

**THE GOVERNMENT**

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

**No. 08/2018/ND-CP**

*Hanoi, January 15, 2018*

## **DECREE**

### **Amending a number of Decrees concerning business investment conditions under the state management of the Ministry of Industry and Trade<sup>1</sup>**

*Pursuant to the June 19, 2015 Law on Organization of the Government;*

*Pursuant to the June 14, 2005 Commercial Law;*

*Pursuant to the November 21, 2007 Law on Product and Goods Quality;*

*Pursuant to the November 21, 2007 Law on Chemicals;*

*Pursuant to the June 17, 2010 Law on Food Safety;*

*Pursuant to the June 18, 2012 Law on Prevention and Control of Tobacco Harms;*

*Pursuant to the December 3, 2004 Electricity Law and the November 20, 2012 Law Amending and Supplementing a Number of Articles of the Electricity Law;*

*Pursuant to the June 30, 2011 Ordinance on Management and Use of Weapons, Explosive Materials and Supporting Tools, and the July 12, 2013 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Management and Use of Weapons, Explosive Materials and Supporting Tools;*

*Pursuant to the November 26, 2014 Investment Law and the November 22, 2016 Law Amending and Supplementing Article 6 of and Appendix 4 to the Investment Law regarding the list of sectors and trades subject to business investment conditions;*

*At the proposal of the Minister of Industry and Trade;*

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<sup>1</sup> Công Báo Nos 155-156 (23/1/2018)

*The Government promulgates the Decree amending a number of Decrees concerning business investment conditions under the state management of the Ministry of Industry and Trade.*

## Chapter I

### PETROL AND OIL SECTOR

**Article 1.** To amend a number of articles of the Government's Decree No. 83/2014/ND-CP of September 9, 2014, on petrol and oil trading

**1. To amend Clause 1, Article 7 as follows:**

“1. Being a lawfully established enterprise”.

**2. To amend Clause 2, Article 27 as follows:**

“2. Having special-use piers within the system of seaports or inland waterway ports and having depots under enterprises' ownership or co-ownership, which are built up to the prescribed standards”.

**3. To amend Point i, Clause 1, Article 40 as follows:**

“i/ The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with related ministries and sectors in, elaborating national technical regulations on petrol and oil stations for uniform application nationwide”.

**Article 2.** To annul a number of articles and clauses of the Government's Decree No. 83/2014/ND-CP of September 3, 2014, on petrol and oil trading

**1. To annul Article 5; Clause 6, Article 7; Article 10; Clause 1, Article 24; and Clauses 4 and 5, Article 41.**

**2. To annul some contents of Article 7 as follows:**

a/ To annul the following contents of Clause 3: “Three (3) years after being granted a petrol and oil import and export license, the trader shall own or co-own with a capital contribution of at least fifty-one percent (51%) a depot system, which is capable of meeting at least one-third (1/3) of the trader's reserve demand as prescribed in Clause 1, Article 31 of this Decree”;

b/ To annul the following contents of Clause 4: “Two (2) years after being granted a petrol and oil import and export license, the trader shall own or co-own with a capital contribution of at least fifty-one percent (51%) vehicles for domestic petrol and oil transport with a total load capacity of at least three thousand cubic meters (3,000 m<sup>3</sup>)”;

c/ To annul the following contents of Clause 5: “Every year after being granted a petrol and oil import and export license, the trader shall own or co-own at least four (4) petrol and oil retail stations until its distribution system has at least one hundred (100) ones”.

## Chapter II

### TOBACCO SECTOR

**Article 3.** To amend a number of articles and clauses of the Government’s Decree No. 67/2013/ND-CP of June 27, 2013, detailing a number of articles of the Law on Prevention and Control of Tobacco Harms and prescribing measures for its implementation regarding tobacco trading

**1. To amend Clauses 1 and 4, Article 9 as follows:**

“1. Being a lawfully established enterprise.

