

**THE MINISTRY OF
INDUSTRY**

No. 08/2006/TT-BCN

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence– Freedom – Happiness**

Hanoi, November 16, 2006

CIRCULAR

**ON GUIDING THE ORDER OF, PROCEDURES FOR ENERGY-SAVING LABELLING
FOR ENERGY CONSUMPTION PRODUCTS**

Pursuant to the Government's Decree No. 55/2003/ND-CP of May 28, 2003 on defining the functions, tasks, powers and organizational structure of the Ministry of Industry;

Pursuant to the Government's Decree No. 102/2003/ND-CP of September 03, 2003 on thrifty and efficient use of energy;

Pursuant to the Prime Minister's Decision No. 80/2006/QĐ-TTg of April 14, 2006 on approving the Electricity-saving program in the period 2006-2010;

The Ministry of Industry guides the order of and procedures for energy-saving product labeling as follows:

I. GENERAL PROVISIONS

1. Scope of regulation

This Circular guides the order of and procedures for registering, assessing, certificate-issuing and energy-saving labeling for energy-consumption products.

2. Subjects of application

Producers, importers of energy-consumption products prescribed in the List of energy-consumption products being selected for labeling are entitled to request the Ministry of Industry to assess and issue energy-saving certificates for the products that satisfy the technical standards prescribed by the Ministry of Industry.

This Circular is only applicable to organizations and individuals that produce and import energy-consumption products and relevant organizations and individuals.

3. Interpretation of terms

a) The List of energy-consumption products being selected for labeling is the List of products that satisfy the assessment standards prescribed in Annex 1 of this Circular. The list shall be annually supplemented under the Decisions of the Minister of Industry.

b) Energy-saving labels are labels being glued on efficiently energy-consumption products in order to provide information for consumers' choice when purchasing goods. Energy-saving labels include two forms:

- Labels of energy-saving product verification are labels being glued on circulating products of which the energy-consumption rates reach or exceed the standards promulgated by the Ministry of Industry in each period. The form of labels of energy-saving product verification is prescribed in part A, Annex 4 of this Circular.

- Labels of energy-saving product comparison are labels being glued on products being circulating goods in order to provide consumers with information for comparing energy-consumption rates of labeled products and products of the same kind in the market. The labels must specify information of energy-consumption rates and specific provisions for consumers to select the products with energy-saving rates are higher than products of the same kinds. The specification of labels of energy-saving product comparison is prescribed in section B, Annex 4 of this Circular.

c) Energy-saving labeling is voluntary and outside the regulation scope of the Government's Decree No. 89/2006/ND-CP of August 30, 2006 on goods labeling and relevant legal documents.

d) IECEE schemes is the International electronic equipment Commission's method of certifying activities of electrical and electronic equipment test.

dd) ILAC means the International Laboratory Accreditation Cooperation

e) APLAC means Asia Pacific Laboratory Accreditation Cooperation

II. SPECIFIC PROVISIONS

A. Testing units

The following laboratories shall be considered and appointed to test energy-consumption products to form the basis for certifying energy-saving products:

1. Accredited line laboratories under the standards of the VILAS system, or laboratories accredited by certifying organizations that have signed mutual recognition agreements (ILAC and APLAC);

2. Laboratories not being accredited under the standards of the VILAS system but capable of testing energy-consumption norms shall be inspected, assessed and appointed by the Ministry of Industry to perform energy-consumption product testing for energy-saving labeling. In particular:

a) For professional capability:

- Having the testers trained professionally in energy technology at level of college or higher with at least two years of testing experience;

- Having the laboratory leaders that process Bachelor's degree of energy technology or higher with at least three years of testing experience.

b) For equipment and testing standards

- Testing equipment must operate well, be maintained, inspected, calibrated rightly as prescribed and its accuracy is sufficient to execute the testing norms.

- Having adequate equipment and testing methods in appropriate with testing standards in Annex 1 of this Circular and other standards supplemented by the Ministry of Industry in each period:

- Having documents of testing standards and process in Vietnamese.

c) Setting up and maintaining the system of dossier management including:

- Dossiers on training testers;

- The monitoring dossiers on testing, calibration and maintaining tested equipments;

- Dossiers on archiving test results.

3. The Ministry of Industry shall accredit the testing results of laboratories certified under the system of IECEE Schemes.

4. Principles of certifying energy-saving products

a) Testing typical samples to assess the conformity of the product for its energy-consumption requirements

b) The typical sample testing must be performed in an appointed laboratory.

c) Supervising goods after certifying energy-saving rates in the producing establishments, warehouses or in the market.

