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FINAL REPORT OF AN AUDIT
CARRIED OUT IN
VIET NAM
FROM 1 TO 9 MARCH 2017
IN ORDER TO
EVALUATE CONTROLS OF PESTICIDES IN FOOD OF PLANT ORIGIN INTENDED
FOR EXPORT TO THE EUROPEAN UNION

In response to information provided by the competent authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of an audit in Vietnam carried out from 1 to 9 March 2017, as part of the published DG Health and Food Safety audit programme. The objectives of the audit were to assess controls on pesticide residues in fruit, vegetables, herbs and spices intended for export to the European Union (EU), and to follow-up on actions undertaken in response to recommendations of the previous audit, DG(SANCO)/2014-7177.

The report concludes that legislation and implementing procedures are in place to establish a control system for pesticides, but there were significant gaps with the implementation of official controls. Consequently, no effective pesticide control system for food exported to the EU is in place, and the authorities cannot ensure compliance of Vietnamese produce with international maximum residue levels for pesticide residues, including those established by the EU. Some private controls are implemented by individual exporters of fruit and vegetables to the EU, which can contribute to compliance of their produce with EU maximum residue levels.

Some limited measures were taken by the competent authorities to address the recommendations of the previous audit DG(SANCO)/2014-7177, but overall very little progress has been made, and the recommendations had not been satisfactorily addressed.

The report makes recommendations to the competent authorities to address the shortcomings identified.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
CA(s)	Competent Authority(ies)
CAC/GL	Codex Alimentarius Commission/Guideline
CODEX	Codex Alimentarius Commission of the Food and Agriculture Organization of the United Nations and World Health Organization
EU	European Union
GAP	Good Agriculture Practice(s)
GMP(s)	Good Manufacturing Practices
GC-MS/MS	Gas Chromatograph coupled to tandem mass spectrometer
ha	hectare(s)
HCM City	Ho Chi Minh City
ISO	International Organisation for Standardisation
LC-MS/MS(s)	Liquid Chromatograph coupled to tandem mass spectrometers
MRL(s)	Maximum Residue Level(s)
MARD	Ministry of Agriculture and Rural Development
MS(s)	Member State(s)
NAFIQAD	National Agri-Forestry-Fishery Quality Assurance Department
NPCTC	Northern Pesticide Control and Testing Centre
PHI(s)	Pre-Harvest Interval(s)
PPD	Plant Protection Department
PPP(s)	Plant Protection Product(s)
PSD	Provincial Sub-Departments
RASFF	Rapid Alert System for Food and Feed
SPCTC	Southern Pesticide Control and Testing Centre

1 INTRODUCTION

This audit took place in Vietnam from 1 to 9 March 2017 as part of the Directorate General for Health and Food Safety's planned audit programme.

The European Commission team consisted of two auditors from the Directorate General for Health and Food Safety and one expert from a European Union (EU) Member State (MS). It was accompanied throughout the audit by representatives of the central competent authority (CA), the Plant Protection Department (PPD) of the Ministry of Agriculture and Rural Development (MARD). An opening meeting was held on 1 March 2017 in Hanoi with MARD, PPD and the National Agri-Forestry-Fishery Quality Assurance Department (NAFIQAD), during which the objectives and itinerary for the audit were confirmed and additional information necessary for the conduct of the audit was requested.

2 OBJECTIVES AND SCOPE

The objectives of the audit were to

- verify whether there are control systems in place for the control of pesticide residues in fruit, vegetables, herbs and spices intended for export to the EU, and assess whether these systems offer adequate assurance that the produce concerned is within the specified residue limits as laid down in EU legislation.
- follow-up on actions undertaken in response to recommendations of report DG(SANCO)/2014-7177.

In terms of scope, the audit reviewed the controls in place on production and export, including a review of national legislation, CA organisation, their controls and enforcement capability, facilities (laboratory capability) and measures in place for the determination of pesticide residues. As the residue controls are directly related to the national rules governing the authorisation, placing on the market and use of Plant Protection Products (PPPs), the control systems in this area were also part of the audit.

