

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom - Happiness**

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No. 187/2013/ND-CP

*Hanoi, November 20, 2013*

## **DECREE**

**DETAILING IMPLEMENTATION OF THE COMMERCIAL LAW WITH RESPECT TO INTERNATIONAL PURCHASES AND SALES OF GOODS; AND ACTIVITIES OF AGENCY FOR SALE AND PURCHASE, PROCESSING AND TRANSIT OF GOODS INVOLVING FOREIGN PARTIES**

*Pursuant to the December 25, 2001 Law on organization of Government;*

*Pursuant to the June 14, 2005 Commercial Law;*

*At the proposal of Minister of Industry and Trade,*

*The Government promulgates Decree detailing implementation of the Commercial Law with respect to international purchases and sales of goods; and activities of agency for sale and purchase, processing and transit of goods involving foreign parties,*

### **Chapter 1.**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope of regulation**

1. This Decree details implementation of the Commercial Law with respect to international purchases and sales of goods, including activities of export and import; temporary import for re-export; temporary export for re-import; border-gate transfer; activities of entrustment and receiving entrustment in importing and exporting goods; and agency for sale and purchase, processing and transit of goods.

2. Goods being moveable assets, goods servicing the needs of individuals with diplomatic status, and personal luggage as defined by law are governed by separate regulations of the Government, of the Prime Minister.

##### **Article 2. Subjects of application**

Vietnamese business entities; and other organizations and individuals with activities relating to commerce as stipulated in the Commercial Law.

## **Chapter 2.**

### **IMPORT AND EXPORT OF GOODS**

#### **Article 3. Right to conduct the business of import and export**

1. With respect to Vietnamese business entities without direct foreign invested capital (hereinafter referred to as business entities):

Business entities shall have the right to import and export goods irrespective of the lines of business for which they have business registration, except for goods on the lists of goods the import and export of which is prohibited or temporarily suspended specified in this Decree and other legal documents.

Branches of business entities shall be permitted to import or export goods as authorized by the business entities.

2. With respect to business entities with foreign invested capital, foreign companies and branches of foreign companies in Vietnam:

When business entities, companies and branches conduct commercial activities within the governing scope of this Decree, in addition to complying with this Decree, they must also comply with other relevant laws and undertakings of Vietnam in international treaties to which the Socialist Republic of Vietnam is a member and roadmap announced by the Ministry of Industry and Trade.

3. For goods of conditional export and import, upon export and import, in addition to complying with this Decree, business entities must also comply with legislation on conditions for export and import of those goods.

#### **Article 4. Procedures for import and export**

1. Any business entity wishing to import or export goods for which the import and export is subject to issuance of a permit must have a permit from the relevant Ministries and sectors.

2. Import and export goods must comply with the relevant regulations on quarantine, foodstuff safety and standards, quality regulations and shall be subject to inspection by competent agencies prior to customs clearance.

3. Goods not on the lists of goods the import and export of which is prohibited or temporarily suspended, and not being goods stipulated in clauses 1 and 2 of this article shall only be subject to customs clearance procedures at the customs Sub-departments of border gates.

#### **Article 5. Goods the import or export of which is prohibited**

1. Goods the import or export of which is prohibited shall comply with provision in current legal documents and list of goods the import or export of which is prohibited specified in Annex I promulgated with this Decree.

2. The Prime Minister shall decide permission of the export or import of goods included on the list of goods the import or export of which is prohibited specified in Annex I promulgated with this Decree, except for case defined in Clause 3 of this Article.

3. Ministries and Ministerial-level bodies shall consider permitting import of Goods included on the list of goods the import of which is prohibited in specific cases in the principles and provisions as follows:

a) Import of goods for scientific research: Ministries and Ministerial-level bodies shall consider and settle according to assignment and provisions in Annex I promulgated together with this Decree.

b) Import of goods being humanitarian aid; the Ministry of Industry and Trade shall consider and settle on the basis of proposal of competent agencies as prescribed by law.

c) Goods specified at points a and b this Clause must be goods which do not cause environmental pollution, epidemic spread, not affect to human health, traffic safety, security, national defense, social order and not affect severely to ethic, culture and fine traditions of Vietnam.

d) Based on assignment at Annex I promulgated together with this Decree and relevant legislation, Ministries, Ministerial-level bodies shall promulgate written regulations and specific list of goods in accordance with HS code in the Export and Import tariff.

