



## LEGAL UPDATE

### DECREE 74 ON PRODUCTS QUALITY INSPECTION

Decree No. 74/2018/NĐ-CP (**Decree 74**) entered into force on 1 July 2018. Decree 74 amends and supplements Decree No. 132/2008/NĐ-CP (**Decree 132**). Decree 132 provided guidance on the implementation of the Law on Product and Goods Quality.

Most notable changes are the possibility to self-assess product conformity and that several products such as samples and luggage when arriving at Tan Son Nhat international airport, are exempted of inspection.

Below we will highlight the most important points.

#### 1. Product Quality Requirements

Before products can be put on the Vietnamese market, producers and traders must ensure that the products are safe for people, animals, plants, property and the environment. Authorities can check whether products meet the legal requirements and deal with violations. Relevant ministries will promulgate a list with products that fall in the group-2 category, and will also list the relevant HS-codes in line with Vietnam's Tariff Schedule.

#### 2. Self-assessment of Product Conformity

Under Decree 132 a producer could declare product conformity via certification by a designated certification organisation. Decree 74 gives a larger variety of choice and allows producers to perform self-assessment or to use a registered and recognised certification organisation. However, if the producer uses one of these options and the product fails to satisfy stipulated quality standards, or harms people, animals, plants, or the environment, or if there is a claim or complaint about the product, the product will be subject to stricter control measures.

#### 3. Imported Products and National Single Window

For products falling into group-2, the quality inspection will be carried out through assessment of the importer's

conformity declaration. This can also be done via the national single window.

#### 4. Products Exempted from Inspection

When you have flown regularly to Vietnam and recently again, you might have noticed that the check of your luggage upon arrival via the X-ray machines no longer takes place. Decree 74 now explicitly excludes luggage of incoming passengers from inspection. In total 15 types of products are exempted from inspection, such as various kind of samples, goods used to display at trade fairs and exhibitions, products temporarily imported for re-export not used in Vietnam, raw materials and sample products to produce export products; and goods on duty-free sale for exit passengers. Note that motorised vehicles, special-use vehicles, and electric bicycles are never exempted.

#### 5. Requirements to Qualify for Exemption

For products to be exempted, an importer needs to submit a written request providing the following information such as the name of goods, brand, type; specification, origin, manufacturer, quantity and volume of imported goods under registered application, unit, results of conformity assessment of national technical standards of 3 consecutive times.

#### For more information, please contact:

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