In pursuit of these objectives, the following sites were visited:

Competent Authority/ies		Comments
Competent Authorities	3	Central: PPD and NAFIQAD Regional: Plant Protection Sub-Department in the province of Ho Chi Minh (HCM) City
Laboratories		
Public laboratories	2	Northern Pesticide Control and Testing Centre (NPCTC) and the Southern Pesticide Control and Testing Centre (SPCTC), both

		under PPD.
Producers		
Growers	2	One grower of dragon fruit, and one grower of fresh chilli peppers for export to the EU
Exporters/Pack-Houses		
Exporter of fruit and vegetables	2	Exporters of fruit, vegetables, herbs and spices to the EU

3 LEGAL BASIS AND STANDARDS

3.1 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation, in particular, Article 46 of Regulation (EC) No 882/2004 of the European Parliament and of the Council which stipulates that EU controls in non-EU countries may verify compliance or equivalence of non-EU countries legislation and systems with EU feed and food law and EU animal health legislation. These controls shall have particular regard to the assurances which the non-EU country can give regarding compliance with, or equivalence to, EU requirements.

EU legal acts quoted in this report refer, where applicable, to the last amended version. Full references to the EU acts quoted in this report are given in Annex 1.

3.1 STANDARDS

Additionally, Guidelines and Codes of Practice of the Codex Alimentarius Commission of the Food and Agriculture Organisation of the United Nations and World Health Organisation (CODEX) were also taken into account in this audit.

A full list of applicable standards referred to in this report is provided in Annex 2. Reference to specific provisions of these texts is provided at the beginning of each section.

4 BACKGROUND

DG Health and Food Safety has carried out audits in a large number of exporting countries to assess official controls for pesticide residues in food of plant origin originating from these countries. The reports on these audits are available on the internet site at http://ec.europa.eu/food/audits-analysis/audit_reports/index.cfm. An overview report summarising findings and conclusions of these audits has also been published at this site: http://ec.europa.eu/food/audits-analysis/overview_reports/index.cfm.

This audit was a follow-up to the audit DG(SANCO)/2014-7177 on controls on pesticides in food of plant origin intended for export to the European Union. The report of that audit had concluded that many PPPs authorised in Vietnam were not authorised in the EU, there were

no systematic controls at pack-houses and follow-up of RASFF notifications was either lacking or insufficient. Official laboratories for pesticide residues had modern equipment, good facilities and experienced staff. However, the limited scope covered and weaknesses identified with regard to internal quality procedures could not ensure the reliability and correctness of results. The recommendations of report DG(SANCO)/2014-7177 are described in section 5.7 (Follow Up) below.

A total of 24 notifications in the EU Rapid Alert System for Food and Feed (RASFF) relating to pesticide residues in food imported from Vietnam were made in 2015, and 11 in 2016. The most recent RASFF notification dated 2 September 2016.

The 2013 EFSA report on EU controls for pesticide residues indicated a non-compliance rate of 19.6% for food imported from Vietnam. In the 2014 EFSA report, the non-compliance rate was 40.8%:

<https://www.efsa.europa.eu/en/efsajournal/pub/4038>;

<https://www.efsa.europa.eu/en/efsajournal/pub/4611>.

Due to the non-compliances identified in the EU for food imported from Vietnam, Regulation (EC) No 669/2009 established an increased rate of 10% physical checks at import for dragon fruit, and of 50% physical checks for basil, mint, coriander leaves, parsley, chilli peppers and okra from Vietnam. The non-compliance rate for dragon fruit was 21.2% in 2014, and had dropped to 4.9% in the second half of 2016. The non-compliance rate for basil, mint, coriander leaves, parsley, chilli peppers and okra was 37.5% in the second half of 2016.

5 FINDINGS AND CONCLUSIONS

5.1 RELEVANT NATIONAL LEGISLATION

EU Legislation

Article 46(1)(a) of Regulation (EC) No 882/2004.