#### **Article 6. Goods for which import and export is subject to issuance of a permit and in the category of line management of Ministries and Ministerial-level bodies**

1. The list of import and export goods subject to issuance of a permit and in the category of line management of Ministries and Ministerial-level bodies is promulgated with this Decree at Annex II.

2. Ministries and Ministerial-level bodies in charge of line management must announce publicly standards, conditions for grant of export and import permits. The procedures for issuance of import

permits must be correctly conducted in accordance with Regulations on procedures for issuance of goods import permits promulgated by the Prime Minister.

**Article 7. Import and export goods subject to quarantine, inspection for safety of foodstuffs, and inspection for quality and regulation of border gate**

1. Import and export goods subject to plant and animal quarantine, aquatic quarantine must be conducted quarantine prior to customs clearance as prescribed by law.

The Ministry of Agriculture and Rural Development shall announce the List of goods subject to quarantine prior to customs clearance; provide for procedures and dossier of quarantine and the specific standards of goods included in this list.

2. Export and import goods subject to assurance of foodstuff safety; export and import goods subject to implementation of medical quarantine and export and import goods subject to assurance of quality and technical regulations, shall comply with provisions of Law on quality of products and goods, Law on standards and technical regulations, Law on foodstuff safety, Law on prevention and control of infectious diseases and the guiding documents.

Based on provisions of law on quality of products and goods, technical regulations, foodstuff safety and other provisions of relevant law, Ministries and Ministerial-level bodies under the management function, shall announce the list of export and import goods subject to inspection on quality assurance, technical regulations, foodstuff safety prior to customs clearance and guide specifically the inspection and certification on quality of export and import goods.

3. Aiming to satisfy requirements of management, inspection on quality of export and import goods, fight illegal carriage of goods, protect reputation of Vietnamese export goods, fight commercial fraud, Government assigns the Ministry of Industry and Trade, in each period, to regulate the export and import border-gates applicable to some commodities.

**Article 8. Announcement of list of goods according to HS code and amendment to the lists of goods set out in Annexes I, II**

1. Ministries, Ministerial-level bodies in charge of line management shall reach agreement with the Ministry of Industry and Trade about the HS code numbers to announce the HS code numbers of goods according to HS code on the Import and Export Tariff Duty List which apply to the lists of goods set out in Annexes I, II promulgated together with this Decree.

2. The Government shall issue any decision amending the lists of goods set out in Annexes I, II of this Decree on the basis of proposals of the Ministry of Industry and Trade after having opinions of Ministries, Ministerial-level bodies in charge of line management.

**Article 9. A number of lines of goods which may be imported or exported pursuant to separate provisions**

1. Import of cars:

a) All types of second-hand cars which are imported must satisfy this condition: they are not over 5 (five) years old, calculated from the date of manufacture up until the year of import.

b) Based on requirements of management in each period, the Government shall assign the Ministry of Industry and Trade to stipulate the import of types of cars carrying people with less than or equal to 9 (nine) seats.

2. Re-export of imported essential commodities for which the State guaranteed foreign currency balancing for import: All lines of import goods in respect of which the State insures foreign exchange balance for importation needs shall only be permitted to be re-exported when payment is made in a freely convertible foreign currency or under permits of the Ministry of Industry and Trade. The Ministry of Industry and Trade shall announce a specific list of these goods re-exported for each period and shall organize implementation.

3. Import of cigarettes and cigars: Based on the current law on the manufacture, trading and use of all types of cigarettes and based on relevant international undertakings, the Ministry of Industry and Trade shall specify import of this line of goods.

4. Import and export of goods servicing national defense and security: The import and export of goods servicing national defense and security shall be implemented pursuant to decisions of the Prime Minister. Based on decisions of the Prime Minister, Ministers of Public Security and National Defense shall stipulate the issue of permits to implement such import and export.

5. The Ministry of National Defense, the Ministry of Public Security shall consider, permit the temporary export for re-import of weapons, devices, military and security equipment to repair in serve of purpose of security and national defense.

