

THE GOVERNMENT

No. 09/2016/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, January 28, 2016

DECREE

PROVIDING FOR FORTIFICATION OF FOOD WITH MICRONUTRIENTS

Pursuant to the Law on Government Organization 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 hereby introduces the Decree that provides for the fortification of food with micronutrients.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Decree provides for statutory micronutrients required to be added to food, or statutory food products required to be fortified with micronutrients and responsibilities of institutional and individual entities for fortification of food with micronutrients.

Article 2. Subject of application

1. This Decree shall apply to organizations or individuals (hereinafter referred to as establishment) licensed to manufacture, trade and import micronutrients; food products fortified with micronutrients to meet domestic consumption demands and other agencies, organizations or individuals concerned.

2. This Decree shall not apply to fortified food export establishments and small-scale salt manufacturers.

Article 3. Definition

For the purposes of this Decree, terms below are construed as follows:

1. Micronutrients refer to vitamins, minerals or other micronutrients essential for growth, development and maintenance of a human body.

2. Fortification of food with micronutrients refers to the intentional addition of one or multiple micronutrients to a number of food products at a specified content which a human body needs to prevent and make up deficiency of micronutrients for the nationwide population.

Article 4. Purposes of fortification of food with micronutrients

Compulsory fortification of food with several micronutrients provided for in Article 5 and 6 hereof serves the following purposes:

1. Add iodine to salt referred to in paragraph 1 (a) Article 6 hereof to prevent and control goitre, mental retardation and other iodine deficiency disorders.
2. Add iron to wheat flour referred to in paragraph 1 (b) Article 6 hereof to prevent and control iron deficiency anemia and remedy conditions resulting from iron deficiency anemia such as retardation in growth, malnutrition and lower mental development.
3. Add zinc to wheat flour referred to in paragraph 1 (b) Article 6 hereof to promote growth and contribute to improving human height; prevent and control several metabolism disorders, cell differentiation, bacterial infections, bone growth disorders and sexual dysfunctions.
4. Add vitamin A to vegetable oil referred to in paragraph 1 (c) Article 6 hereof to prevent and control dry eye syndromes, blindness and remedy results of conditions resulting from Vitamin A deficiency such as stunting and malnutrition, and contribute to enhancing immunity.

Chapter II

STATUTORY MICRONUTRIENTS AND FOOD PRODUCTS REQUIRED TO BE FORTIFIED WITH MICRONUTRIENTS

Article 5. Statutory micronutrients required to be added to food products

1. Statutory micronutrients required to be added to food products include iodine, iron, zinc and vitamin A.
2. Micronutrients referred to in paragraph 1 of this Article must meet equivalent national technical regulations or conform to laws and regulations on food safety.

Article 6. Statutory food products required to be fortified with micronutrients

1. Statutory food products required to be fortified with micronutrients include:
 - a) Salt directly used in serving meals, or salt used for processing of food must be supplemented with iodine;
 - b) Wheat flour used for processing of food must be supplemented with iron and zinc;

c) Vegetable oil containing one of components, such as soya oil, palm oil, rapeseed oil and peanut oil, must be supplemented with vitamin A, except for the vegetable oil used for processing of food by employing the industrial processing method.

2. Fortified food products defined in paragraph 1 of this Article must meet relevant national technical regulations and conform to laws and regulations on food safety.

Chapter III

RESPONSIBILITIES IN COMPULSORY FORTIFICATION OF FOOD WITH MICRONUTRIENTS

Article 7. Responsibilities of Ministries

1. Responsibilities of the Ministry of Health

a) Conduct food safety management practices during the process of manufacturing, trading and importing micronutrients;

b) Construct and adopt national technical regulations on micronutrients and food products fortified with micronutrients; conduct grant of the Certificate of Declaration of Conformity or the Accreditation of Declaration of Compliance with food safety regulations in respect of domestically-manufactured or imported micronutrients, or food products fortified with imported micronutrients; certify contents of advertisement for micronutrients and food products fortified with imported micronutrients; confer the Certificate of Conformance to food safety conditions on micronutrient production and trading establishments;

c) Take charge of conducting implementation of laws and regulations on fortification of food with micronutrients;

d) Conduct inspection and assessment of compliance of micronutrient production and trading establishments with of laws and regulations; unplanned inspection and assessment of the procedures for manufacture and import of food products fortified with micronutrients that fall under the management of other Ministries in the cases stipulated by paragraph 3 Article 26 of the Government's Decree No. 38/2012/ND-CP dated April 25, 2012 on providing for details of several articles of the Law on Food Safety;

dd) Conduct dissemination and provide scientific and accurate information about roles and effects of food products fortified with micronutrients; adverse effects caused by deficiency of micronutrients on the population's health.