4. Having principle contracts or agreements on entrustment of the import of tobacco materials signed with tobacco product-manufacturing or tobacco material-processing enterprises, or principle contracts or agreements on entrustment of the export of tobacco materials signed with enterprises eligible to invest in tobacco growing or tobacco material-processing enterprises. Enterprises licensed to buy and sell tobacco materials may import tobacco materials only for enterprises that have a certificate of eligibility to invest in tobacco growing or a license for processing tobacco materials”.

**2. To amend Clause 6, Article 10 as follows:**

“6. Copies of principle contracts or agreements on entrustment of the import of tobacco materials signed with tobacco product-manufacturing or tobacco material-processing enterprises, or principle contracts or agreements on entrustment of the export of tobacco materials signed with enterprises eligible for tobacco growing investment or tobacco material-processing enterprises”.

**3. To amend Clauses 1 and 6, Article 12 as follows:**

“1. Being a lawfully established enterprise.

6. The location of the processing facility must conform with the approved strategy on tobacco product manufacture and tobacco material areas”.

**4. To amend Clause 1, Article 15 as follows:**

“1. Enterprises that have a certificate of eligibility for tobacco growing investment may choose areas for investment and tobacco

growers, sign contracts on tobacco growing investment and purchase of tobacco materials with tobacco growers, and sell tobacco materials to enterprises licensed to manufacture tobacco products or process tobacco materials”.

**5. To amend Points a and b, Clause 2, Article 17 as follows:**

a/ Enterprises shall invest in tobacco growing in the form of direct investment or joint investment with enterprises that have a certificate of eligibility for tobacco growing investment in conformity with their manufacture and business scales;

b/ Enterprises shall use home-grown tobacco materials for tobacco manufacture. When domestic materials are insufficient, the deficient quantity may be imported under annual import plans announced by the Ministry of Industry and Trade, except cases of manufacturing tobacco products bearing foreign brands or for export”.

**6. To amend Point b, Clause 1, Article 25 as follows:**

“Investment is made on the basis of joint venture or cooperation with enterprises licensed to manufacture tobacco products. The State shall hold a dominant share in the charter capital of these enterprises (in case of investment in the form of joint venture)”.

**7. To amend Point b, Clause 1, Article 26; Point b, Clause 2, Article 26; and Point b, Clause 3, Article 26 as follows:**

“The business location does not violate regulations on locations not allowed for tobacco trading under Clause 2, Article 25 of the 2012 Law on Prevention and Control of Tobacco Harms”.

**Article 4.** To annul a number of articles and clauses of the Government’s Decree No. 67/2013/ND-CP of June 27, 2013, detailing a number of articles of the Law on Prevention and Control of Tobacco Harms and prescribing measures for its implementation regarding tobacco trading

1. To annul Clause 5, Article 4.
2. To annul Clause 1, Article 5.
3. To annul Points b, c and d, Clause 2, Article 7.
4. To annul Clauses 3, 4 and 5, Article 8.
5. To annul Clauses 2 and 3, Article 9.
6. To annul Clauses 4 and 5, Article 10.
7. To annul Points a, b, d and e, Clause 2, Article 12.
8. To annul Clauses 3, 6 and 7, Article 13.

9. To annul Points b, c and d, Clause 3, Article 17.
10. To annul Clause 7, Article 18.
11. To annul Point a, Clause 1, Article 24.
12. To annul Points a and c, Clause 1, Article 25.
13. To annul Points dd, g and i, Clause 1; Point dd, g and i, Clause 2; and Point dd, Clause 3, Article 26.
14. To annul Points d, h and i, Clause 1; Point d, h and i, Clause 2; and Point d, Clause 3, Article 27.
15. To annul Clause 6, Article 29.
16. To annul Clause 3; Point b, Clause 4; and Point b, Clause 5, Article 36.