6. Import of the unarmed planes not used in civil aviation, armored cars not attached military weapons; paintball guns, paintballs and other line of goods directly affecting security and national defense:

a) Import of these goods shall comply with permits of the Ministry of Industry and Trade after having request of the Ministry of Public Security or the Ministry of National Defense.

b) The Ministry of Industry and Trade shall discuss with the Ministry of National Defense and the Ministry of Public Security to announce the list and specific regulation on grant of import permit for these goods.

7. Import of all types of wood from countries with common borders: The Ministry of Industry and Trade shall provide specific guidelines on the import, border-gates for import in accordance with the Law of Vietnam, the Laws of the countries concerned, and the relevant agreements Vietnam has made with such countries and written directions of the Prime Minister.

8. Import of goods according to taxation quotas: For goods included on list of import control according to taxation quotas, Ministries of line management shall decide on taxation quotas, the Ministry of Industry and Trade shall announce specifically and stipulate the method of import administration applicable to each goods after consulting the Ministry of Finance and relevant Ministries of line management.

The Ministry of Finance shall assume the prime responsibility for, and coordinate with Ministries and agencies of line management and the Ministry of Industry and Trade in deciding and announcing determination of import tax level within and outside the quotas as prescribed by law.

9. With respect to goods exported pursuant to quotas stipulated by foreign countries, the Ministry of Industry and Trade shall reach agreement with ministries of line management and with relevant goods industry associations to fix the method for allocating quotas; and shall ensure publicity, transparency and reasonableness.

10. Import of machinery, equipment, technological chains used must abide by provisions of this Decree, other relevant legal documents and regulations promulgated by the Ministry of Science and Technology as prescribed in this Decree.

The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with relevant Ministries and sectors in promulgation specific regulations on import of machinery, equipment, technological chains used.

#### **Article 10. Temporary suspension of importation or exportation of goods**

1. Where necessary, the Prime Minister shall decide to temporary suspend importation or exportation to or from certain markets or of certain types of goods in order to ensure security and national interests, consistent with the law of Vietnam and international treaties to which the Socialist Republic of Vietnam is a member.

Decisions of the Prime Minister shall be publicly announced for the information of domestic and foreign organizations and individuals.

2. The Ministry of Industry and Trade shall inform relevant international economic organizations and countries in accordance with the agreed procedures when there is any specific decision of the Prime Minister of the Government temporarily suspending importation or exportation of goods stated at Clause 1 of this Article.

### **Chapter 3.**

#### **TEMPORARY IMPORT FOR RE-EXPORT; TEMPORARY EXPORT FOR RE-IMPORT; BORDER-GATE TRANSFER OF GOODS**

##### **Article 11. Temporary import for re-export of goods**

Business entities established in accordance with the Enterprise Law shall have the right to conduct business in the temporary import and re-export of goods pursuant to the following provisions:

1. Business entities must have a permit from the Ministry of Industry and Trade in order to temporarily import for re-export goods on the lists of goods the import and export of which is prohibited as prescribed in Annex I promulgated together with this Decree and goods the import and export of which is prohibited, temporarily suspended as prescribed by law, or goods the import and export of which is subject to issuance of a permit.

2. With respect to goods other than those stipulated in clause 1 of this article, business entities shall only be required to conduct procedures at the border gate customs Sub-departments for temporary import for re-export.

3. Trading in temporary import for re-export of the following goods is type of conditional business:

a) Goods the import or export of which is prohibited, temporarily suspended as prescribed in Clause 1 of this Article.

b) Goods which is easy to spread pathogens or cause environmental pollution.

c) Goods subject to excise tax according to the list announced by the Ministry of Industry and Trade.

Government assigns the Ministry of Industry and Trade to specify conditions for enterprises to trade in temporary import for re-export as prescribed at Clause 3 this Article and conditions for trading in temporary import for re-export of this goods.

4. Goods which are temporarily imported into Vietnam for re-export shall only be permitted to be circulated in Vietnam for 60 (sixty) days as from the date of completion of customs procedures for temporary import. If this time-limit needs to be extended, enterprises must forward a written application to the customs Sub-departments where the temporary import procedures were conducted, and the duration of any one extension shall not exceed 30 (thirty) days and there shall be no more than 2 (two) extensions permitted for each consignment of goods temporarily imported for re-export.

Passing time limit mentioned above, enterprises must re-export goods from Vietnam or conduct destruction. Case of import in Vietnam, enterprises must abide by regulations on import and taxation.

