

No: /2026/NĐ-CP

Hanoi, day month 2026

DRAFT

DECREE

Amending and supplementing a number of articles of Decree 38/2026/NĐ-CP issued on 24 January 2026 by the Government promulgating import of soil ball plants and production unit codes, packing house codes

Pursuant to the Law on Organization of the Government 63/2025/QH15;

Pursuant to the Law on Plant Protection and Quarantine 41/2013/QH13, amended and supplemented by the Law 146/2025/QH15

Pursuant to the Law on Crop Production 31/2018/QH14, amended and supplemented by the Law 146/2025/QH15;

Pursuant to the Law on Promulgation of Legislative Documents 64/2025/QH15, amended and supplemented by the Law 87/2025/QH15;

At the request of the Minister of Agriculture and Environment;

The Government issues the Decree amending on amending and supplementing a number of articles of 38/2026/NĐ-CP issued on 24 January 2026 by the Government promulgating import of soil ball plants and production unit codes, packing house codes.

Article 1. Amend, supplement Provision 1 Article 3

“3. Interpretation

1. As regulated in Provision 1 Article 64 of the Law on Crop Production, amended, supplemented by the Law 146/2025/QH15, a production unit code is assigned to a certain crop, determined in accordance with the position of one or more than one plot of land, as requested by the organization, individual, household or group of households (hereunder referred to as organization, individual). production unit code

Article 2. Supplement Article 3a below Article 3

“Article 3a. Principle of granting and management of production unit codes, packing house codes

1. The granting and management of production unit codes, packing house codes are entirely implemented in the electronic environment on the principle of self-declaration and self-responsibility by organizations, individuals, time and compliance cost reduction, administrative procedure simplification, generation of no new administrative procedures, facilitation for organizations, individuals, publicity, transparency, feasibility and match with the actual conditions of plant production and plant product packing.

2. The implementation of administrative procedures for granting production unit codes, packing house codes must be linked with the post-examination, examination, monitoring, violation handling, traceability of the State competent agencies; prior-examination is only applied when importing countries require production unit codes, packing house codes.

3. Organizations, individuals, cooperatives, cooperative groups are encouraged to link with each other to establish contracted large scale raw material production areas for granting production unit codes.”.

Article 3. Amend, supplement Provision 1 Article 6

“Article 6. Technical requirements for production units applying for codes

1. Have defined location and area. The location of a land plot is determined on the basis of identification code of the land plot in the national land database.

If the land plot for which a production unit code is applied has not been provided an identification code, the organization, individual shall declare by itself/himself/herself the location and planting area; if the organization, individual applying for production unit codes are not granted land use right by the competent agency, they must have written permission of the organization, individual who are granted land use right by the competent agency.

Chairmen of commune-level People’s Committees shall direct the information verification during the actual examination or post-examination.

Article 4. Amend, supplement Provision Article 8

“Article 8. Dossier, procedure, authority to grant, re-grant production unit codes, packing house unit codes

1. A dossier applying for a puc, packing house code:

a) Application for granting a production unit code in accordance with Appendix II of this Decree.

b) Application for granting a packing house code in accordance with Appendix III of this Decree.

2. Procedure for granting, re-granting a production unit code, packing house code

a) Organization, individual submit dossiers applying for production unit codes, packing house codes to the commune-level People’s Committees (where the production units, packing houses are located) on the National Public Service Portal.

b) Within 03 working days from the date of receiving the dossiers (except for the case specified in Point c of this Provision), the Chair persons of the commune-level People's Committees shall issue a Notice on granting production unit codes, packing house codes in accordance with the Forms specified in Appendix IV, Appendix V of this Decree, or a written response stating reason of

refusal; organize post-examination within maximum 3 months from date on which the codes are granted and inform promptly the organizations, individuals, inform the organizations, individuals if the codes are temporarily suspended or revoked, stating clearly reasons.

c) If the organizations, individuals register export to the markets requiring codes, within no longer than 10 working days from the date on which the dossiers are received, the Chair persons of the commune-level People's Committees shall organize examination and issue the Notice on granting production unit code, packing house code in the case that importing countries allow Vietnamese competent agencies approve the codes by themselves in accordance with the Forms specified in Appendix IV, Appendix V of this Decree; or issue written response stating clearly the refusal reasons.

If the production unit codes, packing house codes must be approved by importing countries, the provincial-level specialized agencies shall collect, send the lists to the Ministry of Agriculture and Environment within 3 working days from the date on which the Notice on granting production unit code, packing house code is issued. Within 3 days from the date on which the lists are received, the Ministry of Agriculture and Environment shall synthesize and send to importing countries for consideration, approval; if the importing countries have different requirements for the list submission frequency, such requirements of the importing countries will prevail.

