

OUTSTANDING POINTS OF THE CIRCULAR ON QUALITY MANAGEMENT OF CONSTRUCTION MATERIALS

HAI LONG

On November 1, 2024, the Ministry of Construction issued Circular 10/2024/TT-BXD (**Circular 10**) providing regulations on quality management over construction material (**CM**) products and commodities. Circular 10 takes effect from December 16, 2024, with several notable points that organizations and individuals should pay attention to.

Firstly, the Circular details the regulations on CM products and commodities, in which CM product and commodity groups listed in Annex I of Circular 10, including typical groups such as cement and clinker; tiles; paving stones; sanitary ceramics; construction glass; lime; gypsum; refractory materials; construction stones; construction sand and gravel; masonry materials, and classified into the following categories:

(i) CM products and commodities without potential safety risks are those that, under reasonable conditions of transportation, storage, preservation, and use with the correct purpose, do not cause harm to humans, animals, plants, properties, or the environment (CM product and commodity group 1).

(ii) CM products and commodities with potential safety risks are those that, under reasonable conditions of transportation, storage, preservation, and use with the correct purpose, still carry the potential to cause harm to humans, animals, plants, properties, or the environment (CM product and commodity group 2). These products fall under the management responsibility of the Ministry of Construction and are listed in Annex II of Circular 10.

Additionally, for exported, imported CM commodities that have not yet been listed and identified with HS codes (exported, imported commodity classification codes in the List of Vietnamese imported and exported commodities) or with differences in classification and HS code determination, their HS codes shall be determined according to customs law regulations.



After customs clearance, exporting and importing organizations and individuals shall submit documents to the Ministry of Construction to serve as a basis for coordination with the Ministry of Finance to review, update, and supplement the HS code list.

Secondly, the Circular details the regulations on general quality management requirements for CM products and commodities. Circular 10 explicitly states that the quality of CM products and commodities must be ensured as specified in clause 1, Article 7, and Article 10, Chapter III of Decree 09/2021/ND-CP on CM management; applicable standards according to product and commodity quality regulations must be published; and traceability regulations must be implemented in accordance with Circular 02/2024/TT-BKHCN on product and commodity traceability management. Furthermore, each CM product and commodity group must meet the following specific requirements:

(i) For CM product and commodity group 1:

- A quality management system must be applied to ensure the product quality is consistent with corresponding technical standards. The products must be labeled according to Article 4 of Circular 10 before market circulation.
- Product conformity with corresponding standards shall be declared voluntarily, which must be implemented under Chapter II of Circular 28/2012/TT-BKHCN concerning standard conformity declaration, technical regulation conformity declaration, and methods of assessing conformity with standards and technical regulations; Circular 02/2017/TT-BKHCN amending and supplementing certain provisions of Circular 28/2012/TT-BKHCN; and Article 11 of Circular 10.

(ii) For CM product and commodity group 2:

- A quality management system must be applied to ensure product quality is consistent with corresponding technical regulations, and the products must be labeled according to Article 4 of Circular 10 before market circulation.
- Product conformity with corresponding technical regulations shall be declared mandatorily, which must be implemented under Chapter II of Circular 28/2012/TT-BKHCN, Circular 02/2017/TT-BKHCN, and Article 12 of Circular 10.

Thirdly, the Circular also details the regulations on standard conformity declaration, technical regulation conformity declaration activities for CM products and commodities as follows:

(i) Standard conformity declaration: Organizations and individuals shall declare CM products and commodities as conformed to corresponding standards based on Conformity certification results from a conformity assessment organization or based on self-conformity assessment results and must register the standard conformity declaration with the Inspection Agency.

(ii) Technical regulation conformity declaration: Organizations and individuals shall declare technical regulation conformity for CM product and commodity group 2 specified in national technical regulations issued by the Ministry of Construction and Annex II of Circular 10. Accordingly, the declaration is based on: (i) Certification results from a registered or legally recognized certification organization; or (ii) Certification or inspection results from certification or inspection organizations designated by the Ministry of Construction. In the case of using the conformity assessment results by foreign conformity certification organizations and testing organizations, such organizations must be recognized according to Vietnamese law or designated by a competent state management agency. It is noted that domestically produced CM products and commodities must be declared for technical regulation conformity at the Inspection Agency in the relevant place of business registration, based on certification results from a registered certification organization, or an organization recognized or designated according to legal provisions.

COMMENTS AND RECOMMENDATIONS

Overall, Circular 10 provides a more detailed and comprehensive framework for the quality management of CM products and commodities. This Circular categorizes groups of CM products and commodities and outlines appropriate quality management requirements for each group. The distinction between Group 1 (without potential safety risks) and Group 2 (with potential safety risks) enhances management effectiveness and ensures user safety. To ensure effective compliance, organizations, and enterprises should thoroughly examine and comprehend the contents of this Circular to guarantee adherence to legal management requirements and implementation of necessary legal procedures.