5. Goods which are temporarily imported into Vietnam for re-export must do customs procedures when import into Vietnam and shall be subject to customs supervision for the entire period until their re-exportation from Vietnam.

6. Payment of goods by way of temporary import for re-export must comply with regulations on foreign exchange control and other guidelines of the State Bank of Vietnam.

7. Temporary import for re-export shall be implemented on the basis of two separate contracts: namely an import contract and an export contract signed by the Vietnamese business entity with the foreign business entity. The export contract may be signed either before or after the import contract.

8. Border-gate of temporary import for re-export:

a) Goods which are temporarily imported into Vietnam for re-export may be temporarily imported into Vietnam for re-export through international border-gates, main border-gates as prescribed by law.

The temporary import for re-export through other border-gates or places shall be implemented pursuant to decisions of the Prime Minister.

b) With respect to temporary import for re-export of goods with countries with common borders, based on provisions of this Decree and guidelines of the Prime Minister, the Ministry of Industry and Trade shall guide specifically border-gates of temporary import for re-export.

9. Goods which are temporarily imported into Vietnam for re-export must be implemented according to the current mechanism on management of export and import goods when domestic consumption.

## **Article 12. Various forms of temporary import for re-export**



1. Goods being equipment, machinery, processing facilities, models and samples not on the lists of goods the import and export of which is prohibited or temporarily suspended shall be permitted to be temporarily imported for re-export pursuant to a contract of lease signed between a Vietnamese business entity and a foreign business entity in order to conduct manufacturing, processing, or implementing investment projects. The procedures for temporary import for re-export shall be resolved at the border gate customs Sub-departments.

2. The temporary import for re-export of all types of import and export goods in the category of management by permit shall be implemented in accordance with permit of the Ministry of Industry and Trade after obtaining consent of Ministries and Ministerial-level agencies of line management.

3. The duration of temporary importation for re-export shall be as stipulated in the agreement between the two business entities and shall be registered with the border gate customs Sub-departments.

4. Business entities shall have the right to temporarily import goods which they previously exported for reprocessing and warranty at the request of the foreign business entity and re-export for receipt by the foreign business entity. The procedures for temporary import for re-export shall be resolved at the border gate customs Sub-departments.

5. The Ministry of Finance shall guide procedures for temporary import for re-export in the following cases:

a) Temporary import for re-export of components, accessories which are temporarily imported without contract in serve of replace, repair of foreign ships, planes; components, accessories which are temporarily imported for repair of ships, planes under contracts signed between foreign owners and repair plants at Vietnam.

b) Temporary import for re-export of means containing the export and import goods according to methods of turnaround.

c) Temporary import for re-export of instruments for performances, equipment for training, competitions of art delegations, delegations of competitions or sport performances.

d) Temporary import for re-export of machinery, equipment, instruments of medical examination and treatment of foreign organizations for medical examination and treatment in Vietnam for humanitarian purpose.

### **Article 13. Temporary import for re-export of goods**

1. Business entities shall be permitted to temporarily export for re-import all types of machinery, equipment and means of transportation in order to repair, warrant, manufacture, process and lease them under respective contracts to foreign parties. Procedures for temporary export for re-import shall be regulated as follows:

a) Goods on the lists of goods the import and export of which is prohibited or temporarily suspended, and goods the import and export of which is subject to issuance of a permit must have a permit from the Ministry of Industry and Trade.

b) With respect to goods other than those in the category stipulated in point b this clause, business entities shall only be required to conduct procedures for temporary export for re-import at the border gate customs Sub-Departments.

2. The duration of temporary export for re-import shall be as stipulated in the agreement between the two business entities and shall be registered with the border gate customs Sub-departments.

3. Goods temporarily exported as stipulated in this article shall be permitted to be sold, donated or returned to the foreign customer, or used as assets to contribute capital to a joint venture investment overseas in accordance with a contract between the business entity and a foreign party, except that goods temporarily exported for re-import in the category of goods stipulated in point a clause 1 of this article must have a permit from the Ministry of Trade prior to performance of the agreement with the foreign party. Procedures for customs clearance of consignments of temporarily exported goods shall be resolved at the border gate customs Sub-departments where procedures are conducted for the temporary export.