2. Responsibilities of the Ministry of Industry and Trade

a) Conduct food safety management practices during the process of manufacturing, trading and importing wheat flour, vegetable oil products fortified with micronutrients under its management;

b) Certify contents of advertisement for wheat flour, vegetable oil products fortified with micronutrients within its management; grant the Certificate of Fulfillment of food safety conditions to establishments that produce and trade in wheat flour and vegetable oil fortified with micronutrients;

c) Inspect and examine compliance with laws and regulations on production and trading of wheat flour or vegetable oil fortified with micronutrients.

3. Responsibilities of the Ministry of Agriculture and Rural Development

a) Conduct food safety management practices during the process of manufacturing, trading and importing salt fortified with micronutrients;

b) Certify contents of advertisement for salt fortified with micronutrients within its management; grant the Certificate of Fulfillment of food safety conditions to establishments that produce and trade in salt fortified with micronutrients;

c) Inspect and examine compliance with laws and regulations on production, trading and import of salt fortified with micronutrients.

Article 8. Responsibilities of the People's Committees of centrally-affiliated cities and provinces

1. The People's Committees of centrally-affiliated cities and provinces shall conduct food safety management practices during the process of manufacturing and trading food products fortified with micronutrients within the territory of each locality and under their delegated authority.

2. The Departments of Health shall be held accountable to the People's Committees of centrally-affiliated cities and provinces for receipt of the declaration of conformity or accreditation of the declaration of conformity in accordance with laws and regulations on food safety in respect of fortified food products manufactured within the territory of locality under their management.

3. The Departments of Agriculture and Rural Development, and the Department of Industry and Trade, shall be held accountable to the People's Committees of centrally-affiliated cities and provinces for certification of contents of advertisement for food products in respect of establishments eligible for manufacturing and trading fortified food products located within the territory of each locality under their authority delegated by specialized Ministries.

4. Inspect and examine food products and fortified food production and trading establishments located within the territory of each locality under their authority delegated by specialized Ministries.

5. Carry out dissemination, communication and education events relating to effects of food products fortified with micronutrients; adverse effects caused by deficiency of micronutrients on the population's health.

Article 9. Responsibilities of establishments licensed to manufacture and trade micronutrients and food products fortified with micronutrients

1. Ensure that their manufacture, trading and import of micronutrients and food products fortified with micronutrients comply with provisions enshrined in this Decree and other relevant laws and regulations.
2. Assume liability for their micronutrient products and food products fortified with micronutrients that are not consistent with relevant national technical regulations or conformable to laws and regulations on food safety.
3. Micronutrient production establishments must autonomously purchase micronutrients for the purpose of manufacturing food products fortified with micronutrients to meet their own demands.

Chapter IV

IMPLEMENTARY PROVISIONS

Article 10. Effect

1. This Decree shall enter into force from March 15, 2016.
2. Schedule of application of this Decree to compulsory fortification of food with micronutrients is provided for as follows:
 - a) 01 (one) year after the date of entry into force of this Decree for food products fortified with micronutrients referred to in paragraph 1 (a) Article 6 hereof;
 - b) 02 (two) years after the date of entry into force of this Decree for food products fortified with micronutrients referred to in paragraph 1 (b), (c) Article 6 hereof.
3. The Government's Decree No. 163/2005/ND-CP dated December 29, 2005 on production and supply of iodinated salt products to consumers shall become defunct according to the schedule stated in paragraph 2 (a) of this Article.
4. Provisions on food safety management in respect of food products fortified with micronutrients referred to in paragraph 2 (e) Article 20 of the Government's Decree No. 38/2012/ND-CP dated April 25, 2012 on providing for details of several articles of the Law on Food Safety shall be repealed according to the schedule stated in paragraph 2 of this Article.
5. Food products fortified with micronutrients referred to in Article 6 hereof which have been manufactured, traded or imported before the schedule stated in paragraph 2 of this Article shall be eligible for continuous distribution by the expiry date printed on their packs.

Article 11. Implementary duty

1. The Minister of Health shall bear the burden of provision of instructions or conduct of enforcement of this Decree.

2. Ministers, Heads of Ministry-level agencies, Heads of Governmental bodies, Presidents of the People's Committees at all levels, and agencies, organizations or individuals, shall be responsible for implementing this Decree./.

**PP. THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung