

MINISTRY OF EDUCATION AND TRAINING  
HO CHI MINH CITY UNIVERSITY OF LAW

**INFORMATION ABOUT NEW CONTRIBUTIONS OF THE THESIS**

**Thesis title: FOOD SAFETY MEASURES AS REGULATIONS OF THE WORLD TRADING ORGANIZATION - LEGAL ISSUES FOR VIETNAM**

**Major:** Economic law

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**PhD student's full name:** Nguyen Thi Thu Thao

**Supervisor's full name:** Assoc. Prof., Dr. Tran Viet Dung

**Educational institution:** Ho Chi Minh City University of Law

**NEW CONTRIBUTIONS OF THE THESIS**

Vietnam is increasingly able to manage export food safety risks on a large scale but has yet to manage risks for imported food well. Currently, Vietnam focuses on the issue of how to overcome food safety regulations to promote the export of food, agricultural products but has not paid due attention to the development and application of food safety measures to achieve the goal of protecting the health of their nationals from imported food risks. The thesis is an in-depth study of the theoretical and practical issues of food safety measures according to the provisions of the World Trade Organization, the legal issues posed to Vietnam. The essential latest contributions of the thesis are shown as follows:

*Firstly*, the thesis is the first work to systematically study the legal aspects of food safety in accordance with the provisions of the World Trade Organization (WTO) in Vietnam. The remarkable new point of the thesis is that it has focused on analyzing the legal aspects of food safety for imported foods to ensure the health of Vietnamese citizens, an issue that previous studies that is not interested or just mentioned at a general level. With the increasing number of imported foods, the risks from imported food quality affecting the health of Vietnamese consumers will increase. With the development of science and technology, many countries around the world invest heavily in research on the use of genetically modified foods, irradiated foods, the use of growth stimulants, antibiotics to increase productivity of plants and animals, but if not well controlled, the residues will

seriously affect the health of consumers. If Vietnam's imported food management system is not effective, it is easy for our country to become a market for unsafe foods from other countries. Therefore, an effective legal system governing imported food is essential.

*Secondly*, the thesis uses WTO regulations on food safety measures as a legal standard to assess the suitability of current Vietnamese law on this issue, thereby clarifying the shortcomings in the provisions of Vietnamese law. Accordingly, Vietnam has only introduced food safety regulations to comply with WTO regulations, but has not taken advantage of the flexibility in WTO law to maximize the health and life of their consumers. Vietnam does not violate the requirements of the SPS Agreement on harmonization regulation, although it is applying standards lower than international standards, guidelines and recommendations. However, Vietnam should harmonize domestic laws by “complying” with international standards and gradually increase the level of protection by enacting food safety measures that are higher than international standards.

*Thirdly*, the thesis studies the law and practice related to the use of food safety measures of India and the EU in order to compare with the law and practice in Vietnam to draw necessary lessons. To ensure the safety of imported food without violating WTO regulations, both the EU and India have established independent scientific advisory bodies (EU has EFSA, India has FSSAI). These agencies will provide scientific advice to regulatory agencies to issue regulations to ensure the safety of imported food. These agencies will help the Government to issue regulations to ensure the safety of imported food in compliance with the scientific regulations of the WTO.

*Fourthly*, the thesis proposes legal solutions to help Vietnam fully exploit the WTO regulations that allow the issuance and maintenance of food safety measures to protect human health. At the same time, the thesis also points out the issues that need to be improved related to the provisions of the practical law governing food safety measures so that Vietnam can well fulfill its commitments on this issue in the WTO. Accordingly, the criteria/bases for determining the satisfaction of the requirement of “scientific evidence” when promulgating food safety measures in WTO dispute settlement practice shows the flexibility of apply these criteria, and Vietnam should study and apply to perfect these criteria/ bases. Vietnam cannot rely on the standards of the exporting Member's control and inspection system to ensure the safety of imported food for Vietnamese citizens. Therefore, Vietnam should study to issue more detailed SPS regulations for the control of imported food.

*Ho Chi Minh City, April ... , 2023*

**Phd Candidate**

**Nguyen Thi Thu Thao**