4. Payment for goods being machinery, equipment for processing and means of transportation which are sold or used as assets to contribute capital to a joint venture investment overseas must comply with the regulations on foreign exchange control and other guidelines of the State Bank of Vietnam or the current regulations on investment abroad by Vietnamese business entities.

5. With respect to goods being the used consumer goods, components and accessories on the list of goods the import of which is prohibited or temporarily suspended, may only be temporarily exported for repair, warranty, and it is provided that those goods are still in duration of warranty under contracts of import. The procedures for temporary export for re-import shall be resolved at the border gate customs Sub-departments.

6. Goods which are temporarily exported for re-export must be implemented according to the current mechanism on management of export and import goods when overseas consumption.

#### **Article 14. Border-gate transfer of goods**

Business entities shall have the right to conduct the business of border-gate transfer of goods pursuant to the following provisions:

1. Except for the goods stipulated in clause 2 of this article, it shall be permitted to conduct business in all types of goods by way of border-gate transfer. Procedures for border-gate transfer at Vietnamese border gates shall be resolved by the border gate customs.
2. With respect to goods on the lists of goods the import and export of which is prohibited or temporarily suspended, and goods for which import and export is subject to issuance of a permit, a business entity shall be permitted to conduct border-gate transfer of goods via Vietnamese border gates after it has a permit from the Ministry of Industry and Trade. Business entities shall not be required to apply for a permit from the Ministry of Industry and Trade for the carriage of goods without passing through the border gates of Vietnam.
3. Goods which are transported via the border gates of Vietnam shall be subject to customs inspection up until the time they are actually exported from Vietnam.
4. Payment of money or goods by way of conducting the business of border-gate transfer must comply with the regulations on foreign exchange control and other guidelines of the State Bank of Vietnam.
5. Border-gate transfer of goods shall be implemented on the basis of two separate contracts: one for the purchase of goods signed by the Vietnamese business entity with the foreign exporting business entity, and a second for the sale of goods signed by the Vietnamese business entity with the foreign importing business entity. The contract for the purchase of goods may be signed either before or after the contract for the sale of goods.

#### **Article 15. Fighting illegal carriage of goods**

In order to prevent the illegal carriage of goods, to fight commercial fraud and to protect the reputation of export goods of Vietnam, in necessary cases the Minister of Industry and Trade shall report to the Prime Minister prior to announcing a list of lines of goods in which business in the form of temporary import for export and border-gate transfer of goods is prohibited, temporarily suspended; regulations on border gates for temporary import for re-export, the conditions applicable to a number of lines of goods or promulgation of a list of goods in which business may be conducted pursuant to this method must have permit from the Ministry of Industry and Trade.

#### **Chapter 3.**

## **ENTRUSTMENT AND ENTRUSTMENT RECEIPT IN IMPORTING AND EXPORTING GOODS**

### **Article 16. Entrustment and entrustment receipt in importing and exporting goods**

A business entity shall be permitted to authorize another business entity to import or export or to act as the authorized dealer receiving import or export from another business entity of all types of goods, except for goods on the lists of goods the import and export of which is prohibited or temporarily suspended.

### **Article 17. Entrustment and entrustment receipt in importing and exporting goods subject to issuance of a permit**

With respect to import and export goods subject to issuance of a permit, the entrusting party or the entrusted party must have an import or export permit prior to either party signing the contract of entrustment.

### **Article 18. Import and export of goods by non-business entities pursuant to an entrustment**

Vietnamese non-business organizations and individuals shall, on the basis of contracts signed as prescribed by law, be permitted to import and export goods to service the requirements of such organization or individual, except for goods on the lists of goods the import and export of which is prohibited or temporarily suspended.

### **Article 19. Rights and obligations of the entrusting party and the entrusted party in exporting and importing**

Rights and obligations of the entrusting party and the entrusted party in exporting and importing shall be as agreed by the parties in the contract of entrustment for the import or export of goods.

## **Chapter 5.**

### **AGENCY FOR SALE AND PURCHASE OF GOODS INVOLVING FOREIGN BUSINESS ENTITIES**

#### **SECTION 1. AGENCY FOR SALE AND PURCHASE OF GOODS FOR FOREIGN BUSINESS ENTITIES**

##### **Article 20. Business entities which may act as agency for sale and purchase of goods for foreign business entities**

1. A business entity shall be permitted to act as an agency for the purchase or sale of all types of goods for a foreign business entity, except for goods on the lists of goods the import and export of which is

prohibited or temporarily suspended. With respect to goods on the list for which import or export is subject to issuance of a permit, the business entity shall only be permitted to sign an agency contract after the competent agencies have issued a permit.