Findings

1. Since the previous audit in 2014, additional Decrees and Circulars had been adopted, which further implement the national legislation. This new legislation specifies the responsibilities and provisions for controls of growers and traders, and requires inspection and certification of food business operators including pack-houses exporting fruits and vegetables to the EU. The legislation provides updates on authorisations of PPP, and their maximum residue levels (MRLs) in food:
 - Framework Decree on the Implementation of the Quarantine Law 116/2014;
 - Circular on monitoring food safety of agricultural, forestry and fishery products: 08/2016/TT-BNNPTNT;

- Circular 45/2014/TT-BNNPTNT regulating the examination of agro-material producers and traders;
- Circular 51/2014/TT-BNNPTNT on conditions for food safety of small producers;
- Circular promulgating the list of authorised and banned pesticides in Vietnam, 03/2016/TT-BNNPTNT;
- Circular 50/2016 of the Ministry of Health to amend the national MRLs for pesticide residues.

Conclusions on relevant national legislation

2. Updated national legislation is in place, which strengthens the basis for the control of pesticides.

5.2 COMPETENT AUTHORITIES

EU Legislation

Articles 46(1)(b) and (c) of Regulation (EC) No 882/2004.

Findings

3. The competent authorities are described in the report of the previous audit in 2014, and have not changed. In July 2015, responsibility for pesticide residue control and the national food safety monitoring programmes for pesticide residues in food was shifted from PPD to NAFIQAD. Nevertheless, PPD continue to perform some pesticide residue control programmes in the production process. This dual operation of pesticide residue control creates a fragmentation of resources in the laboratory sector (see section 5.4).
4. In several cases, no evidence of communication within NAFIQAD was provided to the audit team: NAFIQAD implements the food safety monitoring programmes through the Food Safety Departments of the Rural Provinces. The audit team asked repeatedly for results of the programmes at central, regional and province level, but did not receive any such information. The regional staff stated that results are communicated by the laboratories to the NAFIQAD central level, but not to regional or provincial NAFIQAD staff. Similarly, RASFF notifications were stated to be communicated by NAFIQAD headquarters to the exporter involved and the regional and provincial NAFIQAD staff, but no information on follow up action was available for one of the three cases investigated by the audit team (see section 5.5).

Conclusions on competent authorities

5. CAs are designated, but the dual operation of pesticide residue controls by NAFIQAD and PPD leads to fragmentation of resources. NAFIQAD provided no results to confirm the effectiveness of their controls.

5.3 OFFICIAL CONTROLS OF THE MARKETING AND USE OF PLANT PROTECTION PRODUCTS

EU Legislation

Articles 46(1)(e) and (b) of Regulation (EC) No 882/2004.

Findings

5.3.1 Authorisation of Plant Protection Products

6. The CA informed the audit team that as of June 2016, 1 857 PPPs were authorised, containing 385 active substances. Most pesticides identified in the EU in concentrations above the EU MRLs, and notified in RASFF notifications in 2015 and 2016, are authorised in Vietnam (*acephate, azoxystrobin, carbosulfan, chlorfenapyr, diafenthiuron, dimethoate, fenpropathrin, hexaconazole, metalaxyl, permethrin, propiconazole*). The register for authorised PPPs specifies the crops on which the products are authorised but not the application rate or the pre-harvest intervals¹.
7. In 2017, the PPD issued two Decisions removing pesticides containing *carbendazim, benomyl* and *thiophanate-methyl*, and of *2,4 D* and *paraquat* from the list of authorised PPPs in Vietnam. The pesticide *carbendazim* was often detected above the EU MRLs by EU Member States in fruit and vegetables from Vietnam. *Carbendazim* is not approved in the EU, and due to its high toxicity the EU MRLs are low.
8. The register of authorised PPPs is available on the website of the PPD, but updated only once a year.²

5.3.2 Control of users of Plant Protection Products

9. Circular No 45/2014 of MARD requires food business operators, including larger growers and cooperatives, to be certified by the Provincial Sub-Departments (PSD) for

¹ In their response to the draft report the Competent Authority noted that the list of authorised pesticides in Vietnam, issued by MARD, only includes active ingredients, trade names, target pests (uses)/target crops, and registration holder. This list does not include dose and pre-harvest interval of each pesticide. Such information is printed on the Pesticide Registration Certificate or labels approved by the competent authority. For exact information on the registration number, registration validity, doses and pre-harvest intervals, three sources of information can be referred to: the Registrar, the Registration holder, and the pesticide database of PPD.

