers (Phan Hau, 2021). The reason for this is that Clause 2, Article 2 of Minister of Agriculture and Rural Development Circular No. 10/2020/TT-BNNPTNT dated

September 9, 2020, on promulgating the list of pesticides permitted and prohibited for use in Vietnam states: "Pesticides containing the active ingredient Glyphosate must not be manufactured or imported; they may only be sold and used until June 30, 2021." Thus, beginning June 30, 2021, flower producing units cannot utilize Glyphosate active ingredients to remove flower sprouts prior to selling. Due to the hazardous nature of glyphosate, the Ministry of Agriculture and Rural Development removed it from the list of agricultural chemicals (Inspection, 2021). However, according to the regulations governing the export of flowers to Australia, chrysanthemums and carnations must be treated with the active chemical glyphosate to eliminate flower sprouts (soak 35cm of flower stems in 0.5 percent solution of the active ingredient for 20 minutes). The Australian importer of flowers does not tolerate the use of alternative substances to glyphosate. As a result, if the flower producer targeting the Australian market adheres to the regulations of the Ministry of Agriculture and Rural Development, it will be rejected by the Australian government. If exporters adhere to the restrictions of their Australian partners, they will violate Vietnamese legislation and will be unable to export (Mai Vinh, 2021).

Another example of the disparity between Vietnamese and importing country restrictions is the medication Ractopamine. Ractopamine's MRL is recommended to be between 0 and 0.01mg/kg body weight; however, depending on the type of diet, it may range from 0.1mg/kg to 0.9 mg/kg (Codex, 2015). Additionally, the United States regulates an acceptable daily intake of total ractopamine residues at 0.012 mg/kg body weight per day, while the MRL for beef is 0.03 mg/kg (21 CFR 556.570); whereas, Vietnam regulates the residue level at zero (0) and prohibits its use (Official dispatch 1525/BNN-QLCL). Thus, if Vietnamese beef or pork supplied to the US market includes residues of ractopamine, it will be prohibited from export, but will be permitted if the MRL is 0.03 mg/kg or below. The United States approved; however, if US beef contains ractopamine residues, it will be prohibited from being imported into Vietnam; the US Department of Agriculture's Office of Agricultural Affairs highlighted concerns about this restriction in its 2017 Report (Minh and Petlock, 2017).

### **3. Limitations in Vietnam's legal regulations on plant quarantine for export and recommendations for improvement**

To begin, the food safety inspection procedure for exported plant-based items and export, phytosanitary inspection contain numerous duplicated components that are effective for food safety and phytosanitary inspection. While the number of agricultural exports remains low, the number of Vietnamese agricultural products returned or destroyed owing to violations of the importing country's sanitary and epidemiological rules remains significant (Bach Hue, 2019). As a result, it should be consolidated into a single food safety inspection and plant quarantine method, while staying consistent with the present requirements, with the procedure being carried out by the enterprise's nearest plant protection agency. Combining food safety inspection and quarantine processes enables the reform of administrative procedures, the unification of the inspection process, and the maintenance of records with food safety guarantees for items. Additionally, it provides numerous benefits to exporters in terms of cost and time savings associated with customs clearance of goods.

Second, the Ministry of Finance released just the Fee Schedule for quarantine and plant protection activities in the agricultural sector, without specifying "travel costs, food, lodging, and travel expenditures for workers directly doing sampling and inspection of objects" (Circular 33/2021/TT-BTC). The enterprise and the quarantine officer will agree on the precise remuneration, which may result in a poor situation during the quarantine. As a result, a common framework for quarantine expenditures must be added, including "travel, lodging, and travel expenses for workers actively involved in sampling and verifying things." Additionally, the provisions of the Law on Plant Protection and Quarantine 2013 (as amended in 2018) and relevant guiding documents do not specify civil, administrative, or criminal liability in the event that this agency fails to properly comply with the process

of collecting and inspecting samples of export consignments, resulting in the export consignment receiving a phytosanitary certificate but being prohibited by the country. If the importer is unable to ensure the prevention and control of hazardous infections, he or she should take the measure of destruction, return, or other treatment, causing damage to the exporting firm and adding to its costs. Therefore, in addition to amending regulations governing remuneration for plant quarantine, it is necessary to amend regulations governing the plant quarantine agency's liability in the event that an export consignment is destroyed, returned, or subjected to other measures as a result of improper plant quarantine.

Third, the requirement that commodities adhere to domestic legislation as well as export contracts or rules of the importing country reveals weaknesses and has been ignored. For example, the use of Glyphosate to treat chrysanthemum and carnation flowers exported to Australia as analyzed, or the discrepancy between Vietnam's list of pesticides and MRL of pesticides and those of the United States, the European Union, and other countries, will create significant obstacles for exporters when conducting procedures for food safety and plant quarantine inspection and accreditation. Therefore, in addition to retaining this legislation, it is required to draw on the EU's experience to complement it with the provision that "if commodities do not comply with Vietnam's regulations but do comply with export contracts and international regulations, they may still be exported."

