

No. 04/2011/QH13

*Hanoi, November 11, 2011*

**LAW**

**ON MEASUREMENT**

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;*

*The National Assembly promulgates the Law on Measurement,*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

This Law provides measurement activities and the rights and obligations of organizations and individuals engaged in measurement activities.

**Article 2. Subjects of application**

This Law applies to organizations and individuals engaged in measurement activities in Vietnam.

**Article 3. Interpretation of terms**

In this Law, the terms below are construed as follows:

1. Measurement means the determination and maintenance of the measurement value of a measurand.
2. Measurement activity means the establishment and use of units of measurement and measurement standards; production, trading and use of measuring instruments and measurement standards; verification, calibration and testing of measuring instruments and measurement standards; implementation of measurement procedures; quantification of prepackaged goods; measurement management; measurement information, training, consultancy, scientific research, application and development of measurement-related technology.

3. International System of Units (abbreviated to SI according to international practice) is a system of units of measurement which have their names, symbols and rules of establishment of their divisors and multiples and rules on their use approved by the General Conference on Weights and Measures.

4. Measurement standard means a technical instrument to display and maintain the unit of measurement of a measurand and used as a standard for comparing with other measuring instruments or measurement standards.

Standard material is a special type of measurement standard having a specified level of homogeneity and stability with respect to one or a number of properties. Standard material is used for calibration and verification of measuring equipment and instruments, evaluation of methods of measurement or determination of the values of composition and characteristics of other materials or substances.

5. Measuring instrument is a technical instrument for implementing measurement procedures.

6. Measurement procedure is a combination of operations to determine the measurement value of a measurand.

7. Quantitatively prepackaged goods (below referred to as prepackaged goods) is a goods which is quantified and packaged and have its quantity written on its label without the witness of buyers.

8. Verification means the evaluation and determination of technical measurement specifications of a measuring instrument according to technical measurement requirements.

9. Calibration means the determination and establishment of a relation between the measurement value of a measurement standard or measuring instrument with the measurement value of a measurand.

10. Testing means the determination of one or several of technical measurement specifications of a measuring instrument or measurement standard.

11. Technical measurement requirements means a set of rules on technical measurement specifications of a measurement standard, measuring instrument, measurement procedure or quantity of prepackaged goods which are announced by organizations or individuals or prescribed by competent state agencies.

12. Designated verification, calibration or testing organization means an organization which meets the conditions prescribed by this Law and other

relevant laws and has been considered and included by a competent state agency in charge of measurement in a list for organizations and individuals to select and use its verification, calibration or testing services for measuring instruments and measurement standards.

13. Quantity mark means a sign that notifies the quantity of prepackaged goods conformable to technical measurement requirements.

#### **Article 4. Principles of measurement activities**

1. Measurement must assure uniformity and accuracy.

2. Measurement activities must assure:

a/ Transparency, objectivity and accuracy; equality between parties in purchase and sale of and payment for goods and services;

b/ Safety, health protection and environmental protection;

c/ Convenience for domestic and international commercial transactions;

d/ Protection of the rights and legitimate interests of organizations and individuals engaged in measurement activities;

e/ Compliance with international practices;

f/ Respect for agreements of involved parties in measurement activities on the basis of compliance with this Law and other relevant laws.

#### **Article 5. The State's measurement policies**

1. The State shall concentrate investment in the establishment and maintenance of the national measurement standard system; assure funds for implementing the measurement requirements of national measurement standards invested and managed by the State.

2. The State shall build physical and technical foundations to serve the state management of measurement; encourage organizations and individuals to build physical and technical foundations and develop human resources for measurement; and promote socialization of the following measurement activities:

a/ Establishing and maintaining measurement standards;

b/ Verifying, calibrating and testing measuring instruments and measurement standards;

c/ Producing measuring instruments and measurement standards;

d/ Training, consulting, conducting scientific research in, applying and developing measurement technologies.

3. The State shall prioritize training and development of human resources for measurement activities; intensify scientific research, application and development of measurement technologies; and promote dissemination and popularization of knowledge and law on measurement.

4. The State shall encourage organizations and individuals to use legal units of measurement to replace other units; to apply quality management systems in measurement activities in conformity with national and international standards. To prioritize the use of verification, calibration and testing organizations which have had their quality management systems recognized and certified to serve the state management of measurement.

#### **Article 6. International cooperation on measurement instruments and measurement results.**

1. International cooperation on measurement must be carried out on the basis of respect for independence, sovereignty, equality and mutual benefit.

2. International cooperation on measurement may be carried out through the following activities:

a/ Concluding treaties on measurement; acceding to international measurement organizations; signing agreements on recognition of measurement procedure results and verification, calibration and testing results between Vietnamese organizations and their counterparts of other countries and subjects of international law;

b/ Implementing international cooperation programs and projects;

c/ Exchanging specialists and training and retraining measurement personnel with other countries and international organizations;

d/ Organizing conferences, symposiums, scientific research and application and transfer of technologies;

e/ Cooperating in settling disputes.

#### **Article 7. Prohibited acts**

1. Taking advantage of measurement activities to harm national interests, national defense, security, social order and safety, and rights and legitimate interests of organizations and individuals.

