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GVN stipulates Fortification of Micronutrients in Food

Report Categories:

Food and Agricultural Import Regulations and
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Report Highlights:

This report provides a summary and an unofficial translation of Decree 9/2016/ND-CP dated January 28, 2016 of the Government of Vietnam (GVN) stipulating the fortification of micronutrients in food. This Decree enters into force on March 15, 2016.

Summary:

Decree 9/2016/ND-CP dated January 28, 2016 specifies the mandatory fortification of micronutrients in foods and the roadmap for application in Vietnam. This Decree also provides details on the responsibilities of the three key Ministries in charge of managing food safety of foods fortified with micronutrients. This Decree enters into force on March 15, 2016.

The draft of this Decree was notified as G/SPS/N/VNM70 to the WTO on July 10, 2015. The U.S. Government provided comments on September 17, 2015, but received no official written response to those comments.

According to Article 5 of this Decree, the micronutrients which are mandatorily required to add to certain foods include iodine, iron, zinc and vitamin A. These micronutrients must meet relevant Vietnamese national technical regulations or food safety regulations. Article 6 specifies the foods which must be fortified with the relevant micronutrients and is as follows:

- Edible salts and salts used for food processing must be fortified with iodine;
- Wheat flour used for food processing must be fortified with iron and zinc;
- Vegetable oils which contain one of these ingredients: soy oil, palm oil, rapeseed oil, and peanut oil must be fortified with vitamin A, except in the case of vegetable oils used for food processing.

The roadmap for fortification of micronutrients in foods is stipulated in Clause 2, Article 10 of this Decree:

- Fortification of iodine in salts is mandatory after 1 (one) year from the date of entry into force of this Decree;
- Fortification of iron and zinc in wheat flour and fortification of vitamin A in vegetable oils are mandatory after 2 (two) years from the date this Decree enters into force.

The responsibilities of food safety management for foods fortified with micronutrients, which were previously assigned to the Ministry of Health (MOH), are re-assigned to the Ministry of Industry and Trade (MOIT) and the Ministry of Agriculture and Rural Development (MARD) for certain products. According to Article 7 of this Decree, MOIT is now in charge of managing food safety for imports of wheat flour and vegetable oils fortified with micronutrients. Salts fortified with micronutrients are now subject to MARD management.

The full Decree 9/2016 in Vietnamese is available at: <http://vfa.gov.vn/van-ban/nghi-dinh-so-092016nd-cp-cua-chinh-phu-quy-dinh-ve-tang-cuong-vi-chat-dinh-duong-vao-thuc-pham.html>.

Below is an unofficial translation of Decree 9/2016.

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

No: 09/2016/ND-CP

Hanoi, January 28, 2016

DECREE

REGULATING FORTIFICATION OF MICRONUTRIENTS IN FOOD

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

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

At the request of the Minister of Health,

The Government issued the Decree regulating fortification of micronutrients in food,

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Decree regulates micronutrients mandatorily fortified in food, food mandatorily fortified with micronutrients and responsibilities of organizations, agencies and individuals in fortification of micronutrients in food.

Article 2. Object of regulation

1. This Decree applies to organizations and individuals (hereinafter referred to as establishments) producing, trading and importing micronutrients; foods fortified with micronutrients for domestic consumption and related organizations, agencies and individuals.

2. This Decree does not apply to establishments exporting foods fortified with micronutrients and individuals producing salt traditionally.

Article 3. Interpretation of terms

In this Decree, the following terms are interpreted as below:

1. Micronutrients are vitamins, minerals or other micro-substances which are essential for growth, development and life sustainment of human body.

2. Fortifying micronutrients to food is actively adding one or multiple micronutrients to foods at certain levels which are essential for human body to prevent and overcome micronutrient deficiencies in community.

Article 4. Principles of fortifying micronutrients to food

The mandatory fortification of micronutrients in food which is stipulated in Article 5 and Article 6 of this Decree aims to:

1. Fortifying iodine in salt stipulated at Point a Clause 1 Article 6 of this Decree to prevent goiter, reduced mental capacity and disorders caused by iodine deficiency.