Third, at the moment, export shipments of plant origin must submit a phytosanitary registration dossier prior to being cleared for customs clearance if they are on the list of plants subject to quarantine. However, several importing countries do not require phytosanitary certificates for certain types of goods; some consignments have a high quantity, but the number of Plant Protection Sub-Department workers is restricted (Dat, LH., 2018). As a result, it is difficult to issue a phytosanitary certificate within 24 hours of the start of the quarantine for an object that complies with the phytosanitary requirements of the importing country; the period for issuance of the quarantine certificate may be extended beyond 24 hours only when technical expertise is required, and not due to the volume of shipments. It is unnecessary to require plant quarantine for export consignments if the importing country does not require a phytosanitary certificate for import items and the plant quarantine crew does not meet the standards for major export shipments, particularly agricultural products and furniture. As a result, it is required to alter the present export phytosanitary laws in the following directions:

To begin, the regulation is supplemented to state that if an export consignment is on the list of phytosanitary items but is not required to have a phytosanitary certificate under the terms of the export contract or the regulations of the importing country, the owner of the object must have a phytosanitary certificate. It is not necessary to follow the requirements for submitting an application for a Phytosanitary Certificate. The implementation of this legislation will benefit export enterprises by saving significant time and money, while also allowing state agencies to streamline administrative procedures.

Second, the Ministries of Agriculture and Rural Development and Industry and Trade should develop a list of goods and the quantity of each shipment to prescribe the most reasonable inspection time for both exporting enterprises and agencies, which is currently within 24 hours of the start of quarantine.

Fourth, the legislative structure supporting large-scale, high-quality agricultural production remains incoherent and impractical. To get quality certification from international organizations, firms must meet a variety of requirements, including funding for production, equipment used, strict adherence to manufacturing and harvesting processes, preservation, preliminary processing, processing, and shipping. However, policies and legal regulations supporting large-scale agricultural production enterprises and mechanization in agricultural production are ineffective; for example, regulations on land, financial support, agricultural production infrastructure, logistics services, and other supporting industries are all discretely regulated. , lack of coordination and mutual assistance. Because agricultural

products have been identified as one of Vietnam's strengths, it is vital to apply Michael Porter's theory of Competitive Advantage flexibly to synchronize the deployment of groups of solutions:

- (i) Reorganization of manufacturing areas. This allows for more precise control over the usage of seedlings, seeds, and pesticides. Planning irrigation systems and other infrastructure projects that directly serve or assist agricultural production activities; parallel to production area development is the planning of processing industrial zones and clusters, which serve as support industries for agricultural production activities. Due to the limited storage life and perishability of agricultural products, the sensible organization of production areas, industrial zones, and infrastructural systems also contributes to reducing production time and cost. From harvesting to processing, agricultural products' quality is maintained. Additionally, planning production regions enables the government's investment to be more targeted and targeted. It is crucial to identify enterprises with "leadership" characteristics to revitalize production operations and to support small businesses in their daring restructuring efforts;
- (ii) A commitment to developing the agriculture industry in a high-quality, clean, organic, and sustainable manner, without excessive emphasis on output targets. In the long run, focusing exclusively on agricultural output with a substantial harvest regardless of quality or economic worth, can only secure national food security, which has not yet resulted in a significant source of income for the country, particularly farmers who directly produce products. Additionally, due to a lack of focus on quality, despite the fact that Vietnam is a major exporter of agricultural products globally, Vietnam's brand and reputation for agricultural product quality are lacking. Thus, redefining the agricultural industry's development direction in the direction of increasing mechanization and applying science and technology to production to improve the quality of agricultural products and contribute to their continued quality, while also contributing to the enhancement of the value and reputation of Vietnamese agricultural products in both domestic and international markets.
- (iii) Develop policies to support agriculture financially for farmers and companies, while also investing in scientific research and knowledge training on agriculture, the economy, the environment, and applicable regulations for all subjects involved in the agricultural production linkage chain. Completing the policy system toward "smart farmers" (Le Minh Hoan, 2021) and "smart consumers" (Vigil, 2021); both producers and consumers require knowledge about good production and safe food to increase public awareness and practice regarding safe food for the entire society, thereby improving food quality in general and agricultural product quality in particular.

#### 4. Conclusion

The findings of the research have helped to clarify the phytosanitary requirements for exported agricultural products and drew attention to the inadequacies in Vietnam's legal provisions governing plant quarantine for agricultural exports, such as overlapping restrictions and insufficient inspection efficiency. Aside from that, Vietnam's pesticide laws and maximum residue levels (MRLs) have not been unified, which has had a significant impact on the certification of food safety and phytosanitary exports. There are also gaps in the legislation governing plant quarantine agencies' responsibilities when a consignment is destroyed or returned, or when other measures are required due to a failure to ensure the safety of a consignment, resulting in financial losses for the enterprise. On the basis of the deficiencies identified, the author recommends groups of solutions to improve regulations on the inspection and safety of exported plant-based foods and export phytosanitary measures, as well as groups

of standard solutions to improve the quality of Vietnamese agricultural products, both domestic and international.

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International Plant Protection Convention

Law on Plant Protection and Quarantine 2013 (amended in 2018)

Circular No. 30/2014/TT-BNNPTNT

Circular No. 33/2014/TT-BNNPTNT

Circular No. 10/2020/TT-BNNPTNT

Circular No. 33/2021/TT-BTC

Circular 33/2021/TT-BTC

Official Dispatch No. 1525/BNN-QLCL

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