2. Deliberately falsifying measuring
3. Deliberately providing false or forged results of verification, calibration and testing of measuring instruments and measurement standards.
4. Forging, erasing and tampering with contents on quantity marks and verification marks, stamps and certificates.

## **Chapter II**

### **UNITS OF MEASUREMENT, MEASUREMENT STANDARDS**

#### **Section 1 UNITS OF MEASUREMENT**

##### **Article 8. Classification of units of measurement**

1. Units of measurement include legal units of measurement and others units of measurement.
2. Legal units of measurement include:
  - a/ Base units of measurement belonging to the International System of Units;
  - b/ Derived units of measurement belonging to the International System of Units;
  - c/ Decimal multiples and submultiples of units of measurement referred to at Points a and b of this Clause;
  - d/ Units of measurements not belonging to the International System of Units which conform to domestic practices and prescribed international standards;
  - e/ Units of measurement established by a combination of those referred to at Points a, b, c and d of this Clause.
3. Base units of measurement belonging to the International System of Units include:
  - a/ The unit of measurement of length is meter, symbol m;
  - b/ The unit of measurement of mass is kilogram, symbol kg;
  - c/ The unit of measurement of time is second, symbol s;
  - d/ The unit of measurement of electric current is ampere, symbol A;
  - e/ The unit of measurement of thermodynamic temperature is Kelvin, symbol K;
  - f/ The unit of measurement of amount of substance is mole, symbol mol;
  - g/ The unit of measurement of luminous intensity is candela, symbol cd.

4. The Government shall detail the legal units of measurement.
5. Other units of measurement include traditional units of measurement and units of measurement not provided in Clause 2 of this Article.

#### **Article 9. Use of units of measurement**

1. Legal units of measurement must be used in the following cases:
  - a/ In documents issued by state agencies;
  - b/ On measuring instruments used in inspection, examination and judicial assessment and other public-duty activities;
  - c/ Indicating quantity of prepackaged goods;
  - d/ In the manufacture, trading and import of measuring instruments specified in Clause 2, Article 16 of this Law;
  - e/ In safety assurance, community health protection and environmental protection activities.
2. Except the cases specified in Clause 1 of this Article, other units of measurement may be used as agreed upon.

In case of settling disputes related to the use of units of measurement other than legal ones, such units must be converted into legal units of measurement.

3. The Government shall detail this Article.

### **Section 2 MEASUREMENT STANDARDS**

#### **Article 10. System of measurement standards of each field of measurement**

1. National measurement standards (below referred to as national standards) are the highest measurement standards of the country used for determining measurement values of remaining measurement standards of each field of measurement.
2. Primary measurement standards (below referred to as primary standards) are measurement standards used for calibrating and determining measurement values of other measurement standards in localities and organizations.
3. Working measurement standards (below referred to as working standards) are measurement standards used for verifying, calibrating and testing measuring instruments.

#### **Article 11. Fundamental requirements on measurement standards**

1. Fundamental technical measurement requirements of measurement standards must be displayed on measurement standards or written on goods labels or accompanying documents.
2. Technical measurement specifications of measurement standards must conform to technical measurement requirements announced by organizations or individuals or prescribed by competent state management agencies in charge of measurement for application.

### **Article 12. Requirements on national standards**

1. Meeting the requirements specified in Article 11 of this Law.
2. National standards must be established in accordance with the master plan on development of national standards.
3. National standards must be approved, maintained, preserved and used at organizations designated to keep national standards.
4. National standards must be periodically calibrated or compared with international standards or national standards of other countries which have been calibrated or compared with international standards.

The calibration or comparison of national standards must be carried out by organizations designated to keep national standards.

5. The Prime Minister shall approve the master plan on development of national standards.

. The Minister of Science and Technology shall approve national standards, designate organizations to keep national standards, and detail Clauses 3 and 4 of this Article.

### **Article 13. Conditions on operation of organizations designated to keep national standards**

Organizations designated to keep national standards must meet the following conditions:

1. Having the legal person status.
2. Having adequate staffs and physical and technical foundations to carry out the following activities:
  - a/ Keeping, maintaining, preserving and using national standards according to regulations;

b/ Periodically calibrating and comparing national standards under Clause 4, Article 12 of this Law;

c/ Calibrating or comparing to transmit the preciseness of national standards to less precise measurement standards;

d/ Conducting scientific research, application and development of technologies related to measurement standards; developing methods of maintaining and preserving national standards; developing methods of measurement to transmit the preciseness of national standards to less precise measurement standards.

3. Establishing calibration diagrams and calibration processes and procedures in accordance with national and international standards.

4. Establishing and maintaining management systems to carry out activities specified in Clause 2 of this Article.

5. Being designated to keep national standards.

#### **Article 14. Requirements on primary and working standards**

1.. Meeting the requirements in Article 11 of this Law.

2. Primary and working standards are established by competent local state agencies or by organizations.

3. The maintenance, preservation and use of primary and working standards comply with regulations issued by heads of competent local state agencies or heads of organizations keeping these measurement standards.

4. Technical measurement specifications of primary and working standards conform to technical measurement requirements already announced through periodical calibrations or comparisons with national standards or more precise measurement standards which have been calibrated.

5. The calibration or comparison of primary and working standards is conducted at a calibration organization meeting the conditions specified in Article 25 of this Law.