² In their response to the draft report the Competent Authority stated that in addition to the list issued by MARD, MARD may also issue an additional list to provide an update.

Crop Production and Plant Protection or the PSD for Agriculture, Forestry and Fisheries. The PSD carries out an initial inspection which includes sampling soil and water before the operator is classified. Certification as category A means all requirements are met and an annual inspection is carried out, category B means that almost all requirements are met and two inspections are carried out a year. Operators where several non-compliances are identified are not certified, and receive ad hoc inspections up to four times a year. The inspections are unannounced. Certified growers are required to keep records of PPPs used, the application rate and date, where the PPP was purchased, the shelf life of the PPP and the name of the person(s) who applied the product. The inspections of PSD are based on a checklist specified in Circular No 45/2014 which includes the checking of PPP records, whether the PPPs used are authorised in Vietnam, and the packaging and labelling of the PPPs at farms. According to Circular No 45/2014, samples for pesticide residue analysis are also taken by the PSD and the samples are analysed by laboratories designated by MARD. The two farmers visited by the audit team were not certified under the circular.

10. According to Circular 51/2014 food producers who do not have a business licence, including small farmers producing for local market, do not need to register with the PSD but shall sign a commitment at the local municipality regarding compliance with the food safety requirements.
11. A list of pesticides recommended for use on vegetables had been produced by PPD since the previous audit and disseminated. The audit team noted that some of the pesticides on the list have low MRLs in the EU (for example *chlorothalonil*).
12. The audit team visited two growers in the Southeast region II where most fruits and vegetables for export to the EU are grown. The region has 20 provinces and the production for EU export is located in the provinces close to Ho Chi Minh (HCM) city. The PSD stated that there were some 800 food business operators and around 5 000 growers in the greater HCM city area.
13. Advice and training on PPP use is provided to farmers by the PSD, the district Plant Protection Stations and at local level by plant protection advisors. The training covers four main topics: using the correct PPPs, the correct application time, the correct way of using PPPs and the correct dosage of PPP. A leaflet was issued by the PSD of the Southeast region which includes information on the four topics of the correct use of PPPs, on diseases and symptoms of pest presence with pictures and recommendations on how to manage them. No evidence was available on the support provided to farmers on Good Agricultural Practice (GAP) for specific crops which would include any recommended PPPs to use, the dosage and Pre-Harvest Interval (PHI). One of the farmers met stated that he had attended an officially organised training in January 2017.
14. One of the farmers visited grows dragon fruit on 7 hectares (ha) and the other farmer visited grows chilli pepper on 10 ha. The CAs present at the farm stated that pests and diseases are common, the latter in particular in the rainy season. Consequently, regular plant protection measures are necessary.

15. The audit team noted at the dragon fruit grower that the records did not list any PPPs used. When viewing the crops, the audit team noted traces of spraying and the farmer admitted that they had used copper sulphate, which was not indicated in the records and which was not authorised for use on dragon fruit. The CA confirmed that there was also evidence of spraying of a herbicide. The Plant Protection Station at district level stated that they last visited this farm in 2014-15 giving advice regarding the use and record keeping of PPPs. At the time of the audit there was no official advice or controls by any authorities at this grower. The CAs stated that advice for this farm is no longer required, and they considered this farm to be a model farm for their neighbours.
16. At the chilli pepper grower, staff of the district level Plant Protection Station stated that they visit farms in the area every week and provide general advice on the safe use of PPPs according to the pest and diseases present. No specific advice is given on which PPPs to use, or advice on recommended dosage and PHI. The audit team reviewed the pesticide records, and a product containing *pyridaben* had been used on chilli pepper, which was authorised only for use on tea. This PPP was sold in an area where tea is not grown. The PPD confirmed at the closing meeting that the label of this product incorrectly indicated that it was authorised for use on chilli. In another case, the audit team noted that a product containing *azoxystrobin* and *difenoconazole* was used on chilli pepper which is authorised for use on rice only. The CA had not noted these deficiencies until highlighted by the auditors, and had not taken any action.