**Article 5.** To annul Clause 7, Article 1 of the Government’s Decree No. 106/2017/ND-CP amending and supplementing a number of articles of the Government’s Decree No. 67/2013/ND-CP of June 27, 2013, detailing a number of articles of the Law on Prevention and Control of Tobacco Harms and prescribing measures for its implementation regarding tobacco trading.

### Chapter III

#### ELECTRICITY SECTOR

**Article 6.** To amend and supplement a number of articles and clauses of the Government’s Decree No. 137/2013/ND-CP of October 21, 2013, detailing a number of articles of the Electricity Law and the Law Amending and Supplementing a Number of Articles of the Electricity Law

**1. To amend Point a, Clause 1; Points b and dd, Clause 2; and Clause 5, Article 3 as follows:**

“1. The Ministry of Industry and Trade shall:

a/ Perform the state management of electricity development planning; guide the formulation and approval of annual and medium-term electricity development investment plans (including plans on development of electricity sources and electricity grids of 500 kV, 220 kV and 110 kV based on the approved national electricity development master plan;

2. Provincial-level People’s Committees shall:

b/ Arrange land areas under local land use master plans for electricity projects included in the electricity development master plan;

dd/ Annually review, assess and report to the Ministry of Industry and Trade the results, impacts and effects of the implementation of provincial master plans regarding electricity development.

5. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Industry and Trade in, determining annual funds for implementing the contents specified at Points d and dd, Clause 1 and Point dd, Clause 2 of this Article.”

**2. To amend some contents of Article 29 as follows:**

”Article 29. Conditions for the grant of electricity generation licenses

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for electricity generation must satisfy the following conditions:” into “Lawfully established organizations registering for electricity generation must satisfy the following conditions:”.

b/ To amend Clause 1, Article 29 as follows:

“1. Having a power plant construction investment project conformable with the approved electricity development master plan. Work items of the power plant shall be built and installed under the approved technical designs and inspected and pass pre-acceptance tests according to regulations”.

**3. To amend some contents of Article 30 as follows:**

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for electricity transmission must satisfy the following conditions:” into “Lawfully established organizations registering for electricity transmission must satisfy the following conditions:”.

b/ To amend Clause 1, Article 30 as follows:

“1. Having technological equipment and devices, transmission lines and transformer stations which are built and installed under approved technical designs, are inspected and pass pre-acceptance tests according to regulations; having a fire prevention and fighting system meeting prescribed requirements”.

**4. To amend some contents of Article 31 as follows:**

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for electricity distribution must satisfy the following conditions:” into “Lawfully established organizations registering for electricity distribution must satisfy the following conditions:”.

b/ To amend Clauses 1 and 2, Article 31 as follows:

1. Having technological equipment and devices, transmission lines and transformer stations which are built, installed and inspected and pass pre-acceptance tests according to regulations; having a fire prevention and fighting system meeting the prescribed requirements.

2. Persons directly involved in technical management and operation must possess a university or higher degree in electrical engineering and at least 3 years' working experience in electricity distribution. Persons directly involved in operation must have been trained in or possess a certificate of training in electrical engineering granted by a vocational training institution and have passed operation process and electricity safety regulation tests in accordance with law”.

**5. To amend Article 32 as follows:**

“Lawfully established organizations registering for electricity wholesale must satisfy the following conditions: Persons directly involved in electricity wholesale business management must possess a university or higher degree in electrical engineering, economics, finance or similar discipline and have at least 5 years' working experience in electricity trading.

Units meeting the conditions for electricity wholesale may import and export electricity.”

**6. To amend some contents of Article 33 as follows:**

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations and individuals registering for electricity retail activities must satisfy the following conditions:” into “Lawfully established organizations and individuals registering for electricity retail must satisfy the following condition:”.

b/ To amend Clause 1, Article 33 as follows:

“1. Persons directly involved in electricity retail management must possess an intermediate or higher degree in electrical engineering, economics, finance or similar discipline and have at least 3 years' working experience in electricity trading”,

**7. To amend Article 38 as follows:**

“Article 38. Electricity consultancy operations

1. Electricity consultancy operations include: consultancy on investment in the construction of power works (excluding investment project formulation and bidding for power works) and consultancy on supervision of construction of power works (including hydropower plants, thermal power plants, power lines and transformer stations).