6. Working standards which are directly used for verifying measuring instruments specified in Clause 2, Article 16 are calibrated at a designated calibration organization and has been certified to conform to technical measurement requirements.



7. The Minister of Science and Technology shall provide the certification of working standards referred to in Clause 6 of this Article.

### **Article 15. Requirements on standard materials**

1. Standard materials must satisfy the requirements on measurement standards specified in Articles 11, 12 and 14 of this Law and the following requirements:

a/ Their homogeneity, stability and inherent values conform to technical measurement requirements already announced or prescribed;

b/ Their inherent values are certified together with zero level of measurement assurance of these values;

c/ Their inherent values are certified through testing or comparison at a testing organization.

2. Standard materials which are directly used for verifying measuring instruments specified in Clause 2, Article 16 must be certified under Clause 7, Article 14 of this Law.

## **Chapter III**

### **MEASURING INSTRUMENTS**

#### **Article 16. Types of measuring instruments**

1. Measuring instruments used in scientific research, operation and adjustment of technological processes and quality control in manufacture or other purposes not defined in Clause 2 of this Article (below referred to as category-1 measuring instruments) are controlled according to technical measurement requirements announced by organizations or individuals.

2. Measuring instruments used for quantifying goods or services in purchase and sale, payment, safety assurance, community health protection, environmental protection, inspection, examination, judicial assessment and in other public-duty activities (below referred to as category-2 measuring instruments) on the list of category-2 measuring instruments are controlled according to technical measurement requirements prescribed by competent state management agencies in charge of measurement for application.

The Minister of Science and Technology shall promulgate the list of category-2 measuring instruments.

#### **Article 17. Fundamental requirements on measuring instruments**

1. Fundamental technical measurement requirements can be displayed on measuring instruments or written on their labels or accompanying documents.
2. The structure of a measuring instrument can prevent interventions to distort measurement results.
3. Technical measurement specifications of measuring instruments must comply with technical measurement requirements announced by organizations or individuals or prescribed by competent state agencies in charge of measurement for application.

#### **Article 18. Requirements on category-1 measuring instruments**

1. Meeting the requirements prescribed in Article 17 of this Law.
2. Category-1 measuring instruments must be verified, calibrated and tested at the request of organizations or individuals or competent state agencies.
3. The verification, calibration and testing of category-1 measuring instruments shall be conducted by verification, calibration and testing organizations meeting the conditions specified in Clause 1, Article 25 of this Law, which are selected and decided by organizations or individuals manufacturing, importing, exporting and using measuring instruments.

#### **Article 19. Requirements on category-2 measuring instruments**

1. Meeting the requirements prescribed in Article 17 of this Law.
2. Category-2 measuring instruments must be controlled in terms of measurement by one or several of the following measures:
  - a/ Type approval before manufacture or import;
  - b/ Initial verification prior to use;
  - c/ Periodical verification during use;
  - d/ Post-repair verification.
3. The type approval of measuring instruments referred to at Point a, Clause 2 of this Article must be conducted under Article 20 of this Law.
4. The verification of measuring instruments referred to at Points b, c and d, Clause 2 of this Article must be conducted under Clause 2, Article 21 of this Law.
5. The Minister of Science and Technology shall detail Clauses 2, 3 and 4 of this Article.

## **Chapter IV**

### **TYPE APPROVAL, VERIFICATION, CALIBRATION AND TESTING OF MEASURING INSTRUMENTS AND MEASUREMENT STANDARDS**

#### **Article 20. Type approval of measuring instruments**

1. Type approval of a measuring instrument shall be conducted by a competent state agency in charge of measurement to assess and certify the type of a measuring instrument to conform to prescribed technical measurement requirements.
2. The testing of a type of a measuring instrument for approval must be conducted at a designated testing organization.

Types of measuring instruments may be entitled to testing exemption or reduction. The Minister of Science and Technology shall provide the testing exemption and reduction for types of measuring instruments.

#### **Article 21. Verification of measuring instruments**

1. Verification of a measuring instrument shall be conducted by a verification organization to assess and certify technical measurement specifications of such measuring instrument according to technical measurement requirements.
2. Category-2 measuring instruments are subject to initial verification prior to use and to periodical verification during use, and to post-repair verification.

Some category-2 measuring instruments must be periodically verified in the form of comparison verification. Comparison verification must be conducted by other verification organizations on the list of designated verification organizations.

The Minister of Science and Technology shall specify comparison verification and category-2 measuring instruments subject to comparison verification.

3. Category-1 measuring instruments may be subject to voluntary verification at the request of related organizations or individuals.

#### **Article 22. Calibration of measuring instruments and measurement standards**

1. Calibration of a measuring instrument or measurement standard must be conducted by a calibration organization to determine and establish a relation between the measuring value of a measurement standard or measuring instrument and the measurement value of a measurand.

2. Working standards are used directly for verifying category-2 measuring instruments subject to compulsory calibration.

3. Primary and working standards not mentioned in Clause 2 of this Article and category-1 measuring instruments may be voluntarily calibrated at the request of related organizations and individuals.

#### **Article 23. Testing of measuring instruments and measurement standards**

1. Testing shall be conducted by a testing organizations to determine one or several of technical measurement specifications of a measuring instrument or measurement standard.

2. Types of category-2 measuring instruments are subject to compulsory testing before approval, except for cases of testing exemption or reduction.