Examination content includes information declared in the dossier, compliance with technical requirements of importing countries. The Minutes of examination Form is indicated in Appendix VII (for production units) or Appendix VIII (for packing houses) issued together with this Decree.

d) If production units, packing houses which have been granted codes wish to register additional export market, expanded planting area, they shall submit application using Forms in Appendix II and Appendix III issued together with this Decree; the procedures follow Point a, Point c Provision 2 of this Article but the granted code is not changed in the Notice on granting/re-granting production unit code, packing house code.

đ) For the changes in information related to names of organizations, individuals representing the production unit codes, packing house codes, or changes resulting from the change in administrative boundary, or reduced area or reduced number of participating households, the organizations, individuals shall submit applications for re-granting in accordance with the Form of Appendix VI issued together with this Decree.

Within 02 working days from the date on which the application for re-granting is received from the organization, individual, the commune-level People's Committee shall, based on the archived dossier, consider and notify the

organization, individual in accordance with the Form in Appendix IV and Appendix V issued together with this Decree; in case of refusal, it must issue a written reply stating clearly the reason.

3. If the National Public Service Portal encounters a problem that it is unable to receive and process dossiers in the electronic environment or organizations, individuals cannot submit dossiers in the electronic environment, the commune-level People's Committees shall receive the dossiers in paper (submitted directly or by post); the granting of codes shall be conducted in compliance with the Provision 1 and 2 of this Article and the dossiers shall be updated on the National Public Service Portal immediately after it operates normally again.

Article 5. Amend, supplement Provision 1 Article 10

“1. The organizations, individuals for whom production unit codes, packing house codes have been granted shall conduct self-monitoring at least every year for packing houses in accordance with the technical requirements in Article 7; before each harvest season for production units in accordance with the technical requirements in Article 6, and keep monitoring documentation”.

Article 6. Amend, supplement Point b Provision 3 Article 11

“b) Within 4 working days from the date on which a corrective action report is received, the commune-level People’s Committee shall assess the corrective results of the production unit codes, packing house codes. The commune-level People’s Committee shall issue the Notice on revoking the granted production unit codes, packing house codes in accordance with Appendix X of this Decree or Notice on resuming production unit code /packing house code in accordance with Appendix XI of this Decree; if the importing countries have different requirements, such requirements of the importing countries will prevail.”

Article 7. Amend, supplement Provision 2 Article 12

“2. The Chair person of the commune-level People’s Committee shall issue Notice on revoking the granted production unit codes, packing house codes in accordance with Appendix X of this Decree.”.

Article 8. Amend, supplement Article 13

“Article 13. Responsibilities of the Ministry of Agriculture and Environment

1. Develop documents, organize training, provide guidance for the issuance and management of production unit codes, packing house codes.

2. Organize the examination of the local issuance and management of production unit codes, packing house codes or as required by importing countries.

3. Update and notify provincial-level specialized agencies of regulations on plant quarantine and food safety.

4. Notify provincial-level specialized agencies of violations of production unit code, packing house code according to information of the importing country, violations when implementing plant quarantine or food safety violations.

5. Receive and synthesize the list of production unit codes and packing house codes from provincial-level specialized agencies to send to the importing countries; exchange, negotiate and perform the role of national focal point; notify the provincial-level specialized agencies of the approval result of the importing countries.

6. Establish a database of production unit codes and packing house codes. Data on production unit codes and packing house codes are centrally managed on the professional processing system and published on the website of the Ministry of Agriculture and Environment; connected and shared with other database systems in accordance with the relevant legislation.”

Article 9. Amend, supplement Article 14

“Article 14. Responsibilities of provincial-level People's Committees

1. Allocate human resources, funding, infrastructure and necessary conditions for commune-level People's Committees to carry out the granting, re-granting, examination, post- examination, suspension, revocation, restoration and management of codes.

2. Assign provincial-level specialized agencies to act as the focal points for guidance, technical support, examination and supervision; compile lists of codes for export and send them to the Ministry of Agriculture and Environment, as prescribed at Point c Provision 2 Article 4 of this Decree, which will send to the importing countries for approval; notify the commune-level People's Committees of the approval result of the importing countries, non-compliance notifications and other relevant information so that the commune-level People's Committees inform the relevant organizations and individuals.

3. Direct the update and publication on the professional processing system for the information: code, name of organization/individual or representative unit, address, product, area or capacity, export market and code status.

4. Promulgate and organize the implementation of code management plans; organize dissemination and training; support production linkages, develop concentrated raw material areas and packing houses which meet market requirements.

5. Organize inspection, examination, settlement of feedback and recommendations, and handling of violations in accordance with the relevant competence; take the lead and coordinate in organizing examination of production units and packing houses which have been granted codes under the related programs of the importing countries.

6. Formulate policies to support the development of concentrated production areas; cooperate and link production; apply science and technology to meet export market requirements. Promulgate or provide guidance on crop production procedures in accordance with local orientations for organizations and individuals to apply.”.