Conclusions on official controls of marketing and use of Plant Protection Products

17. A system is in place for the authorisation of PPP, but the published register does not specify the authorised conditions of use. Incorrect dosage of pesticides or incorrect PHI can be a reason for non-compliance with maximum residue levels.
18. The CAs provide only general training and advice regarding the safe use of pesticides to growers, but no specific advice nor official controls for the use of PPPs are implemented. The findings that PPPs with incorrect labels are sold and that growers do not respect the label instructions for use confirm the absence of effective training and controls of farmers by the CA. These factors mean that the authorities cannot ensure that the fruit and vegetables produced by farmers comply with maximum residue levels of CODEX and the EU.

5.4 OFFICIAL CONTROLS OF PESTICIDES RESIDUES IN FOOD OF PLANT ORIGIN

EU Legislation and standards

Articles 46(1)(b), (c), (d), (e) and (h) of Regulation (EC) No 882/2004;

Article 11 of Regulation (EC) No 178/2002;

Article 18 of Regulation (EC) No 396/2005;

Commission Directive 2002/63/EC;

CODEX Alimentarius Commission (CAC) MRLs for pesticides: CAC/MRL 1-2009;

CAC Guidelines 31-1999;

Point 41 of CAC Guidelines 26-1997;

Point 3 of CAC Guidelines 27-1997.

Findings

5.4.1 Sampling programmes for pesticide residues

19. Since July 2015, NAFIQAD is responsible for pesticide residue controls, but at the time of the audit both PPD and NAFIQAD operated control programmes: NAFIQAD took samples of food on the domestic market including imported food, and the PPD programmes focus on primary production.
20. NAFIQAD operates sampling programmes for the domestic market, which is specified and implemented at provincial level. A guidance document for implementation of the programme was in place. In the Southeast region, the taking of 248 samples of leafy vegetables was planned in 2016 across 10 provinces providing food for HCM City. In an additional programme, 40 samples of dragon fruit and grapes were planned for 2016. In another programme on domestic and imported apples and grapes, 90 pesticides are specified in the programme.
21. Since the previous audit in 2014, the number of pesticides analysed for in the NAFIQAD programme increased from 70 to 90 in 2016. Results of these programmes were not provided to the audit team neither at regional nor at central level. Therefore, the audit team could not evaluate the implementation of the programme. There was also no evidence that the results were shared with PSD and used for any advice to growers.
22. PPD, through the PSD, operates sampling programmes to control production. In 2016, the programme focussed on black pepper and rice with 12 and 18 pesticides, respectively, included in the programme. For 2017, the sampling of mango and dragon fruit was planned with 10 and 12 pesticides, respectively, in the scope of analyses. The scope of the laboratory analyses does not include many of the pesticides identified by the EU Member States with residue levels above MRLs in black pepper, dragon fruit and rice or by private controls of the exporters (*chlorpyrifos, imidacloprid, metalaxyl, carbofuran, iprodione, carbaryl, fluzilazole, diniconazole*).

5.4.2 Control at Pack-houses, Processors and Exporters

23. In preparation of this audit, the Plant Quarantine Division of PPD compiled a list of 73 exporters of fruit, vegetables, herbs and spices. These operators are known to the CA, but not officially registered or certified.

24. Circular No 45/2014 requires food business operators, including pack-houses, processors and exporters to be inspected and certified to food safety requirements by the relevant PSD. The PSD of the Southeast region II stated that relevant operators are inspected upon application by the operators.
25. The two exporters with their own pack houses visited by the audit team export 400 to 700 tonnes per year to the EU, mainly fruit. One of them was certified under Circular No 45/2014 in 2015 by the PSD of HCM city. Since then the exporter was inspected once. A report, following the checklist specified by the Circular was available. The other exporter was not inspected by any authority as they had not applied for certification under Circular No 45/2014.