3. Primary and working standards and category-1 measuring instruments may be voluntarily tested at the request of related organizations and individuals.

#### **Article 24. Principles of verification, calibration and testing activities**

1. Independence, objectivity and accuracy; publicity and transparency in verification, calibration and testing processes and procedures.

2. Compliance with announced or prescribed verification, calibration and testing processes and procedures or regulations of competent state agencies in charge of measurement.

3. Compliance with regulations on confidentiality of verification, calibration and testing information, data and results.

#### **Article 25. Conditions on operation of verification, calibration and testing organizations**

1. Verification, calibration and testing organizations providing verification, calibration and testing services must satisfy the following conditions:

a/ Having the legal person status;

b/ Having adequate physical and technical foundations meeting the requirements of their field of operation;

c/ Having sufficient personnel meeting the requirements of their field of operation;

d/ Meeting the requirements of independence and objectivity;

e/ Having established and maintained management systems suitable to their field of operation;

f/ Having registered their operation with a competent state agency in charge of measurement.

2. Verification, calibration and testing organizations designated to conduct compulsory verification, calibration and testing must satisfy the conditions specified in Clause 1 of this Article and must be designated.

3. The Minister of Science and Technology shall detail Clause 1 of this Article, and provide the designation of verification, calibration and testing organizations.

#### **Article 26. Verification, calibration and testing expenses**

1. Verification, calibration and testing expenses shall be determined on the principles of offsetting reasonable actual expenses for completing verification, calibration or testing work and suitability to the content, volume, nature and deadline of such work.

2. Verification, calibration and testing expenses shall be determined on the basis of the following basic expenses:

a/ Supplies expense;

b/ Labor expense;

c/ Machine and equipment depreciation expense;

d/ Transportation freight.

2. Expenses for verification, calibration and testing of measuring instruments and measurement standards shall be formulated and publicly displayed and comply with the price law.

### **Chapter V**

#### **MEASUREMENT PROCEDURES, QUANTITIES OF REPACKAGED GOODS**

##### **Section 1 MEASUREMENT PROCEDURES**

#### **Article 27. Measurement procedures**

1. Measurement procedures implemented in scientific research, operation and adjustment of technological processes and quality control in manufacture or for other purposes not defined in Clause 2 of this Article (below referred to as

category-1 measurement procedures) are controlled according to technical measurement requirements announced by organizations and individuals.

2. Measurement procedures implemented to quantify goods and services in purchase and sale and payment transactions, safety assurance, community health protection, environmental protection, inspection, examination and judicial assessment activities and other public-duty activities (below referred to as category-2 measurement procedures) are controlled according to technical measurement requirements prescribed by competent state agencies in charge of measurement.

#### **Article 28. Fundamental requirements on measurement procedures**

1. Measuring instruments, methods of measurement, conditions for implementing measurement procedures and level of skillfulness of implementers must comply with the guidelines of manufacturers of measuring instruments or conform to technical measurement requirements announced by organizations or individuals or prescribed by competent state agencies in charge of measurement.

2. The accuracy of measurement results must be assured to be transmitted from measurement standards through an unbroken chain of calibration and testing activities.

#### **Article 29. Measurement requirements on category-1 measurement procedures**

1. Meeting the requirements specified in Article 28 of this Law.

2. Category-1 measurement procedures are implemented at the request of organizations or individuals.

3. Organizations and individuals themselves shall decide on and take responsibility for the accuracy of measurement results through taking either or both of the following measures:

a/ Selecting and using measuring instruments with appropriate technical measurement specifications and observing instructions of their manufacturers on measurement method, operation and use conditions of these measuring instruments in implementing measurement procedures;

b/ Reaching agreement with other organizations and individuals to implement measurement procedures and provide measurement results.

## **Article 30. Measurement requirements on category-2 measurement procedures**

1. Meeting the requirements specified in Article 28 of this Law.
2. Category-2 measurement procedures are implemented with category-2 measuring instruments.
3. Measurement procedures are implemented according to technical measurement requirements prescribed by competent state agencies in charge of measurement.

The Minister of Science and Technology shall detail category-2 measurement procedures.

## **Section 2: QUANTITIES OF PREPACKAGED GOODS**

### **Article 31. Classification of prepackaged goods**

1. Prepackaged goods not on the list referred to in Clause 2 of this Article must be controlled according to technical measurement requirements announced by organizations or individuals (below referred to as category-1 prepackaged goods).
2. Prepackaged goods which are marketed in large quantities or have a large value and are prone to disputes and complaints about their quantities between involved parties in purchase and sale and payment transactions, are likely to harm human health or environment (below referred to as category-2 prepackaged goods) on the list of category-2 prepackaged goods must be controlled according to technical measurement requirements prescribed by competent state agencies in charge of measurement.

The Minister of Science and Technology shall promulgate the list of category-2 prepackaged goods.

### **Article 32. Fundamental requirements on quantities of prepackaged goods**

1. Quantities of prepackaged goods must conform to information written on their labels or accompanying documents and technical measurement requirements announced by their producers or traders or prescribed by competent state agencies in charge of measurement.
2. Quantities of prepackaged goods must be written on their labels in accordance with the law on goods labeling.