2. Fortifying iron in wheat flour stipulated at Point b Clause 1 Article 6 of this Decree to prevent iron deficiency anemia and overcome consequences caused by iron deficiency such as slow growth, malnutrition, reduced intelligence.

3. Fortifying zinc in wheat flour stipulated at Point b Clause 1 Article 6 of this Decree to improve growth, contribute to improving human stature, prevent and control metabolic disorders, cell differentiation disorder, infection, bone growth disorder and impaired sexual function.

4. Fortifying vitamin A in vegetable oils stipulated at Point c Clause 1 Article 6 of this Decree to prevent dry eye, blindness and overcome consequences caused by vitamin A deficiency such as slow growth, stunting, malnutrition and contribute to increasing human resistance.

Chapter II

MICRONUTRIENTS AND FOODS MANDATORILY FORTIFIED WITH MICRONUTRIENTS

Article 5. Micronutrients required to fortify foods:

1. Micronutrients which must be fortified to food include iodine, iron, zinc, and vitamin A.
2. Micronutrients defined in Clause 1 of this Article must meet relevant national technical regulations or food safety regulations.

Article 6. Foods mandatorily fortified with micronutrients

1. The following foods must be fortified with relevant micronutrients:
 - a) Edible salts and salts used for food processing must be fortified with iodine;
 - b) Wheat flour used for food processing must be fortified with iron and zinc;
 - c) Vegetable oils which contain one of these ingredients soy oil, palm oil, rapeseed oil and peanut oil must be fortified with vitamin A, except for vegetable oils used for food processing in industrial methods.
2. Foods fortified with micronutrient which are regulated at Clause 1 of this Article must meet relevant national technical regulations or food safety regulations.

Chapter III

RESPONSIBILITIES IN MANDATORY FORTIFICATION OF MICRONUTRIENTS IN FOODS

Article 7. Responsibilities of Ministries

1. Responsibilities of the Ministry of Health:
 - a) Managing food safety in the course of production, trade and import of micronutrients.
 - b) Promulgating national technical regulations on micronutrients, foods fortified with micronutrients; organizing the issuance of Receipt of conformity announcement or Confirmation of conformity with food safety regulations in regard to domestically produced and imported micronutrients and import

foods fortified with micronutrients; the confirmation of advertisement contents of micronutrients and foods fortified with micronutrients; the issuance of certificates of satisfying food safety conditions for establishments producing and trading micronutrients.

c) Presiding over the organization and implementation of regulations on fortification of micronutrients in foods.

d) Organizing the examination and inspection of the implementation of regulations on micronutrient production and trade; extraordinary examination of the process of production, trade and import of foods fortified with micronutrients subject to different Ministries' management in cases stipulated in Clause 3 Article 26 Decree 38/2012/ND-CP dated April 24, 2012 of the Government detailing the implementation of some articles of the Law on Food Safety.

e) Providing scientific information about the role and effects of foods fortified with micronutrients; communicating and educating policies and regulations on foods fortified with micronutrients and effects of lack of micronutrients for the health of people in the community.

2. Responsibilities of the Ministry of Industry and Trade:

a) Managing food safety in the course of production, trade and import of wheat flour and vegetable oils fortified with micronutrients subject to its management scope.

b) Organizing the confirmation of advertisement contents of wheat flour and vegetable oils fortified with micronutrients under its management; the issuance of certificates of satisfying food safety conditions for establishments producing and trading wheat flour and vegetable oils fortified with micronutrients.

c) Inspecting and examining the implementation of regulations on production and trade of wheat flour and vegetable oils fortified with micronutrients.

3. Responsibilities of the Ministry of Agriculture and Rural Development:

a) Managing food safety in the course of production, trade and import of salts fortified with micronutrients.

b) Organizing the confirmation of advertisement contents of salts fortified with micronutrients under its management; the issuance of certificates of satisfying food safety conditions for establishments producing and trading salts fortified with micronutrients.

c) Inspecting and examining the implementation of regulations on production, trade and import of salts fortified with micronutrients.

Article 8. Responsibilities of People's Committees of provinces and cities directly under the central government

1. People's Committees of provinces and cities directly under the central government implement food safety management for the production and trading of food fortified with micronutrients in their localities and according to the assignment.