B. Order of certifying energy-saving products

1. Preparation

Enterprises producing and importing goods under the list of energy-consumption products being selected for labeling that have demand of certifying and gluing label of energy-saving product verification or label of energy-saving product comparison must follow these steps:

a) Sampling: Enterprises shall take typical samples of goods under the prescribed standards and send to the appointed laboratory for testing;

b) Testing: the appointed laboratory is responsible to test the products under the corresponding standards and issue the sheet of testing results in accordance with the tested product type to enterprises

c) Making technical dossier: The technical dossier made by enterprises includes the following documents:

- The dossier on product design;

- The technical specification of goods, especially the specification of energy-consumption norms;

- The written announcement of product and goods quality standard and consistent with the energy-saving product standards;

- Goods labels;

- Other certificates of quality control system, product quality or technical property (if any).

2. Registration

The dossier of energy-saving products certification registration being sent to the Ministry of Industry includes:

a) The registration sheet of energy-saving product certification in which specifying the registration for labels of energy-saving product comparison or labels of energy-saving product verification (under the form in Annex 2);

b) The technical dossier (prescribed in point c, clause 1, this section);

c) The original of testing result sheet issued by the units prescribed in part A, Section II or the valid copy within 6 months as from the date of issuance.

The procedures of registration and detailed forms for labeling energy-consumption products shall be announced on the website <http://www.moi.gov.vn> of the Ministry of Industry.

3. Considering and assessing dossiers

The considering and assessment of registration dossier shall implement as the following steps:

a) Within five working days as from receiving the registration dossier of energy-saving product certification, the Ministry of Industry shall consider the conformity of documents in the dossier with the requirements for energy-saving product certification. If the dossier is conformable, the technical assessment shall be performed. If the dossier is not conformable, the Ministry of Industry shall notify in written to request enterprise supplement and complete dossier.

b) Technical assessment: within five working days after the registration dossier of labeling energy-saving product is forwarded for technical assessment, the Ministry of Industry shall assess the conformity of the testing result sheet with the technical dossiers and assessment standards; identify the energy-consumption rates that the products reached in comparison to the announced standards; the product quality in comparison to the average rates of the products of the same kind; If the assessment result is passed, enterprise shall be issued with the energy-saving product certificates.

If the assessment result is fail, the Ministry of Industry shall notify in written to the enterprise, specifying the reason of fail for enterprise to have measures to overcome within ninety working days as from the date of being notified. When this time limit is up, the registration dossier of energy-saving product certification shall expire and enterprise must implement the registration procedures from the beginning.

C. Energy-saving product certificate

1. Enterprises being issued the energy-saving product certificate are entitled to stick label of energy-saving product verification or label of energy-saving product comparison in accordance with the energy-saving product type certified by the Ministry of Industry.

2. The maximum limit time of energy-saving product certificate is three years

3. The form of Energy-saving product certificate is prescribed in Annex 3 of this Circular.

D. Energy-saving labeling

1. After being issued the energy-saving product certificate, enterprises shall print energy-saving labels at printing establishments appointed by the Ministry of Industry and stick the labels of energy-saving product verification or labels of energy-saving product comparison on the energy-use products registered under the energy-saving rates being defined in the issued energy-saving product certificate.

2. Energy-saving product labels must be printed under the form prescribed by the Ministry of Industry in Annex 4 of this Circular.

3. Energy-saving product labels shall be printed and stick on products or product packages with appropriate size without causing confusion, overlapping or affecting the information written on the goods labels as prescribed by law.

4. When the energy-saving product certificate expires, enterprises are not allowed to stick the energy-saving product labels on their products and must register for re-certification.

DD. Re-certification

1. Enterprises must register for re-certification when the energy-saving product certificate expires, or the assessment standards are changed, or the assessment goods certified having changes in energy-consumption rates.
2. Products being re-certified that fulfill the requirements prescribed in this Circular shall be issued a new energy-saving product certificate. The contents and procedures for re-certification are implemented similarly to the first time certification.

III. POST-CERTIFICATION INSPECTION AND SUPERVISION, SUSPENSION AND REVOCATION OF ENERGY-SAVING PRODUCT CERTIFICATES

1. Post-certification supervisions, inspections and reports

- a) Every six months, enterprises being issued certificates and labeling energy-saving product are responsible to make reports to the Ministry of Industry on the quantity and kinds of products that have been output from mill and glued on energy-saving labels;
- b) Periodically or irregularly, the Ministry of Industry shall take the initiative or cooperate with relevant Ministries and branches to inspect typical samples of the enterprises' products. The product sample inspection shall be performed no more than once a year unless complaints are lodged or suspicion manifestations of the energy consumption norms of product. The cost for typical sample test of energy-consumption norms shall be paid by enterprises.
- c) The Ministry of Industry shall guide and inspect the implementation of energy-saving products inspection and testing in appointed laboratories;
- d) The Ministry of Industry shall inspect and supervise the printing and supply of energy-saving labels in the appointed printing units.
- dd) The on-spot inspection must be performed under the law provisions on inspection and examination.