**Article 33. Measurement requirements on quantities of category-1 prepackaged goods**

1. Quantities of category-1 prepackaged goods upon production or importation must conform to the requirement specified in Article 32 of this Law.
2. Quantities of category-1 prepackaged goods must conform to the requirements announced by their producers or importers and these goods' labels must have quantity marks decided by such producers or traders themselves.

**Article 34. Measurement requirements on quantities of category-2 prepackaged goods**

1. Quantities of category-2 prepackaged goods upon production or importation must conform to the requirement specified in Article 32 of this Law.
2. Quantities of category-2 prepackaged goods must conform to technical measurement requirements and these goods' labels must have quantity marks.
3. The Minister of Science and Technology shall specify technical measurement requirements for quantities of category-2 prepackaged goods; stipulate quantity marks and the grant of certificates of eligibility for using quantity marks on goods labels provided in Clause 2 of this Article.

**Chapter VI**

**RIGHTS AND OBLIGATIONS OF ORGANIZATIONS AND INDIVIDUALS IN MEASUREMENT ACTIVITIES**

**Article 35. Rights and obligations of manufacturers and traders of measuring instruments and measurement standards**

1. Manufacturers and traders of measuring instruments and measurement standards have the following rights:
  - a/ To select appropriate verification, calibration and testing organizations to take measurement control measures with respect to measuring instruments and measurement requirements on measurement standards in accordance with this Law;
  - b/ To lodge complaints about results of verification, calibration and testing of measuring instruments and measurement standards; to file lawsuits against breaches of contracts concluded with organizations verifying, calibrating or testing measuring instruments and measurement standards;



c/ To lodge complaints about or file lawsuits against administrative acts and decisions of competent state offices and agencies in accordance with law.

2. Manufacturers and traders of measuring instruments and measurement standards have the following obligations:

a/ To take measurement control measures to measuring instruments and measurement requirements on measurement standards in accordance with this Law before putting measuring instruments and measurement standards into use;

b/ To submit to inspection and examination by competent state agencies in accordance with law;

c/ To provide truthful information on technical measurement specifications of measuring instruments and measurement standards;

d/ To guide customers and users on required conditions when transporting, storing, preserving and using measuring instruments and measurement standards;

e/ To pay charges for verification, calibration and testing of measuring instruments and measurement standards;

f/ To have their measuring instruments and measurement standards verified, calibrated and tested at the request of competent state agencies.

### **Article 36. Rights and obligations of organizations verifying, calibrating and testing measuring instruments and measurement standards**

1. Verification, calibration and testing organizations have the following rights:

a/ To conduct verification, calibration and testing within their registered scope of operation;

b/ To have their verification, calibration and testing results considered and recognized by competent state agencies in charge of measurement to serve the state management of measurement in accordance with law;

c/ To lodge complaints about or file lawsuits against administrative acts and decisions of competent state officers and agencies in accordance with law.

2. Verification, calibration and testing organizations have the following obligations:

a/ To make public and transparent and observe verification, calibration and testing processes and procedures; to assure objectivity and accuracy; to observe regulations on verification, calibration and testing expenses;

b/ To keep confidential their customers' information, data and results of verification, calibration and testing according to regulations, unless requested by competent state agencies;

c/ When detecting acts showing signs of violation of the law on measurement, to promptly report to and coordinate with competent state agencies in handling these acts in accordance with law;

d/ To take responsibility before law for verification, calibration and testing results they have provided;

e/ To submit to inspection and examination by competent state agencies in accordance with law.

**Article 37. Rights and obligations of designated organizations verifying, calibrating and testing measuring instruments and measurement standards**

1. Designated verification, calibration and testing organizations have the following rights:

a/ To conduct verification, calibration and testing within their designated scope;

b/ To have their verification, calibration and testing results considered and recognized by competent state agencies in charge of measurement to serve the state management of measurement in accordance with law;

c/ To lodge complaints about or file lawsuits against administrative acts and decisions of competent state officers and agencies in accordance with law.

2. Designated verification, calibration and testing organizations have the obligations specified in Clause 2, Article 36 of this Law and the following obligations:

a/ To comply with verification, calibration and testing requests, except in force majeure cases;

b/ To assure verification, calibration and testing processes and procedures prescribed by competent state agencies in charge of measurement.

**Article 38. Rights and obligations of users of measuring instruments and measurement standards**

1. Users of measuring instruments and measurement standards have the following rights:

a/ To request manufactures and traders of measuring instruments and measurement standards to provide information and documents on technical measurement specifications and conditions for transporting, storing, preserving and using measuring instruments and measurement standards;

b/ To select appropriate organizations to verify, calibrate and test measuring instruments and measurement standards to take measurement control measures to measuring instruments and measurement requirements on measurement standards in accordance with this Law;

c/ To complain about verification, calibration and testing results; to file lawsuits against contract breaches of verification, calibration and testing organizations;

d/ To lodge complaints about or file lawsuits against administrative acts and decisions of competent state officers and agencies in accordance with law.

2. Users of measuring instruments and measurement standards have the following obligations:

a/ To apply measurement control measures to measuring instruments and measurement requirements on measurement standards when using them;

b/ To assure transportation and preservation conditions and use requirements as instructed by manufacturers and importers; if detecting errors or breakdowns, to stop the use and take remedies;

c/ To comply with requirements on operational skills and experience for users of measuring instruments when performing category-2 measurement procedures according to regulations of competent state management agencies in charge of measurement;

d/ To assure prescribed conditions for persons with related rights and obligations to supervise and examine the performance of measurement procedures, measurement methods, measuring instruments, measurement standards and quantities of goods;

e/ To submit to measurement inspection and examination by competent state agencies in accordance with law;

f/ To pay verification, calibration and testing charges for measuring instruments and measurement standards.

### **Article 39. Rights and obligations of producers and traders or prepackaged goods**

1. Producers and traders of prepackaged goods have the following rights:
  - a/ To announce quantity marks on the labels of category-1 prepackaged goods;
  - b/ To lodge complaints about or file lawsuits against administrative acts and decisions of competent state offices and agencies in accordance with law.
2. Producers and traders of prepackaged goods have the following obligations:
  - a/ To provide truthful information on quantities of prepackaged goods;
  - b/ To notify customers and consumers of required conditions for transporting, storing, preserving and using prepackaged goods;
  - c/ To assure quantities of prepackaged goods meeting prescribed technical measurement requirements;
  - d/ To display quantity marks on the labels of category-2 prepackaged goods according to regulations;
  - e/ To submit to measurement inspection and examination by competent state agencies in accordance with law.

### **Article 40. Measurement-related rights and obligations of consumers**

1. Consumers have the following rights:
  - a/ To be provided with truthful information on purchased quantities of goods, measuring instruments and measurement standards;
  - b/ To request sellers to meet the conditions specified at Point d, Clause 2, Article 38 of this Law for checking measuring instruments, implementing measurement procedures and checking purchased goods quantities;
  - c/ To denounce violations of the law on measurement;
  - d/ To request consumer interest protection organizations to help protect their rights and legitimate interests;
  - e/ Other rights as provided by law.
2. Consumers have the following obligations:
  - a/ To report to competent state agencies on measurement activities of organizations and individuals which infringe upon their rights and legitimate interests;

b/ To refrain from taking advantage of measurement regulations to infringe upon the interests of the State and the rights and legitimate interests of organizations and other individuals.

**Article 41. Rights and obligations of measurement-related socio-professional organizations**

1. To give consultancy and counter-arguments on and participate in the formulation of legal documents and schemes, projects and master plans on measurement development in accordance with law.
2. To provide measurement consultancy and science and technology services in accordance with law.
3. To be provided with measurement information in accordance with law.
4. To disseminate and popularize knowledge about measurement and mobilize organizations and individuals to implement the law on measurement.
5. To propose inspection and examination agencies and competent state agencies to handle violations of the law on measurement.

**Chapter VII**

**EXAMINATION, INSPECTION AND HANDLING OF VIOLATIONS OF THE  
LAW ON MEASUREMENT**

**Section 1: STATE EXAMINATION OF MEASUREMENT**

**Article 42. Objects of state examination of measurement**

State examination of measurement shall be conducted with respect to measurement standards, measuring instruments, measurement procedures, quantities of prepackaged goods and activities of verification, calibration and testing of measuring instruments and measurement standards.

**Article 43. Contents of state examination of measurement**

1. Contents of state examination of measurement with respect to measurement standards include:
  - a/ Examining the compliance of measurement standards with the requirements specified in Article 11 of this Law;
  - b/ Examining the compliance of measurement standards with measurement requirements on relevant measurement standards specified in Articles 12,14 and 15 of this Law.

2. Contents of state examination of measurement with regard to measuring instruments include:

a/ Examining the compliance of the display of technical measurement specifications of measuring instruments with the provision of Clause 1, Article 17 of this Law;

b/ Examining the compliance of parts and details of category-2 measuring instruments with approved types;

c/ Examining the compliance of measuring instruments with the requirements specified in Clause 2, Article 17 of this Law;

d/ Examining technical measurement specifications of measuring instruments according to Clause 3, Article 17 of this Law;

e/ Examining the compliance of measuring instruments with preservation, storage and use conditions;

f/ Examining the compliance of measuring instruments with measurement requirements on relevant measuring instruments specified in Articles 18 and 19 of this Law.

3. Contents of state examination of measurement with respect to measurement procedures include:

a/ Examining and determining the compliance of measuring instruments and methods of measurement already used and measurement conditions with technical measurement requirements;

b/ Checking errors of measurement results against allowable error limits according to technical measurement requirements.

4. Contents of state examination of measurement with respect to quantities of prepackaged goods include:

a/ Checking the writing of quantities of prepackaged goods on their labels;

b/ Checking actual quantities of goods;

c/ Checking the display of quantity marks.

5. Contents of state examination of measurement with respect to the verification, calibration and testing of measuring instruments and measurement standards include:

a/ Examining the compliance with the principles of verification, calibration and testing provided in Article 24 of this Law;

b/ Examining the assurance of operation conditions provided in Article 25 of this Law;

c/ Examining the fulfillment of the obligations by verification, calibration and testing organizations provided in Clause 2, Article 36, and of designated ones provided in Clause 2, Article 37 of this Law.

#### **Article 44. Processes and procedures of state examination of measurement**

1. To produce the examination decision prior to conducting the examination. If it is so permitted by the examination decision, to take samples for examination prior to producing the examination decision.

