

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 111/2021/ND-CP

Hanoi, December 09, 2021

DECREE

**AMENDMENTS TO SOME ARTICLES OF GOVERNMENT'S DECREE 43/2017/ND-CP
DATED APRIL 14, 2017 ON GOODS LABELS**

Pursuant to the Law on organisation of Government dated June 19, 2015, the Law on amendment to some Article of the Law on Organisation of Government and the Law on organisation of local authorities dated November 22, 2019;

Pursuant to the on Law on product and goods quality dated November 21, 2017;

Pursuant to the Law on Commerce dated June 14, 2005;

Pursuant to the Law on consumers' right protection dated November 17, 2010;

At the request of the minister of Science and Technology;

The Government promulgates Decree on amendment to some articles of Government's Decree 43/2017/ND-CP dated April 14, 2017 on Goods labels.

Article 1. Amendments to some articles of Government's Decree No. 43/2017/ND-CP dated April 14, 2017 on goods labels as follows:

1. Amendments to Article 1 as follows:

“Article 1. Scope

1. This Decree deals with information on goods labels, presentation thereof, and state management of labels of goods circulated in Vietnam, exports and imports.

2. The following goods shall not be regulated by this Decree:

a) Real property;

Goods temporarily imported for re-export; goods in transit, goods involved in merchanting trade transactions; transshipped goods; goods imported and sent to bonded warehouses for export to third countries.

c) Baggage of incoming/outgoing passengers; personal belongings;

d) Confiscated goods for auction purpose;

dd) Goods being fresh, raw food, processed food without packaging and sold directly to consumers;

e) Commodities being fuel, materials (agricultural products, aquatic products, minerals), scrap (in production and business), construction materials without packaging and sold directly to consumers;

g) Commodities being petrol and oil, gas (LPG, CNG, LNG), liquid without commercial packaging in containers, tankers;

h) Used goods; Goods in the area of security and national defense; goods being radioactive substances, goods to be used for emergencies so as to solve problems of natural disaster, epidemic diseases; railway, waterway, airway vehicles.

3. In case the regulations of an international agreement to which the Socialist Republic of Vietnam is a signatory are different from the regulations of this Decree, the regulations of the international agreement shall apply.”;

2. Amendments to Article 2

“Article 2. Regulated entities

This Decree applies to manufacturers and traders of goods in Vietnam; exporters and importers of goods; regulatory authorities; relevant organizations and individuals.”.

3. Amendments to Clause 1 of Article 7

“Article 7. Languages of goods labels

1. Mandatory information on the label must be written in Vietnamese, except for the cases exports are not sold in Vietnam and the cases prescribed in Clause 4 hereof.

4. Amendments to Clause 4 of Article 9

“Article 9. Responsibility for labeling

4. Organisations and individuals that import goods into Vietnam shall include the mandatory information on the labels of imported goods prescribed in this Decree.

5. Amendments to Article 10

“Article 10. Mandatory information on labels

1. Goods label of goods circulated in Vietnam shall present the following contents in Vietnamese language:

- a) Name of the goods;
- b) Name and address of the entity responsible for the goods (hereinafter referred to as "responsible entity");
- c) Origins of goods; In case of unknown origin of good, the country in which the last stage of finishing the goods is performed;
- d) Other mandatory information shall be displayed on the label according to the characteristics of the goods prescribed in Appendix I issued together with this Decree and relevant regulations.

If the goods have the characteristics of multiple categories in the Appendix I issued together with this Decree and not governed by any other relevant legislative documents, the responsible for entity shall, according to the primary use of the goods, determine the suitable category of goods and include information accordingly. If the surface area of the goods is not enough for all mandatory information on the label, the information prescribed in Points a, b, and c Clause 1 of this Article shall be given priority, the information prescribed in Point d Clause 1 of this Article shall be shown in the booklet of the goods. This must be specified on the label.

2. The following information on the original label of goods imported into Vietnam must be written in Vietnamese or foreign language while following customs clearance procedures:

- a) Name of the goods;
- c) Origin of the goods; In case of unknown origin of goods, the country from which the last stage of finishing the goods is performed;
- c) The name or abbreviated name of the manufacturer or the entity responsible for the goods in the foreign country;
- c1) If the original label does not contain the full name and address of the manufacturer or the responsible for entity in the foreign country, this information shall be fully presented in the attached documents of the goods;
- c2) If the original labels of goods imported into Vietnam are written in a foreign language as prescribed in Points a, b, c Clause 2 of this Article, after completing the customs clearance procedure and transfer goods to storage, the importer shall add Vietnamese labels as prescribed in Clause 1 of this Article before putting such goods into circulation in domestic market.

3. Goods labels of exports shall be presented according to the law of import country.

- a) Information about origins written on labels of exports shall comply with the regulations prescribed in Clause 1 Article 15 of this Decree;

b) Information on labels of exports shall comply with the regulation in Clause 2 Article 18 of this Decree;

4. The Minister of Science and Technology shall elaborate the mandatory information on labels of the goods prescribed in Point d Clause 1 of this Article on electronic media.";

6. Amendment to Clause 3 of Article 12

“Article 12. Name and address of responsible entity

3. For goods imported for sale in Vietnam, their labels must show the name and address of the manufacturer and the name and address of the importer.