2. Suspending energy-saving product certificates

The Ministry of Industry shall issue decisions on suspending energy-saving product certificates when enterprises commit one of the following acts:

- a) Sticking the fake energy-saving product labels or carrying out sticking energy-saving product labels when the energy-saving product certificate has not been issued.
- b) Printing being not right with the prescribed form and using energy-saving labels wrongly on purpose, using for other purpose that may cause confusions for customers;
- c) Showing on the energy-saving labels is incorrect with energy-saving rates that stated in the Certificate issued by the Ministry of Industry;
- d) Using energy-saving labels for other products that have not been registered and issued the energy-saving certificate;
- dd) Keeping on sticking energy-saving labels on products when the certificate has expired;
- e) Making changes in product design and production that decrease the energy-saving norms without re-registration with the Ministry of Industry;

- g) Not making reports to the Ministry of Industry on the quantity and kinds of energy-saving labels that have been stuck for the products outputting from mill;
- h) Printing energy-saving labels at printing establishments not being appointed by the Ministry of Industry.

Enterprises having the energy-saving product certificates suspended are not allowed to keep on energy-saving product labeling until the measures of correcting and overcoming violation are completely done.

The decisions on suspension shall be sent to violating enterprises and the Vietnam Standard and Consumers Association (VINASTAS)

3. Revoking energy-saving product certificate

The Ministry of Industry shall issue decisions on revoking energy-saving product certificate when enterprises commit one of the following acts:

- a) Committing violations of clause 2 this section twice or more;
- b) Having fraudulence in sending test results and dossier on registering products appropriate for energy-saving standards for registration of energy-saving product certification;
- c) Enterprises being revoked the energy-saving product certificates under decisions issued by the Ministry of Industry must immediately recall or have measure for blockade on their circulating products that have been stuck energy-saving product labels, simultaneously suspend the energy-saving product labeling, send reports to the Ministry of Industry on overcoming measures suggestion.

The decisions on revoking energy-saving product certificate shall be simultaneously sent to violating enterprises, VINASTAS and posted on means of mass media.

IV. IMPLEMENTATION PROVISIONS

1. Organizing the implementation

The Department of Science and Technology shall perform the following duties:

- a) Annually compiling and submitting the announcement about supplementing the List of energy-consumption products selected for labeling to the Minister of Industry; the assessment standards, the laboratories appointed to perform assessment and other minimum requirements for products such as: quality, good - looking and utility;
- b) Cooperating with the Directorate for Standards, Metrology and Quality to set up and suggest the Ministry of Science and Technology to promulgate the Vietnam Standard on assessing and the process for assessing the conformity of energy-consumption product with energy-saving standards; annually compiling and submitting Minister of Industry for issuing Decisions on considering and supplementing the List of products selected for energy-saving product labeling and relevant standards, technical provisions;
- c) Organizing for receiving registration dossiers of energy-saving product certification;
- d) Cooperating with functional agencies to settle the complaints and disputes relating to the registration, assessment, certification, issuance of certificate and energy-saving labeling;

dd) Inspecting and supervising the activities of laboratories appointed to test the energy-saving product technical norms;

e) Organizing the inspection and supervision of activities in establishments appointed to print energy-saving labels;

g) Announcing the information in details about registration procedures and the detailed forms for energy-consumption product labeling on the Ministry of Industry's website: <http://www.moi.gov.vn>

2. Responsibilities of enterprises

a) Enterprises must regularly take and maintain measures for ensuring that energy-saving norms of the products are conformed as registered and certified in the certification

b) When making changes in the design that affect the energy-consumption rates, enterprises are responsible to report to the Ministry of Industry the changed technological norms, the impacts on the increase or decrease in energy-consumption rates of the products; to exercise re-registration for another certification as prescribed in part DD, Section II of this Circular;

c) When finding out that the goods express inconformity with the corresponding assessment standards, enterprises must actively report to the Ministry of Industry and concurrently take overcoming measures for the goods being produced or imported, goods being circulating as well as goods being used.

3. Responsibilities of units appointed to print energy-saving labels

Every six months, units appointed by the Ministry of Industry to print energy-saving labels shall gather the figures and send reports to the Ministry of Industry on: the names of units ordering the printing, the quantity and kinds of energy-saving labels printed and supplied to the customers.

4. Effects

This Circular takes effect after 15 days as from the date of its publication on the Official Gazette.

During the course of implementation, if having any wonder or new problem arising, organizations and individuals are recommended to reflect to the Ministry of Industry for promptly settlement./.

THE MINISTER

Hoang Trung Hai

*This translation is made by **LawSoft**, for reference only. **LawSoft** is protected by copyright under clause 2, article 14 of the Law on Intellectual Property. **LawSoft** always welcome your comments*