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## Improving legal policies on food safety in Vietnam

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### Abstract

Food quality and safety is an issue of particular importance in social life. This is because food safety not only directly and regularly affects human health, the development of the human race, and even the lives of users but also affects the economy, culture, tourism, and social security and safety. Therefore, improving food quality and safety policies will strengthen resources, promote socio-economic development, and serve as a foundation for poverty reduction and international expansion.

**Keywords:** Food quality, Food safety, Legal Policies on Food Safety

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### 1. Introduction

Food safety is the assurance that food does not cause harm to human health or life. The Food Safety Law has created a relatively straightforward legal framework, with primary and comprehensive regulations, unified assignment of responsibilities in state management (QLNN), and feasibility in applying food safety laws. The Law also contributes to timely institutionalizing the policies and guidelines of the party and the state to ensure food safety and serve the goals of socio-economic development and international integration. However, after more than ten years of implementation, the Law project has revealed some limitations and shortcomings that need to be amended and supplemented to suit the context of international economic integration.

### 2. The Current State of Food Safety Regulations in Vietnam

According to statistics from the Food Safety Department (ATTP), nearly 90,000 food production, processing, and trading establishments and catering services are nationwide. From 2012 to March 2017, the authorities inspected and detected 94,768/224,791 establishments (accounting for 42.1%) that did not meet food safety standards; the test results of food samples showed that 2,109/12,785 samples (accounting for 16.4%) did not meet hygiene standards. During the period from 2012 to March 2017, there were 2,213 food poisoning cases in collective kitchens with 7,653 victims; 297 food poisoning cases in industrial zones and export processing zones with 4,498 victims; 118 food poisoning cases in schools with 1,090 students; 238 food poisoning cases due to street food with 4,980 victims. Through inspection, the authorities handled 9,768 food safety violations and destroyed over 180 tons of food that did not meet food safety standards. Food poisoning is on the rise and has a significant impact on public health. Food production and trading are still mainly small-scale and household-based, making food safety control difficult. Food safety management is still weak, inadequate, and limited in terms of resources and financial investment, unable to meet practical requirements <sup>[1]</sup>.

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<sup>1</sup> Nguyen Thi Xuan (2018), "Improve the effectiveness of food safety management based on the law", *People's Court Magazine*, <https://tapchitoaan.vn/nang-cao-hieu-luc-quan-ly-an-toan-thuc-pham-tren-co-so-phap-luat>, accessed January 7, 2024.

The food safety legal system in Vietnam consists of more than 160 legal documents issued by central agencies, including 15 Laws of the National Assembly, 42 Government decrees guiding the implementation, eight joint circulars, 40 circulars of the Ministry of Health, 56 circulars of the Ministry of Agriculture and Rural Development, 15 circulars of the Ministry of Industry and Trade, and two circulars of the Ministry of Finance. The Law on Food Safety is the highest legal document, with comprehensive and detailed regulations covering all entities and stages in the product chain, meeting the requirements for ensuring food safety. In addition, food safety is also mentioned in resolutions of the National Assembly, action programs, and national strategies.<sup>[2]</sup> The guiding documents for implementing the Law on Food Safety have been issued to ensure consistency, completeness, and synchronization; ensure consistency with legal procedures, not contrary to the Constitution; ensure internal consistency of the food safety legal system and consistency with other legal systems.

However, the number of guiding documents still needs to be larger, making it difficult to look up and apply in practice in production, business, and inspection, checking, and handling violations of food safety laws. Some concepts in the glossary of the Food Safety Law need to be clarified and distinguish between activities, making it challenging to implement the Decrees and Circulars guiding the implementation of the Food Safety Law. The regulations on assigning food safety responsibilities need to be clarified, as management areas are still "intersecting" between competent state agencies as stipulated in Articles 62 and 63 of the Food Safety Law. Some content still needs to be clarified; some industries need to clearly define the competent state agency responsible for the management, causing many difficulties for food production and trading enterprises. At the online meeting between ministries, departments, and branches of 63 provinces and cities on food safety hygiene on April 26, 2012, the Director of the Department of Crime Prevention and Environment - Ministry of Public Security cited a case and concluded that it is unreasonable for all four state agencies to join hands to manage "a bunch of vegetables, a piece of meat, and a fish" in people's meals and it is almost ineffective<sup>[3]</sup>.