2. The conditions for electricity consultancy operations shall be applied only for work items directly related to electricity activities; other work items must comply with the law on construction.

3. The table of grades of electricity source and grid works based on their size for use in power works construction investment and supervision consultancy:

	<b>Hydropower</b>	<b>Thermal power</b>	<b>Power lines and transformer stations</b>
Grade 1	Over 300 MW	Over 300 MW	Over 220 kV
Grade 2	Up to 300 MW	Up to 300 MW	Up to 220 kV
Grade 3	Up to 100 MW		Up to 110 kV
Grade 4	Up to 30 MW		Up to 35 kV

4. Power plants using renewable water, wind or solar energy shall be graded and must satisfy the conditions for the grant of electricity consultancy licenses applicable to hydropower plants.

5. Power plants using renewable energy being converted from thermal energy shall be graded and must satisfy the conditions for being granted electricity consultancy licenses applicable to thermal power plants”.

**8. To amend some contents of Article 39 as follows:**

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for hydropower plant construction investment consultancy must satisfy the following conditions:” into “Lawfully established organizations registering for provision of hydropower plant construction investment consultancy must satisfy the following condition:”.

b/ To amend Clauses 3 and 6, Article 39 as follows:

“3. Having consultants, of whom principal consultants must possess a university or higher degree in electrical engineering, hydropower, hydraulic works, geology, environment, or a similar discipline, have at least 5 years’ working experience in consultancy, have been involved in designing at least one hydropower plant project of equivalent capacity, and possess a relevant construction practice certificate.

6. Depending on the grade of hydropower works, the number of principal consultants is prescribed below:

a/ For grade-1 works: 25 or more;



- b/ For grade-2 works: 20 or more;
- c/ For grade-3 works: 15 or more;
- d/ For grade-4 works: 10 or more.”.

**9. To amend some contents of Article 40 as follows:**

a/ To amend the paragraph: In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for thermal power plant construction investment consultancy must satisfy the following conditions:” into “Lawfully established organizations registering for provision of thermal power plant construction investment consultancy must satisfy the following conditions:”.

b/ To amend Clauses 3 and 6, Article 40 as follows:

“3. Having consultants, of whom principal consultants must possess a university or higher degree in electrical engineering, thermal power, geology, environment, or a similar discipline, have at least 5 years’ working experience in consultancy, have been involved in designing at least one hydropower plant project of equivalent capacity, and possess a relevant construction practice certificate.

6. Depending on the grade of thermal power works, the number of principal consultants is prescribed below:

- a/ For grade-1 works: 20 or more;
- b/ For grade-2 works: 10 or more”.

**10. To amend some contents of Article 41 as follows:**

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for power line and transformer station construction investment consultancy must satisfy the following conditions:” into “Lawfully established organizations registering for provision of power line and transformer station construction investment consultancy must satisfy the following conditions:”.

b/ To amend Clauses 3 and 6, Article 41 as follows:

“3. Having consultants, of whom principal consultants must possess a university or higher degree in electrical engineering, electrical system, electrical techniques, electrical equipment, automation, environment, or similar disciplines, have at least 5 years’ working experience in consultancy, have been involved in designing at least one power line and transformer station project of equivalent electricity voltage, and possess a relevant construction practice certificate.

6. Depending on the grade of power line and transformer station works, the number of principal consultants is prescribed below:

- a/ For grade-1 works: 20 or more;
- b/ For grade-2 works: 15 or more
- c/ For grade-3 works: 10 or more;
- d/ For grade-4 works: 5 or more”.

**11. To amend some contents of Article 42 as follows:**

a/ To amend the phrase: In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for hydropower plant construction supervision consultancy must satisfy the following conditions” into “Lawfully established organizations registering for provision of hydropower plant construction supervision consultancy must satisfy the following conditions”.

b/ To amend Clauses 3 and 6, Article 42 as follows:

“3. Having consultants, of whom principal consultants must possess a university or higher degree in electrical engineering or a similar discipline, have at least 5 years’ working experience in consultancy, have been involved in supervising the construction of at least one hydropower plant of equivalent capacity, and possess a relevant construction practice certificate.

6. Depending on the grade of hydropower works, the number of principal consultants is prescribed below:

- a/ For grade-1 works: 20 or more;
- b/ For grade-2 works: 17 or more;
- c/ For grade-3 works: 12 or more;
- d/ For grade-4 works: 8 or more”.

**12. To amend some contents of Article 43 as follows:**

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for thermal power plant construction supervision consultancy must satisfy the following conditions:” into “Lawfully established organizations registering for provision of thermal power plant construction supervision consultancy must satisfy the following conditions:”.

b/ To amend Clauses 3 and 6, Article 43 as follows:

“3. Having consultants, of whom principal consultants must possess a university or higher degree in electrical engineering, geology, economics, finance, or a similar discipline, have at least 5 years’

working experience in consultancy, have been involved in supervising the construction of at least one thermal power plant of equivalent capacity, and possess a relevant construction practice certificate.

6. Depending on the grade of thermal power works, the number of principal consultants is prescribed below:

a/ For grade-1 works: 20 or more;

b/ For grade-2 works: 15 or more”.

**13. To amend some contents of Article 44 as follows:**

a/ To amend the paragraph: “In addition to the general conditions prescribed in Article 28 of this Decree, organizations registering for power line and transformer station construction supervision consultancy must satisfy the following conditions:” into “Lawfully established organizations registering for provision of power line and transformer station construction supervision consultancy must satisfy the following conditions:”.

b/ To amend Clauses 3 and 6, Article 44 as follows:

“3. Having consultants, of whom principal consultants must possess a university or higher degree in electrical engineering, automation or a similar discipline, have at least 5 years’ working experience in consultancy, have been involved in supervising the construction of at least one power line and transformer station work of equivalent capacity, and possess a relevant construction practice certificate.

6. Depending on the grade of power line and transformer station works, the number of principal consultants is prescribed below:

a/ For grade-1 works: 20 or more;

b/ For grade-2 works: 15 or more;

c/ For grade-3 works: 10 or more;

d/ For grade-4 works: 5 or more”.

**Article 7.** To annul a number of articles and clauses of Decree No. 137/2013/ND-CP

1. To annul Clause 3, Article 2.

2. To annul Points a and d, Clause 2, Article 3.

3. To annul Article 28.

4. To annul Clause 3, Article 31.

5. To annul Clauses 2, 3 and 4, Article 32.

6. To annul Clauses 2 and 3, Article 33.

7. To annul Articles 34, 35, 36 and 37.
8. To annul Clauses 1, 2 and 4, Article 39.
9. To annul Clauses 1, 2 and 4, Article 40.
10. To annul Clauses 1, 2 and 4, Article 41.
11. To annul Clauses 1, 2 and 4, Article 42.
12. To annul Clauses 1, 2 and 4, Article 43.
13. To annul Clauses 1, 2 and 4, Article 44.

#### Chapter IV

##### COMMERCIAL FRANCHISE SECTOR

**Article 8.** To amend Article 5 of the Government’s Decree No. 35/2006/ND-CP of March 31, 2006, detailing the Commercial Law regarding commercial franchise

“Article 5. Conditions on the franchisor

Traders may grant commercial franchise when the business system intended for franchising has been put into operation for at least 1 year”.

**Article 9.** To annul Articles 6 and 7 of the Government’s Decree No. 35/2006/ND-CP of March 31, 2006, detailing the Commercial Law regarding commercial franchise.