In case of goods being medical equipment manufactured in Vietnam or imported for circulation in Vietnam, their labels must show the name and address of the equipment owner and the name and address of the registration number holder. If the medical equipment has not had registration number, write the name and address of the owner of medical equipment and the name and address of the import license holder.

7. Amendments to Article 15

” Article 15. Origins of goods;

1. Manufacturers, exporters and importers shall determine and write on the labels the origins of goods truthfully, accurately, and conformably with law on origin of goods exported, imported and manufactured in Vietnam or international commitments to which Vietnam has acceded.

2. Origin of goods on the label shall be expressed as: “sản xuất tại” ("made in"); “chế tạo tại” ("manufactured in"); “nước sản xuất” ("country of origin"); “xuất xứ” ("country"); “sản xuất bởi” ("manufactured by"); “sản phẩm của” ("product of") followed by the country's name or region in which the goods are produced or presented in accordance with the regulations of the Law on origin of goods.

3. In case of unknown origin of goods in accordance with the regulations in Clause 1 of this Article, write the country in which the last stage of finishing the goods is performed. It shall be presented by one of the phrases or a combination of phrases in order to present the finishing stage of goods as follows: “lắp ráp tại”; “đóng chai tại”; “phối trộn tại”; “hoàn tất tại”; “đóng gói tại”; “dán nhãn tại” (“assembled in”, “bottled in”, “blended in”, “completed in”, “packed in”, “labeled in”) followed by the country's name or region in which the last stage of finishing the goods is performed.

4. The country's name or region in which the good is produced or from which the last stage of finishing the goods is performed shall not be abbreviated forms.

8. Amendments to Points a and b Clause 3 of Article 16

“Article 16. Ingredients, ingredient quantities

3. For certain kinds of goods, ingredients and ingredient quantities shall be presented as follows:

a) For foodstuffs, their ingredients must be listed in descending order predominance by weight.

a1) For additives, the name of the category of additives, the name of the additive or its number according to International Numbering System - INS (if any) (hereinafter referred to as "INS number") must be presented;

a2) For additives which are sweeteners or colorings, the name of sweeteners or colorings, the name of additives or their INS numbers (if any) must be presented and whether such additives are “natural”, “nature-identical”, “synthetic”, or “artificial”;

a3) For additives which are flavorings, the phrase "flavoring" followed by the one of the following phrases: “tự nhiên”, “giống tự nhiên”, “tổng hợp” or “nhân tạo” ("natural", “nature-identical”, “synthetic”, or “artificial”) must be presented.

a4) In case the country's additive number is the same the INS number, the country's additive number shall be used instead of the INS number;

b) For drugs for human use, veterinary drugs and plant protection drugs, insecticidal and germicidal chemicals for household and medical use, the names and contents of the active ingredients must be shown;

9. Amendments to Article 24

“Article 24. Transition clauses

1. Those goods that were labeled in accordance with the Government's Decree No. 43/2017/ND-CP and have been produced, imported, circulated on the market before the effective date of this Decree shall keep being circulated or used until the expiry dates written on their labels.

4. Those goods that are labeled in accordance with the Government's Decree No. 43/2017/ND-CP and have been produced, imported, circulated in Vietnam before the effective date of this Decree and the display of expiry dates on the labels of which is not mandatory may keep being circulated or used until its expiry date.

5. Labels and commercial packages that are labeled in accordance with the Government's Decree No. 43/2017/ND-CP and have been produced or printed before the effective date of this Decree may be used for manufacture of goods for up to 2 more years from the effective date of this Decree.

Article 2. Annulment and replacement of some regulations in Decree No. 43/2017/ND-CP, including

1. Clause 2 Article 8 and Point b Clause 2 Article 5 of Decree No. 43/2017/ND-CP are annulled.
2. The paragraph "In case of goods not eligible for import or to be returned and circulated in the domestic market, a bold phrase of “Được sản xuất tại Việt Nam” (“Made in Vietnam”) shall be required." in Clause 4 Article 8 of Decree 43/2017/ND-CP is annulled.
3. Appendix I, Appendix IV, Appendix V of Decree No. 43/2017/ND-CP are annulled and replaced with Appendix I, Appendix IV, Appendix V of this Decree.

Article 3. Effect

This Circular shall come into force from February 15, 2022

Article 4. Responsibility of implementation

1. The Minister of Science and Technology has the responsibility for providing guidance on implementation of this Decree.
2. The Ministers, the heads of Ministerial agencies and Governmental agencies, the Presidents of People's Committees of provinces and central-affiliated cities and relevant enterprises, organisations and individuals have the responsibility to implement this Decree./.

**ON BEHALF OF THE GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Vu Duc Dam

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