5.4.3 Laboratories for Pesticide Residue Analysis

Laboratory network

26. The organisation of the laboratory network was similar to the previous audit. There was a large network comprising 20 official laboratories designated by MARD and accredited for pesticide residue analysis under ISO 17025.

Visited laboratories

27. Two laboratories under the PPD were visited, the Northern Pesticide Control and Testing Centre (NPCTC) in Hanoi and the Southern Pesticide Control and Testing Centre (SPCTC) in HCM City.
28. The main activity of both laboratories lies in field trial evaluation to establish pre-harvest intervals. The NPCTC also performs pesticide formulation control testing. For both laboratories the pesticide residue control programmes with multi-residue methods form only a small part of their activity. These pesticide residue programmes include the analysis of a small number of commodities with a very narrow selected scope (12-18 compounds).
29. The limitations of the laboratories observed were very similar to those already identified in the previous audit DG(SANCO)/2014-7177:
 - a. Narrow scope of compounds tested, no inclusion of all transformation products for the full residue definition according to the EU and CODEX MRL definition (e.g. dimethoate);
 - b. Limits of quantitation (LOQs) sometimes too high (e.g. 0.05 mg/kg) to check for compliance with EU MRL;
 - c. No estimation of the uncertainty in the results.
30. New GC-MS/MS and LC-MS/MS instrumentation had been acquired in both laboratories. The implementation and validation of multi-residue methods with the new equipment was ongoing, in order to include the methods in the scope of the accreditation under ISO 17025. When completed, multi-residue methods with the available new

equipment could address the limitations (a) and (b) described above. Both laboratories carried out internal on-going training, staff had adequate education and were very motivated, but lacked some practical knowledge and training to implement multi-residue methods using the new equipment.

Quality Assurance Systems

31. Both laboratories have implemented Quality Assurance Systems. In both laboratories there was one staff member designated for quality management purposes. The laboratories participate regularly in proficiency tests with good results. Nevertheless, the proficiency test schemes of NPCTC did not have a sufficient scope to demonstrate its identification capabilities. In the case of the SPCTC laboratory the proficiency test results were achieved with different methods and time frame than routine samples.

Conclusions on official controls of pesticide residues in food of plant origin

32. Several small pesticide residue control programmes are in place, but the effectiveness is limited by small numbers of samples in each programme, limited analytical scope and insufficient sensitivity of methods. One reason for the fragmentation of resources is the dual responsibility of NAFIQAD and PPD. The fragmentation hinders the development of methods in the PPD laboratories visited. This means that the adequate capacities of the laboratories are not effectively used for pesticide residue control.
33. New legislation requires inspection and certification of food business operators including pack-houses exporting fruits and vegetables to the EU, but its implementation is at an initial stage.

5.5 RESPONSE TO RASFF NOTIFICATIONS

Standards

Point 6 of the CODEX Guidelines CAC/GL 25-1997.

Findings

34. Since the previous audit in 2014, the NAFIQAD developed procedures for the follow-up of RASFF notification. The regional NAFIQAD staff in HCM City stated that after receipt of notifications, the NAFIQAD head office sends a letter to the private operator involved, asking for explanations for the findings and for corrective action within a short deadline of a few days. The regional NAFIQAD branch is copied in the letter to the operator. When a response of the operator is received by the regional NAFIQAD office, it is evaluated by the CA. If considered necessary, clarification is sought from the

operator. NAFIQAD do not follow up at the premises of the operators. Once a satisfactory response is received from the operator, the NAFIQAD headquarter is informed. In the closing meeting, staff from the NAFIQAD headquarter contradicted this procedure, and stated that since 2015, the provincial NAFIQAD office is charged with follow-up of the RASFF notifications, instead of the regional office. The headquarter stated that they have a legal basis for visits of operators.