2. In a case where the law contains a specific provision that an agency may only sign an agency contract with one principal with respect to any one type of goods or specified service, then the business entity must comply with such law.

3. Business entities shall be permitted to make payment for the sale of goods by authorized dealers by Vietnamese dong to the foreign business entity presenting in Vietnam; or shall be permitted to remit foreign currency abroad to make payment to the foreign business entity in accordance with the regulations on foreign exchange control and guidelines of the State Bank of Vietnam, or shall be permitted to make payment by goods not on the lists of goods the export of which is prohibited or temporarily suspended;

4. A business entity acting as an authorized dealer for the purchase of goods must require the foreign business entity to remit freely convertible foreign currency via a bank in order to purchase the goods in accordance with the agency contract.

#### **Article 21. Tax obligations**

1. Goods under sale and purchase agency contracts with foreign business entities shall be subject to taxes and other financial obligations in accordance with the law of Vietnam.

2. Vietnamese business entities shall be responsible for registering, declaring and paying all kinds of taxes and other financial obligations relating to goods under sale and purchase agency contracts and their business activities in accordance with law.

#### **Article 22. Procedures for import and export**

Goods under sale and purchase agency contracts with foreign business entities shall, on import and export, be subject to the same procedures as in the case of import and export goods stipulated in article 4 of this Decree.

#### **Article 23. Return of goods**

Goods under agency contracts for sale for foreign business entities in Vietnam must be re-exported if they are not able to be sold in Vietnam. Tax refund shall be carried out in accordance with regulations of the Ministry of Finance.

## **SECTION 2. ENGAGING FOREIGN BUSINESS ENTITIES TO CONDUCT SALE AGENCY OVERSEAS**

### **Article 24. Engaging foreign business entities to conduct sale agency overseas**

1. Vietnamese business entities shall be permitted to engage foreign business entities to conduct sale agency overseas for all categories of goods, except those on the lists of goods the export of which is prohibited or temporarily suspended. With respect to goods on the list of goods the export of which is subject to issuance of a permit as stipulated in this Decree, business entities may only enter into contracts for sale agency overseas after they have been issued with a permit by the Ministry of Industry and Trade.

2. Business entities engaging agents to sell goods overseas must enter into an agency contract with a foreign business entity and must remit to Vietnam all revenue received from the sale agency contract in accordance with regulations on foreign exchange control and guidelines of the State Bank of Vietnam.

3. In cases where payments from sales of goods by agents are received in kind, the business entity must comply with the current law regarding imported goods.

### **Article 25. Tax obligations**

1. Goods under overseas sale agency contracts shall be subject to taxes and other financial obligations in accordance with the law of Vietnam.

2. Business entities shall be responsible to register, declare and pay all types of taxes and to fulfill other financial obligations arising in relation to engaging foreign business entities to conduct sale agency overseas, in accordance with guidelines of the Ministry of Finance.

### **Article 26. Taking back of goods**

1. Goods exported under overseas sale agency contracts shall be imported back into Vietnam if they are not able to be sold overseas.

2. Goods imported back into Vietnam as referred to in clause 1 of this article shall not be subject to import duty and shall be entitled to export duty refunds (if any) in accordance with guidelines of the Ministry of Finance.

### **Article 27. Procedures for import and export**

The procedures for the export of goods under overseas sale agency contracts, including the import of goods back into Vietnam pursuant to article 26 of this Decree, shall be carried out the same as in the case of import and export goods stipulated in article 4 of this Decree.

## **Chapter 6.**

### **PROCESSING OF GOODS INVOLVING FOREIGN ELEMENTS**

#### **SECTION 1. PROCESSING GOODS FOR FOREIGN BUSINESS ENTITIES**

##### **Article 28. Business entities which may process goods for foreign business entities**

Except for case defined in Article 36 of this Decree, Vietnamese business entities, including business entities with foreign owned capital in Vietnam, shall be permitted to process all goods for foreign business entities, except for goods on the lists of goods the import and export of which is prohibited or temporarily suspended. With respect to goods on the lists of goods the import and export of which is subject to issuance of a permit, business entities may only enter into processing contracts after they have been issued with a permit by the Ministry of Industry and Trade.