2. To conduct examination in accordance with the examination decision.

3. To make an examination record.

4. To handle examination results in accordance with Article 48 of this Law.

5. To report to the agency which has issued the measurement-related state examination decision.

#### **Article 45. Forms of state examination of measurement**

1. Examination conducted according to programs and plans approved by competent state examination agencies in charge of measurement.

2. Unexpected examination for settling disputes, complaints and denunciations, upon detecting signs of violation of the law on measurement or upon request of competent state agencies.

#### **Article 46. Agencies performing the state examination of measurement**

1. The competent state agency in charge of measurement under the Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with related agencies and organizations in, performing the state examination of measurement nationwide.

2. Competent state agencies in charge of measurement under provincial-level People's Committees shall assume the prime responsibility for, and coordinate with related agencies and organizations in, performing the state examination of measurement in localities.

3. District-level People's Committees shall, within the scope of their functions, tasks and powers, assume the prime responsibility for, and coordinate with related agencies and organizations in, performing state examination of metrology in their localities.

**Article 47. Powers and tasks of agencies performing the state examination of measurement**

1. Agencies performing the state examination of measurement have the following powers:

- a/ To decide to form examination teams;
- b/ To warn about risks of non-assurance of measurement requirements to subjects of examination;
- c/ To handle violations in the course of examination under Article 48 of this Law;
- d/ To settle complaints and denunciations about decisions of examination teams and acts of their members in accordance with the laws on complaints and denunciations.

2. Agencies performing the state examination of measurement have the following tasks:

- a/ To formulate annual examination programs and plans and submit them to competent state management agencies in charge of measurement for approval;
- b/ To issue handling decisions according to their competence within 15 days after receiving examination teams' reports and recommendations to handle violations; to announce these decisions in the mass media;
- c/ To assure objectivity, accuracy, publicity, transparency and non-discrimination in activities of state examination of measurement;
- d/ To keep confidential information and documents related to examined organizations and individuals pending conclusion;
- e/ To take responsibility before law for decisions on handling and the handling of violations.

**Article 48. Handling of violations in the course of state examination of measurement**

1. In the course of examination, if detecting that measurement standards, measuring instruments, measurement procedures, quantities of prepackaged



goods, verification, calibration and testing activities of verification, calibration and testing organizations do not comply with this Law, examination teams may take the following measures:

a/ To request organizations and individuals that manufacture, trade in, preserve, maintain and use measurement standards to suspend the manufacture, trading and use of such measurement standards and promptly take remedies;

b/ To request manufacturers, traders or users of measuring instruments to suspend the manufacture, trading and use of such measuring instruments and promptly take remedies;

c/ To request producers and traders of prepackaged goods to suspend the production and trading of these goods and promptly take remedies;

d/ To request organizations and individuals to suspend measurement procedures and promptly take remedies;

e/ To request verification, calibration and testing organizations to suspend their improper verification, calibration and testing activities and promptly take remedies.

2. If detecting organizations and individuals committing serious violations of the law on measurement or, after requesting to take measures specified in Clause 1 of this Article, these organizations and individuals still continue their violations, examination teams may take the following measures:

a/ To request immediate termination of the violation;

b/ To seal up measurement standards, measuring instruments or prepackaged goods which do not comply with regulations;

c/ To promptly report to agencies performing the state examination of measurement to request a competent state agency to handle the violation in accordance with law;

An examination dossier sent to a competent agency comprises the official letter of the examination agency, the examination record of the examination team and relevant papers and evidence. The examination dossier is a legal ground for a competent state agency to handle in accordance with law;

d/ To propose the agency performing the state examination of measurement to publicly notify in the mass media the names and addresses of violators and their violations.

3. On the basis of the recommendations of examination teams, competent agencies and persons shall handle violations according to their competence and publicly notify in the mass media the names and addresses of violators and their violations.

4. In case the examination team has a member who is a science and technology inspector, a person assigned with the specialized inspection tasks, a policeman, a market controller or an officer of another competent agency, this member shall promptly handle the violation in accordance with law.

#### **Article 49. Funds for taking samples for state examination of measurement**

1. Funds for taking samples for state examination of measurement shall be paid by agencies performing the state examination of measurement and incorporated in their operation fund estimates.

2. In case an organization or individual is concluded to have committed a violation of measurement regulations, such organization or individual shall refund sample taking expenses to the agency performing the state examination of measurement.

3. The Government shall detail this Article.

### **Section 2: INSPECTION AND HANDLING OF VIOLATIONS OF THE LAW ON MEASUREMENT**

#### **Article 50. Inspection of measurement**

1. The Inspectorate of the Ministry of Science and Technology, inspectorates of provincial-level Science and Technology Departments and agencies performing the state management of measurement shall perform the function of specialized measurement inspection.

2. Inspection shall be conducted in accordance with this Law and the law on inspection.

#### **Article 51. Subjects and tasks of specialized measurement inspection**

1. Subject to specialized measurement inspection are organizations and individuals engaged in measurement activities.

2. Specialized measurement inspectors have the task of inspecting the implementation of the law and technical regulations on measurement by organizations and individuals in measurement activities.

## **Article 52. Handling of violations of the law on measurement**

1. Individuals who commit acts of violation of the law on measurement shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability and, if causing damage, pay compensations in accordance with law.

2. Organizations which commit acts of violation of the law on measurement shall, depending on the nature and seriousness of their violations, be administratively handled and, if causing damage, pay compensations in accordance with law.