2. The Department of Health is responsible before the People's Committee of province or centrally-run city in organizing the reception of conformity announcement or confirmation of conformity with food safety regulations for foods fortified with micronutrients which are produced in the province.

3. The Department of Agriculture and Rural Development and the Department of Industry and Trade are responsible before the People's Committee of province and centrally-run city in organizing the confirmation of advertisement contents of foods fortified with micronutrients, the issuance of certificates

of satisfying food safety conditions for establishments producing and trading foods fortified with micronutrients in the province as assigned by the specialized Ministry.

4. Inspecting and examining foods fortified with micronutrients and establishments producing and trading foods fortified with micronutrients in the localities as assigned by specialized Ministries.

5. Organizing communication and education on the effects of foods fortified with micronutrients and the effects of micronutrient deficiency for local people.

Article 9. Responsibilities of establishments producing and trading micronutrients and foods fortified with micronutrients

1. Organizing the production, trade and import of micronutrients and foods fortified with micronutrients in compliance with the provisions of this Decree and other related legal provisions.

2. To be responsible before the law for the micronutrients and foods fortified with micronutrients which do not meet relevant national technical regulations national or are not in compliance with the provisions of the legislation on food safety.

3. Establishments producing foods fortified with micronutrients shall buy micronutrients to produce fortified foods for their production.

CHAPTER IV

IMPLEMENTATION PROVISIONS

Article 10. Effective date

1. This Decree shall take effect from March 15, 2016.

2. The mandatory roadmap for fortification of micronutrients in food is defined as follows:

a) Foods fortified with micronutrients stipulated in Point a, Paragraph 1 of Article 6 of this Decree is mandatorily applied after 1 (one) year from the date of entry into force of this Decree;

b) Food fortified with micronutrients stipulated at Points b and c, Clause 1, Article 6 of this Decree is mandatorily applied after 2 (two) years from the date of entry into force of this Decree.

3. Decree 163/2005/ND-CP dated December 29, 2005 of the Government on the production and supply of iodized salt for human consumption is repealed according to the schedule stipulated in Point a, Clause 2 of this Article.

4. To annul the regulations on food safety management for foods fortified with micronutrients specified in Point e, Clause 2, Article 20 Decree 38/2012/ND-CP dated April 25, 2012 of the Government detailing a number of articles of the Law on Food Safety, according to the schedule stipulated in Clause 2 of this Article.

5. Foods fortified with micronutrients stipulated in Article 6 of this Decree which are produced, traded, and imported before the implementation date of the roadmap defined in Clause 2 of this Article is to be circulated under the expiry date shown on the packaging of the products.

Article 11. Implementation responsibilities

1. The Minister of Health takes responsibilities to instruct and organize the implementation of this Decree.
2. Ministers, Heads of Ministerial-Level agencies, Heads of Government's agencies, Presidents of People's Committees at all levels; related organizations and individuals are responsible for implementing this Decree./.

Recipients:

- Party's Central Committee Secretariat;
- The Prime Minister, Deputy Prime Ministers;
- The ministries, ministerial-level agencies, agencies belonging to the Government;
- Central Office on corruption fighting and prevention
- People's councils and people's committees of centrally-run provinces and cities;
- Central Office and Committees of the Party;
- Office of the General Secretary;
- Office of the State President;
- Ethnicity Council and Committees of National Assembly;
- National Assembly's Office;
- The Supreme People's Court;
- The Supreme People's Prosecutor of Vietnam;
- The State Audit;
- National Financial Supervisory Commission;
- Bank for Social Policies;
- Vietnam Development Bank;
- Central Committee of the Vietnam Fatherland Front;
- The central offices of the unions;
- Government Office: Minister, Chairman/Chairwoman of the Office of the Government, deputy Chairman/Chairwoman, Assistants to the PM, e-payment gateway, Departments, Divisions, attached units, Official Gazette;
- Archives, Office, Legal Department (3b).

**ON BEHALF OF THE
GOVERNMENT
(Signed)
PRIME MINISTER
Nguyen Tan Dung**