35. The audit team evaluated the follow-up to three RASFF notifications which involved the operators met by the audit team. In two cases from 2016, the NAFIQAD head office sent a letter to the operator, 6 and 12 weeks, respectively, after the notification, and copied to the regional NAFIQAD office. Notwithstanding this delay, the operator responded to the regional NAFIQAD branch who evaluated the response adequately and reported back to NAFIQAD headquarter. In the third case from 2015, the NAFIQAD regional office stated that no response from the operator had been received. The operator concerned was met by the audit team, and he stated that he could not provide any information on the notification.

Conclusions on response to RASFF notifications

36. A procedure has been adopted and implemented for the follow up of RASFF notifications, but there was a significant delay before the operators concerned were informed, and in one of the three cases evaluated no information on the follow-up was available. The clarity of the procedure was reduced by the fact that the procedures explained by regional and central NAFIQAD staff differed. These factors mean that no effective and reliable procedure is in place.

5.6 PRIVATE CONTROLS ON FRUITS, VEGETABLES AND HERBS EXPORTED TO THE EU

EU Legislation

Article 10 of Regulation (EC) No 852/2004, in conjunction with Article 3 of the same Regulation.

Findings

37. No adequate measures for integrated pest management were implemented by the farmers visited, and plant protection measures relied mainly on application of pesticides. The effectiveness of yellow traps (an attractant for insects) in combination with camphor (a repellent for insects), as observed by the audit team, is doubtful. Nevertheless, farmers were certified to private GAP standards, and one of the two exporters met by the audit team provided advice to his grower on the use of pesticides in products for export to the EU.

38. The exporters met by the audit team had implemented substantial pesticide residue testing, with samples taken at the farms prior to harvest and export to the EU. Samples were analysed in an accredited private laboratory with adequate scope. Where the results indicate non-compliance with EU MRLs, the produce is not exported to the EU.

Conclusions on private controls of fruits, vegetables and herbs exported to the EU

39. Private controls are implemented by individual exporters of fruit and vegetables to the EU, with an emphasis on substantial pesticide residue analysis prior to export to the EU. This could explain lower MRL exceedance rate for dragon fruit identified in the EU during the second half of 2016 and the absence of EU RASFF notifications since September 2016. It demonstrates that the private controls of individual operators can contribute to compliance of their produce with EU MRLs.

5.7 FOLLOW UP

The table below summarises the follow-up to the relevant recommendations made in report DG(SANCO)/2014-7177

<i>No</i>	<i>Previous recommendation</i>	<i>Assessment</i>
1	Ensure that PPP application schemes at vegetable and herb exporting growers follow the GAP main principles and take account of pesticides authorised in the EU in order to provide guarantee that exported produce meet the EU MRLs set out in Regulation (EC) No 396/2005.	Not addressed See findings No 15 and 16. See recommendation No. 1 of the current audit report.
2	Ensure that exporting pack-houses are registered, as set out in Article 10 of Regulation (EC) No 852/2004 in connection with Article 6 of the same Regulation and general food hygiene requirements set out in Annex I, Parts A and B of the same Regulation are met.	Partly addressed: legislation in place, and implementation has started. See findings No 24 and 25

<i>No</i>	<i>Previous recommendation</i>	<i>Assessment</i>
3	Ensure that the scope of analyses for pre-export samples is broadened in order to provide a guarantee that the exported produce meets the requirements laid down in Article 11 of Regulation (EC) No 178/2002 and Article 18 of Regulation (EC) No 396/2005; they should also ensure that all laboratories involved in export controls apply the principles of internationally recognised quality assurance techniques so as to provide reliable analytical results, as set out in Point 41 of CODEX CAC/GL 26-1997 on the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems.	<p>Not addressed for the two laboratories visited. Fragmentation of resources and the dual responsibility of the two control departments hinders the development of the laboratories visited.</p> <p>See findings No 29 and 30</p> <p>See recommendation No. 2 of the current audit report.</p>
4	Ensure that an internal investigation and corrective actions are undertaken in response to RASFF notifications taking into account the provisions specified in point 6 of the CODEX Guidelines CAC/GL 25-1997 for the exchange of information between countries on rejections of imported food.	<p>Partly addressed: procedures by NAFIQAD are in place, but delays with communication were observed, and responsibilities were unclear to staff.</p> <p>See findings No. 34 and 35</p> <p>See recommendation No. 3 of the current audit report.</p>

Conclusions on follow-up

40. Although some actions had been taken to address the recommendations of the 2014 audit, they have not been addressed satisfactorily.