##### **Article 29. Processing contracts**

A processing contract must be made in writing or in another form with equivalent legal validity in accordance with the Commercial Law, and must minimally include the following terms:

1. Names and addresses of contracting parties and of the party directly conducting the processing.
2. Name and quantity of processed products.
3. Prices for processing.
4. Time-limit for and method of payment.
5. List, quantity and value of imported raw materials, sub-materials and supplies and domestically produced raw materials, sub-materials and supplies (if any) for processing; levels of use of raw materials, sub-materials and supplies; level of consumption of supplies and wastage rate of raw materials in processing.
6. List and value of machinery and equipment leased, lent or donated for the purpose of processing (if any).

7. Measures to treat scrap and discharged waste and principles for dealing with leased or borrowed machinery and equipment and with left-over raw materials, sub-materials and supplies upon termination of the processing contract.

8. Location and time of goods delivery.

9. Trade mark of goods and origin appellations of goods.

10. Duration of validity of contract.

**Article 30. Levels of use and consumption and wastage rate of raw materials, sub-materials and supplies**

1. The levels of use and consumption and the wastage rate of raw materials, sub-materials and supplies shall be as agreed by the parties in processing contracts, taking into account the permissible levels and rates in the relevant Vietnamese manufacturing and processing industries as at the time of entering into the contract.

2. The legal representative of business entities being direct processors shall be responsible before law for the use of imported raw materials, sub-materials and supplies solely for the purpose of processing, and accuracy of levels of use and consumption and the wastage rate of raw materials, sub-materials for processing.

**Article 31. Leasing, borrowing or importing machinery and equipment of suppliers for implementation of processing contracts**

Processors may lease or borrow machinery and equipment from their suppliers for the purpose of implementation of processing contracts. The lease, borrowing or donation of machinery and equipment must be agreed in the processing contract.

**Article 32. Rights and obligations of suppliers and processors**

1. In respect of suppliers:

a) To provide all or a part of the raw materials and supplies for processing as agreed in the processing contract.

b) To take back all processed products, leased or lent machinery and equipment and left-over raw materials, sub-materials, supplies and scraps after liquidation of the processing contract, except in cases of on-the-spot export, destruction or donation thereof as prescribed in this Decree.



c) To send experts to Vietnam to provide instructions on production techniques and inspect the quality of processed products as agreed in the processing contract.

d) To be responsible for the right to use trademarks of goods and origin appellations of goods.

dd) To comply with the law of Vietnam on processing activities and with the terms of the signed processing contract.

e) To be permitted to conduct on-the-spot export of processed products, leased or lent machinery and equipment and left-over raw materials, sub-materials and supplies, faulty products and scraps in accordance with written agreements between the parties concerned and consistent with current regulations on control of import and export of goods; provided that all tax obligations and other financial obligations stipulated by law must be fulfilled.

2. In respect of processors:

a) To be exempted from import duties in respect of machinery, equipment, raw materials, sub materials and supplies temporarily imported in accordance with the fixed limits and wastage rate for the purpose of implementation of a processing contract; to be exempted from export duties in respect of processed products.

b) To employ other business entities as processors.

c) To be provided with a part or all of the raw materials, sub-materials and supplies for processing as agreed in the processing contract and to pay export duties in accordance with the provisions of the Law on Import and Export Duties in respect of the raw materials, sub materials and supplies purchased locally.

d) To receive payment from the supplier in the form of processed products, except in cases where such products are on the lists of goods the import of which is prohibited or temporarily suspended. In respect of products for which import is subject to issuance of a permit, goods in the category of line management must comply with regulations on issuance of permit and line management.

dd) To comply with the law of Vietnam on processing, exporting, importing and manufacturing goods locally and the terms of the signed processing contract.

e) To carry out procedures for on-the-spot export of processed products, leased or lent machinery and equipment and left-over raw materials, sub-materials and supplies, faulty products and scraps as authorized by principals.

3. Conditions for on-the-spot import and export of processed products, leased or lent machinery and equipment and left-over raw materials, sub-materials and supplies, faulty products and scraps defined in point e Clause 1 and point e Clause 2 of this Article are specified as follows:

a) The provisions of the law relating to export and import goods and duties and other financial obligations must be complied with.

b) A contract of sale and purchase must be entered into between the foreign business entity or entity legally authorized by the foreign business entity and an import business entity.