In addition, some provisions are no longer consistent with the Investment Law and administrative reform requirements. There is also a lack of guiding documents on what constitutes serious consequences, making it very difficult to prove the subjective intent of the offender. The guiding documents for implementing the Food Safety Law focus on technical guidance on food safety management. At the same time, few regulations ensure resources are used to implement food safety goals in the National Food Safety Strategy. The lack of technical standards and regulations for food safety management makes it difficult for food businesses to operate. Some technical regulations still need to be clarified, confusing consumers. Regulations on food safety management for markets and supermarkets and regulations on conditions for production and trading of traditional

products and handmade products such as vermicelli, rice noodles, pho, and dried pho are not specific and need detailed guiding documents. According to Clause 21, Article 4 of the Law on Enterprises 2020, "Business is the continuous implementation of one, some or all stages of the process from investment, production to consumption of products or provision of services on the market for profit." This regulation is entirely different from the regulation in the Food Safety Law. According to the above regulation, small-scale production facilities will belong to the small-scale business group and are not required to be granted a Certificate of Eligibility for Food Safety Conditions. Therefore, there needs to be more consistency in food production and trading between the Enterprise and Food Safety Law.

### 3. Some solutions to improve the Food Safety Law

Firstly, amend and supplement the Food Safety Law towards innovating the management method for food production and trading establishments and food products in harmony with international regulations, effectively and feasibly to meet the requirements in the new situation:

- There should be a suitable management method for the group of small-scale food processing and trading establishments and traditional handmade products;
- Amend Article 56 of the Food Safety Law to specify the management responsibility of the competent state agency.

Secondly, it is necessary to unify the regulations between the state inspection methods for imported food that must be granted a Notification of Inspection Results meeting the requirements by the competent authority for goods clearance. Supplement the assignment of responsibilities of the competent authority to implement one of the three methods in the amended Law. Inspection by import consignment wastes resources for businesses and society because each importer repeatedly inspects an identical product from the same manufacturer.

Thirdly, amend and supplement Clause 4, Article 64, "Issuing policies and planning for markets and supermarkets, stipulating conditions for food trading in markets and supermarkets" to suit the reality. Food trading establishments in markets or supermarkets are all forms of food trading. The Food Safety Law and related Decrees have fully stipulated the conditions for food production and trading establishments.

Fourthly, a specialized agency for food safety management should be established under the People's Committee of the province and city directly under the Central Government. For the People's Committee at the provincial and municipal levels, it is necessary to direct functional agencies to strengthen propaganda and mobilize organizations and individuals involved in business and services to be responsible and consciously comply with regulations. Regarding the Law on food safety, agencies and functional forces on the ground should be directed to coordinate with the

<sup>2</sup> Truong Van Quyen (2013), *Food safety laws through practical application at wholesale markets in the Ho Chi Minh city and perfection orientation*, City-level scientific research project, p. 31-34.

<sup>3</sup> A unit caught red-handed transporting 3,000 tons of rotten fat being transported to a store selling pig intestines at the wholesale market. The store owner said that it was fat used for animal feed, not for humans. The Health Inspector said that this was not yet food because it was still in the fat stage.

The Inspectorate of the Ministry of Agriculture and Rural Development replied that because it was sold in the store, it was food, and there were enough grounds to confiscate and handle it, Van Toan (2023), "Food safety management from production to consumption", *Electronic People's Police Magazine*, <http://www.congan.com.vn/?mod=detnews&catid=942&id=470257>, accessed January 7, 2024..

market management force to conduct inspections and handle violations in the field of food safety.

### References

1. The National Assembly of the Socialist Republic of Vietnam. Law on Food Safety, 2010, No. 55/2010/QH 12.
2. The National Assembly of the Socialist Republic of Vietnam, Law on Investment, 2020, No. 61/2020/QH14.
3. The National Assembly of the Socialist Republic of Vietnam, Enterprise Law, 2020, No. 59/2020/QH14
4. Truong Van Quyen. Food safety laws through practical application at wholesale markets in the Ho Chi Minh city and perfection orientation, City-level scientific research project, 2013, 31-34.
5. Nguyen Thi Xuan. Improve the effectiveness of food safety management based on the law, People's Court Magazine, 2018. <https://tapchitoaan.vn/nang-cao-hieu-luc-quan-ly-an-toan-thuc-pham-tren-co-so-phap-luat>, accessed January 7, 2024.
6. Van Toan Food safety management from production to consumption, Electronic People's Police Magazine, 2023. <http://www.congan.com.vn/?mod=detnews&catid=942&id=470257>, accessed January 7, 2024.