6 OVERALL CONCLUSIONS

The legislation and implementing procedures are in place to establish a control system for pesticides, but there were significant gaps with implementation of official controls. Consequently, no effective pesticide control system for food exported to the EU is in place, and the authorities cannot ensure compliance of Vietnamese produce with international maximum residue levels for pesticide residues, including those established by the EU. Some private controls are implemented by individual exporters of fruit and vegetables to the EU, which can contribute to compliance of their produce with EU maximum residue levels.

Some limited measures were taken by the competent authorities to address the

recommendations of the previous audit DG(SANCO)/2014-7177, but overall very little progress has been made, and the recommendations had not been satisfactorily addressed.

7 CLOSING MEETING

A closing meeting was held on 9 March 2017 with representative of the CAs. At this meeting, the audit team presented the main findings and preliminary conclusions of the audit. The CAs offered initial comments on the findings and conclusions presented.

8 RECOMMENDATIONS

No.	Recommendation
1.	<p>Review the system of controls on the marketing and use of PPPs to ensure that:</p> <ul style="list-style-type: none"> • Only authorised PPPs are used as per the conditions of authorisation; • Pesticide application schemes at growers of fruit, vegetables, herbs and spices for export to the EU implement GAP, and take account of EU MRLs. <p>These measures would provide a foundation towards ensuring that exported produce meets the EU MRLs set out in Regulation (EC) No 396/2005.</p> <p><i>Conclusions upon which this recommendation is based: 17, 18</i></p> <p><i>Associated findings upon which this recommendation is based: 6, 8, 15 and 16</i></p>
2.	<p>Ensure that laboratories designated for export control analysis have accredited methods in place which include at least the pesticides identified in EU RASFF notifications and the annual EFSA reports on pesticide residue controls. The methods should be sufficiently sensitive to check for compliance with EU MRLs, to provide a guarantee that the exported produce meets the requirements laid down in Article 11 of Regulation (EC) No 178/2002 and Article 18 of Regulation (EC) No 396/2005.</p> <p><i>Conclusions upon which this recommendation is based: 33</i></p> <p><i>Associated findings upon which this recommendation is based: 29 and 30</i></p>
3.	<p>Ensure that timely investigations and corrective actions are undertaken in response to RASFF notifications, taking into account the provisions specified in point 6 of the CODEX Guidelines CAC/GL 25-1997 for the exchange of information between countries on rejections of imported food.</p> <p><i>Conclusions upon which this recommendation is based: 36</i></p> <p><i>Associated findings upon which this recommendation is based: 34 and 35</i></p>

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/audits-analysis/rep_details_en.cfm?rep_inspection_ref=2017-6008

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Reg. 852/2004	OJ L 139, 30.4.2004, p. 1, Corrected and re-published in OJ L 226, 25.6.2004, p. 3	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 396/2005	OJ L 70, 16.3.2005, p. 1-16	Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC
Dir. 2002/63/EC	OJ L 187, 16.7.2002, p. 30-43	Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC
Reg. 669/2009	OJ L 194, 25.7.2009, p. 11-21	Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC

Annex 2 – Standards and Guidelines quoted in the report

Reference number	Full title	Publication details
SANCO/11945/2015	Guidance document on analytical quality control and validation procedures for pesticide residues analysis in food and feed	https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_mrl_guidelines_wrkdoc_11945.pdf
CODEX MRLs	CODEX Alimentarius International Food Standards – pesticide MRLs	http://www.fao.org/fao-who-codexalimentarius/standards/pestres/search/en/
Guidelines of CODEX CAC/GL 25-1997	Guidelines for the exchange of information between countries on rejections of imported food	http://www.fao.org/fao-who-codexalimentarius/standards/list-standards/en/
Guidelines of CODEX CAC/GL 26-1997	Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems	http://www.fao.org/fao-who-codexalimentarius/standards/list-standards/en/