Article 10. Supplement Article 14a to Article 14

“Article 14a. Responsibilities of commune-level People's Committees

1. Receive and deal with the procedures for granting and re-granting codes; approval of codes for export if the importing countries allows Viet Nam to self-approve.

2. Conduct examination, post-examination, suspension, revocation and restoration of codes; update fully and promptly data and code status on the professional processing system.

3. Verify the location and area of the land plot if the identification code of the land plot is not available.

4. Notify provincial-level specialized agencies of codes for export, results of examination, post-examination, suspension, revocation and restoration.

5. Disseminate information and provide guidance for organizations, individuals to maintain technical conditions, record, trace and comply with the requirements of the import markets.”.

Article 11. Amend, supplement Provision 6 and supplement Provision 7 below Provision 6 Article 15

“6. Archive dossiers related to the production units for at least 02 years, unless otherwise required by importing countries.

7. Take responsibility to the law for the completeness, accuracy and truthfulness of the information declared in the application for production unit code and related documents.”.

Article 12. Amend, supplement Provision 7 and supplement Provision 8 below Provision 7 Article 16

“7. Archive dossiers related to the packing houses for at least 02 years, unless otherwise required by importing countries.

8. Take responsibility to the law for the completeness, accuracy and truthfulness of the information declared in the application for packing house code and related documents.”.

Article 13. Abolish, replace some phrases, points, provisions, articles and appendices

1. Abolish Provision 3 Article 4, Provision 3 Article 9, Appendix III, Appendix IV of Decree 38/2026/NĐ-CP.

2. Replace some phrases in following points, provisions:

a) Replace phrase “*assigned specialized agency*” with phrase “*commune-level People's Committees*” in Provision 2, Provision 3 Article 10, Article 11, Article 12;

b) Replace phrase “*assigned specialized agency*” with phrase “*“commune-level People's Committees and competent examination agencies cơ quan có thẩm quyền kiểm tra”*” in Provision 3 and Provision 5 Article 15; Provision 3 and Provision 6 Article 16.

c) Replace phrase “*Specialized plant protection and quarantine agencies*” with phrase “*provincial-level specialized agency*” in Point c Provision 1 Article 11.

3. Replace Appendix I to Appendix XII of Decree 38/2026/NĐ-CP Appendix I to Appendix XI issued together with this Decree.

Article 14. Article khoản chuyển tiếp

1. The dossier which is received before the effective date of this Decree shall be processed in accordance with the relevant regulations which are applicable at the time of receipt; if the organization, individual request for the application of this Decree, their dossier will be transferred and they will not need to re-submit the information which is already available in the system.

2. The code which is issued or transformed in format before the effective date of this Decree shall continue to be valid; the issued notices and results of examination, suspension, revocation or restoration shall continue to be implemented.

3. Technical requirements, procedures for approving, maintaining, suspending or restoring codes for export shall continue to comply with relevant international treaties, agreements, protocols or official requirements of importing countries. These requirements do not give rise to procedures for granting domestic identification codes.

4. Trong thời gian Hệ thống xử lý nghiệp vụ chưa đáp ứng đầy đủ yêu cầu liên thông, việc trao đổi hồ sơ giữa Ủy ban nhân dân cấp xã, cơ quan chuyên môn cấp tỉnh và Bộ Nông nghiệp và Môi trường được thực hiện qua hệ thống thông tin hiện có hoặc văn bản điện tử; phải cập nhật lại đầy đủ khi hệ thống hoàn thiện.

Article 15. Entry into force

1. This Decree takes effect on day month 2026.

2. The Government’s Resolution 36/2026/NQ-CP issued on 31 July 2026 simplifying administrative procedures for production unit codes, packing house codes shall expire from the effective date of this Decree.

Article 16. Implementation responsibility

Ministries, heads of ministerial-level agencies, Chair persons of provincial-level People’s Committees, and organizations, individuals related shall be responsible for implementing this Decree./.

Recipient:

- Party Central Secretariat;
- Prime Minister and Deputy Prime Ministers;
- Ministries, ministerial-level agencies;
- Provincial-level People's Councils and People's Committees;
- Central Office and Committees of the Party;
- Office of the General Secretary;
- Office of the President;
- Nationality Council and Committees of the National Assembly;
- Office of the National Assembly;
- Supreme People's Court;
- Supreme People's Procuracy;
- State Audit Office of Viet Nam;
- Central Committee of Viet Nam Fatherland Front;
- Central agencies of mass organizations;
- Government Office: Minister-Chairman, Vice Chairmen, Prime Minister Assistant, Director General of Government Portal, affiliated departments, Official Gazette;
- Filing: Clerical section, NN (2b).

**ON BEHALF OF THE
GOVERNMENT
PRIME MINISTER**