#### Chapter V

##### E-COMMERCE SECTOR

**Article 10.** To amend and supplement a number of articles of the Government’s Decree No. 52/2013/ND-CP of May 16, 2013, on e-commerce

**1. To amend Clause 1, Article 52 as follows:**

“1. Being a trader or an organization or an individual with personal tax identification number”.

**2. To amend Clause 1, Article 54 as follows:**

“1. Being a trader or lawfully established organization”.

**3. To amend Clause 1, Article 61 as follows:**

“1. Being a trader or an organization established under Vietnam’s law”.

**4. To amend Point dd, Clause 1, Article 62 as follows:**

“dd/ Having worked out criteria and processes for assessing personal information protection policies, which are to be made public and transparent and applied uniformly to to-be-assessed subjects;”

**Article 11.** To annul Clause 2, Article 52; Clause 2 and Point b, Clause 3, Article 54; Points b, c and d, Clause 1, Article 62; and Point b, Clause 1, Article 63, of the Government’s Decree No. 52/2013/ND-CP of May 16, 2013, on e-commerce.

## Chapter VI

### CHEMICAL SECTOR

**Article 12.** To annul a number of articles and clauses of the Government’s Decree No. 38/2014/ND-CP of May 6, 2014, on management of chemicals subject to control under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

1. To annul Points c and d, Clause 1, Article 15 and relevant amendments in Article 9 of the Government’s Decree No. 77/2016/ND-CP of July 1, 2016, amending and supplementing a number of regulations on business investment conditions in the field of international goods sale and purchase; chemicals; industrial explosives; fertilizers; gas trading; and food trading under the state management of the Ministry of Industry and Trade.

2. To annul Point c, Clause 1, Article 16.

**Article 13.** To amend Point d, Clause 1, Article 17 of the Government’s Decree No. 38/2014/ND-CP of May 6, 2014, on management of chemicals subject to control under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

“d/ Papers and documents meeting the conditions prescribed at Points dd, e, g, h and i, Clause 1, Article 15 of this Decree”.

## Chapter VII

### INDUSTRIAL EXPLOSIVE SECTOR

**Article 14.** To amend and supplement a number of articles of the Government’s Decree No. 39/2009/ND-CP of April 23, 2009, on industrial explosives

**1. To amend Clause 1, Article 4 as follows:**

“1. The State shall hold monopoly in production and trading of industrial explosives. The number, size and scale of industrial explosive production and trading enterprises shall be decided by the Prime Minister in conformity with specific socio-economic development in each period so as to control abuse of monopolistic positions and ensure national interests and lawful benefits of enterprises”.

**2. To amend Clause 3, Article 17 as follows:**

“3. Products have been studied and tested to conform with current standards and regulations on quality and technical safety”.

**3. To amend Clause 1, Article 41 as follows:**

“1. To promulgate according to its competence or assume the prime responsibility for, and coordinate with the Ministry of National Defense, Ministry of Public Security and related ministries and sectors in, proposing the Government to promulgate legal documents, strategies, plans on development of the industrial explosive and explosive precursor industry”.

**Article 15.** To annul Point b, Clause 1; Points b and c, Clause 2, Article 20a of the Government’s Decree No. 39/2009/ND-CP of April 23, 2009, on industrial explosives, which was supplemented in Article 13 of the Government’s Decree No. 77/2016/ND-CP of July 1, 2016, amending and supplementing a number of regulations on business investment conditions in the field of international goods sale and purchase; chemicals; industrial explosives; fertilizers; gas trading; and food trading under the state management of the Ministry of Industry and Trade.

**Article 16.** To annul Point b, Clause 4, Article 11 of the Government’s Decree No. 76/2014/ND-CP of July 29, 2014, detailing a number of articles of the Ordinance Amending and Supplementing a Number of Articles of Ordinance on Management and Use of Weapons, Industrial Explosives and Supporting Tools, which was supplemented in Article 11 of the Government’s Decree No. 77/2016/ND-CP of July 1, 2016, amending and supplementing a number of regulations on business investment conditions in the field of international goods sale and purchase; chemicals; industrial explosives; fertilizers; gas trading; and food trading under the state management of the Ministry of Industry and Trade.

## Chapter VIII

### TRADING IN FOOD UNDER THE LINE MANAGEMENT OF THE MINISTRY OF INDUSTRY AND TRADE

**Article 17.** To amend and supplement a number of articles and clauses of the Government’s Decree No. 77/2016/ND-CP of July 1, 2016, amending and supplementing a number of regulations on business investment conditions in the field of international goods sale and purchase; chemicals; industrial explosives; fertilizers; gas trading; and food trading under the state management of the Ministry of Industry and Trade.

**1. To amend Clause 1, Article 27 as follows:**

“1. Equipment and instruments to be used in direct contact with food must ensure safety, not contaminate food, and be easy to clean, sterilize and maintain. Mobile production equipment and instruments must be durable, easy to move, assemble and disassemble, and clean”.

**2. To amend Clause 11, Article 30 as follows:**

“The ventilation system must not blow wind from pollution-prone areas to areas required to be clean”.

**3. To amend Clause 3, Article 31 as follows:**

“3. Equipment for preventing and controlling harmful insects and animals must be stainless, easy to disassemble for maintenance and cleansing, and be designed in a way that ensures effective prevention and control of harmful insects and animals”.

**4. To amend Point g, Clause 5, Article 34 as follows:**

“g/ After being treated up to standards applicable to milk production, water shall be stored and preserved in special-use equipment so as to avoid being contaminated or exposed to other sources of pollution”.

**5. To amend Clause 10, Article 34 as follows:**

“10. Having an internal transport system that ensures processed milk products not be transported together with supplies, materials and chemicals which can cause cross-contamination affecting the quality and safety of the products”.

**Article 18.** To annul a number of articles and clauses of the Government’s Decree No. 77/2016/ND-CP of July 1, 2016, amending and supplementing a number of regulations on business investment conditions in the field of international goods sale and purchase; chemicals; industrial explosives; fertilizers; gas trading; and food trading under the state management of the Ministry of Industry and Trade

**1. To annul Point a, Clause 1, Article 24.**

2. To annul Points c and d, Clause 1; Point a, Clause 2; Points a, b and e, Clause 3; Point a, Clause 4; Point b, Clause 5; Point b, Clause 6; Point b, Clause 8; and Clause 10, Article 26.

3. To annul Point c, Clause 2; Points a and d, Clause 3; Point d, Clause 3; Point b, Clause 4; Point b, Clause 5; and Point a, Clause 6, Article 27.

4. To annul Clauses 1, 2, 3 and 6, Article 29.

5. To annul Clauses 3, 4, 6, 9, 10, 14, 15, and 16, Clause 30.

6. To annul Clause 2, Article 31.

7. To annul Points b, d and dd, Clause 2, Article 33.

8. To annul the following contents of Article 34:

a/ To annul Clauses 1, 2, and 3; Point a, Clause 4; Points a, b, c, d, and e, Clause 5; Clauses 6 and 7; Point b, Clause 8; Point a, Clause 9; and Clauses 12 and 13, Article 34.

b/ To annul the following contents of Point a, Clause 8:

“Being separated from production areas; Raw materials and additives shall be placed on shelves or stands and kept away from direct sunlight; satisfying temperature, moisture, storage duration and other storage conditions as instructed or required by producers; packages of unused raw materials and additives shall be securely closed after each use and stored under regulations; raw materials and additives stored in warehouses must have information on their names and expiry dates, and be periodically maintained and cleaned according to the establishment’s regulations”.

c/ To annul the following contents of Point c, Clause 8:

“Being separated from production areas and convenient for product receipt and delivery; being always kept at a certain temperature as required, being kept dry, clean and well ventilated; stored products shall be kept away from direct sunlight so as to avoid changes in their quality, appearance and safety; having a separate storage space for substandard quality products pending disposal; being periodically maintained and cleaned according to the establishment’s regulations”.

d/ To annul the following contents of Point b, Clause 9:

“The processing area shall be cleaned every day or after each production cycle of each type of product”.

dd/ To annul the following contents of Point c, Clause 9:



“Filling and bottling equipment shall be cleaned every day or after each production cycle of each type of product; only responsible or authorized persons may enter the area in order to avoid cross-contamination”.