3. Those who abuse their positions and powers to violate the law on measurement shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability and, if causing damage, pay compensations in accordance with law.

4. The sanctioning of acts of administrative violation related to measurement referred to in Clauses 1 and 2 of this Article complies with the law on handling of administrative violations, except for the case specified in Clause 5 of this Article.

5. For administrative violations related to measurement involve sums of money illicitly earned in the course of violation higher than the maximum fine level in the field of measurement prescribed by the law on handling of administrative violations, a fine equal to between one and five times the illicitly earned sum of money shall be imposed. The illicitly earned sum of money must be confiscated. Violators may be also subject to additional sanctioning forms, forced to take remedies and implement other provisions of the law on handling of administrative violations.

The chief inspector of the Ministry of Science and Technology and chairpersons of provincial-level People's Committees are competent to sanction cases of violation referred to in this Clause.

6. The Government shall detail acts of administrative violation related to measurement, levels of sanction and ways of calculating illicitly earned money referred to in this Article.

## **Chapter VIII**

### **STATE MANAGEMENT RESPONSIBILITIES FOR MEASUREMENT**

#### **Article 53. Responsibilities of the Government**

The Government shall perform unified state management of measurement nationwide.

#### **Article 54. Responsibilities of the Ministry of Science and Technology**

The Ministry of Science and Technology shall take responsibility before the Government for the state management of measurement nationwide, and having the following responsibilities:

1. To assume the prime responsibility for, and coordinate with related ministries and ministerial-level agencies in, promulgating according to its competence or submitting to competent state agencies for promulgation, and organizing the implementation of, policies and master plan on development of national standards and legal documents on measurement.
2. To manage the establishment, maintenance, preservation and use of the system of measurement standards.
3. To organize measurement management of measuring instruments, measurement procedures and quantities of prepackaged goods; and verification, calibration and testing activities.
4. To organize scientific research and application and development of measurement technologies.
5. To undertake international cooperation on measurement.
6. To disseminate and educate about the law on measurement.
7. To manage the training, retraining and development of human resources for measurement activities.
8. To inspect, examine and settle complaints and denunciations and handle violations of the law on measurement according to its competence.

#### **Article 55. Responsibilities of ministries and ministerial-level agencies**

1. Ministries and ministerial-level agencies shall, within the scope of their respective tasks and powers, coordinate with the Ministry of Science and Technology in performing the following tasks:

- a/ To participate in formulating, and organizing the implementation of, policies and master plans on development of national standards and legal documents on measurement;

b/ To propose category-2 measuring instruments, category-2 prepackaged goods and technical measurement requirements on category-2 measurement procedures to the Ministry of Science and Technology for promulgation;

c/ To inspect and examine measurement activities in their assigned state management sectors;

d/ To settle complaints and denunciations and handle violations of the law on measurement in accordance with law.

2. The Ministry of National Defense and the Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology, in performing the state management of measurement in specific measurement activities in the fields of national defense and security.

#### **Article 56. Responsibilities of People's Committees at all levels**

1. The People's Committees at all levels shall perform the state management of measurement in their respective localities according to the decentralization by the Government.

2. Provincial-level People's Committees shall, within the scope of their tasks and powers, have the following responsibilities:

a/ To propose, elaborate and submit to competent state agencies for promulgation legal documents on measurements; and to formulate measurement master plans and plans;

b/ To implement legal documents, master plans and plans on measurement;

c/ To build physical and technical foundations and invest in equipment for measurement management work;

d/ To widely disseminate and guide the law on measurement;

e/ To conduct state examination of measurement;

f/ To inspect and examine the observance of the law on measurement; and settle complaints and denunciations and handle violations of the law on measurement in accordance with law.

3. District-level People's Committees shall, within the scope of their tasks and powers, have the following responsibilities:

a/ To publicly disseminate the law on measurement;

b/ To conduct state examination of measurement with respect to measuring instruments, measurement procedures and quantities of prepackaged goods according to decentralization;

c/ To coordinate with competent state agencies in conducting measurement inspection and examination in their localities in accordance with law;

d/ To settle complaints and denunciations and handle violations of the law on measurement in accordance with law.

4. Commune-level People's Committees shall, within the scope of their tasks and powers, have the following responsibilities:

a/ To publicly disseminate the law on measurement;

b/ To coordinate with competent state agencies in conducting measurement inspection and examination in their localities in accordance with law;

c/ To settle complaints and denunciations and handle violations of the law on measurement in accordance with law.

## **Chapter IX**

### **IMPLEMENTATION PROVISIONS**

#### **Article 57. Effect**

This Law takes effect on July 1, 2012.

Measurement Ordinance No. 16/1999/PL-UBTVQH10 of October 6, 1999, and regulations on verification charges for measuring instruments on the charge tariff promulgated together with Ordinance No. 38/ 2001/PL-UBTVQH10 of August 28, 2001, cease to be effective on the effective date of this Law.

#### **Article 58. Implementation detailing**

The Government and other competent agencies shall detail articles and clauses as assigned in the Law.

*This Law was passed on November 11, 2011, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam, at its 2nd session. -*

**CHAIRMAN OF THE NATIONAL  
ASSEMBLY**

**Nguyen Sinh Hung**