9. To annul Clauses 1, 6, 7 and 9, Article 35.

10. To annul the following contents of Article 36:

a/ To annul Clause 1; Points a, c and d, Clause 2; Clause 4; Points a, b, c, d, and e, Clause 5; Clause 6; Points b, c, and d, Clause 7; Point b; Point a, Clause 10, Points a and b, Clause 11; and Clause 12, Article 36.

b/ To annul the following contents of Point d, Clause 3:

“The fermentation area’s floor shall be built of durable, non-slippery and difficulty-to-peel-off materials, and have a suitable slope to ensure complete drainage”.

c/ To annul the following contents of Point dd, Clause 3:

“Workshop’s floors shall be built of durable, non-slippery and difficulty-to-peel-off materials, and have a suitable slope to ensure complete drainage. Water drainage systems must have covers”.

d/ To annul the following contents of Point a, Clause 7:

“Being collected and stored in suitable tanks or containers which are put in places easy to notice and convenient for waste collection and treatment without affecting the production process; scrap containers must be clearly labeled or marked for distinction from containers of raw materials, semi-finished products and finished products; be made of waterproof and corrosion-resistant materials; be tight and easy to clean (for usable containers) or easy to destroy (for disposable containers); solid wastes shall be treated by organizations and individuals licensed to operate in the field of environmental treatment by competent state management agencies”.

dd/ To annul the following contents of Point a, Clause 8:

“Being periodically maintained and cleaned according to the establishment’s regulations; meeting preservation conditions according to producers’ instruction or regulations; being capable of preventing the penetration of insects, rodents and other harmful elements; having information for identifying each type of raw material and food additive; processing aid; supplies, package and finished product; keeping goods receipt and delivery records for each warehouse”.

e/ To annul the following contents of Point c, Clause 8:

“Being kept at certain temperature and moisture levels according to technical requirements set out in the establishment’s regulations for each type of beer; having sufficient information on product name, lot number, date of manufacture, manufacture shift and other information according to the establishment’s regulations; having a separate storage space for substandard-quality products pending disposal”.

11. To annul Clauses 1, 2 and 3; Point b, Clause 6; and Clauses 9, 11 and 12, Article 37.

12. To annul the following contents in Article 38:

a/ To annul Clause 1; Points a, b, c, d, and dd, Clause 2; Points a and b, Clause 3; Points a and d, Clause 4; Clause 5; Points b, c, and d, Clause 6; Points a and b, Clause 7; Points b, c and d, Clause 8; Point a, Clause 9; and Clauses 10, 11 and 13, Article 38.

b/ To annul the following contents of Point a, Clause 6:

“Being disposed of by organizations and individuals licensed to operate in the field of environmental treatment by competent state management agencies”.

c/ To annul the following contents of Point c, Clause 7:

“Ensuring humidity and temperature suitable for each type of vegetable oil, keeping products away from direct sunlight; having sufficient information about name of product, production batch, production date, production shift and other information according to the establishment’s regulations”.

13. To annul Clauses 1, 6, 8, 9, and 10, Article 39.

14. To annul Articles 40, 41, 42, 43, 44, 45 and 46.

## Chapter IX

### ORGANIZATION OF IMPLEMENTATION

#### **Article 19.** Effect and implementation

1. This Decree takes effect on the date of this signing.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and provincial-level People’s Committee chairpersons shall guide and implement this Decree.-

*On behalf of the Government*  
Prime Minister  
NGUYEN XUAN PHUC