### **Article 33. Transitional processing**

Business entities shall be permitted to conduct transitional processing. Accordingly:

1. The processed products under any one processing contract may be used as materials for processing in Vietnam under another processing contract.

2. Processed products under a processing contract in one phase shall, under instructions of the supplier, be provided for the purpose of the processing contract of the following phase.

### **Article 34. Finalization and customs clearance of processing contracts**

1. Upon termination or expiry of a processing contract, the parties to the processing contract must finalize the contract and carry out clearance procedures with the customs office.

The Ministry of Finance shall guide the clearance procedures of processing contract of the processors with the customs office.

2. The basis for finalization of a processing contract is the quantity of imported raw materials, sub-materials and supplies and the quantity of products exported against the fixed level of use of raw materials, sub-materials and supplies, the fixed level of consumption of supplies and the wastage rate as agreed in the processing contract.

The basis for carrying out clearance procedures of a processing contract is the quantity of imported raw materials, sub-materials and supplies, re-exported raw materials, sub-materials and supplies, and the quantity of products exported against the fixed level of use of raw materials, sub-materials and supplies, the fixed level of consumption of supplies and the wastage rate in line with the reality of performing the processing contract.

3. The leased or lent machinery and equipment under contract; and left-over raw materials, sub-materials and supplies, faulty products and scraps must be dealt with as agreed in the processing contract which must be consistent with the law of Vietnam.

4. The destruction of faulty products and scraps (if any) may only be carried out with permission from the Department of Natural Resources and Environment and must be conducted under the supervision of the customs office. In cases where destruction in Vietnam is not permitted, re-exportation on instructions of the supplier shall be required.

5. The donation of machinery, equipment, raw materials, sub-materials, supplies, scraps or faulty products shall be regulated as follows:

a) The principal must issue a written document of gift.

b) The Donee must fulfill import procedures in accordance with current provisions on import; and must pay import duties and other taxes (if any) and register assets in accordance with current regulations.

c) If faulty products and scraps within level of consumption and wastage rate are in list of scraps permitted import, it is not required to carry out customs procedures, the processors shall be exempted from import tax; must pay VAT and EIT.

#### **Article 35. Customs procedures**

The Ministry of Finance shall provide guidelines on customs procedures and financial obligations applicable to the export of processed products and shall monitor importation and exportation related to processing contracts.

#### **Article 36. Various forms of processing**

1. The processing, reprocessing and repair of machinery and equipment for foreign parties on the list of goods the export and import of which is prohibited shall only perform if the following conditions are satisfied:

a) It must have plans, measures to deal faulty products and scraps of the processing, ensuring to not cause environmental pollution and being approved by the provincial Departments of Natural Resources and Environment.

b) Re-exporting all products and goods to foreign countries, and not being permitted selling in Vietnam.

c) It must be permitted by Ministries of line management as assignment at Annex I promulgated together with this Decree.

2. Based on assignment at Annex I promulgated together with this Decree, Ministries and Ministerial-level bodies in charge of line management shall provide specific guides for this processing form.

## **SECTION 2. PROCESSING OF GOODS IN FOREIGN COUNTRIES**

### **Article 37. General provisions**

1. Business entities of all economic sectors may have any type of goods which are permitted to be circulated in Vietnam processed in foreign countries for business purposes in accordance with law.

2. The exportation of machinery, equipment, raw materials, sub-materials or supplies for processing and the importation of processed products must comply with the law on import and export.

3. Contracts for processing of goods in foreign countries and the customs procedures in respect of the import and export of such processed goods shall comply with the provisions of articles 29 and 35 of this Decree.

### **Article 38. Rights and obligations of business entities having goods processed in foreign countries**

1. To export temporarily machinery, equipment, raw materials, sub-materials or supplies or to transship machinery, equipment, raw materials, sub-materials or supplies from a third party to the processor for the purpose of implementation of a processing contract.

2. To re-import processed products. Upon completion of a processing contract, to re-import left-over machinery, equipment, raw materials, sub-materials or supplies.

3. To sell processed products and exported machinery, equipment, raw materials, sub-materials or supplies for the purpose of implementation of a processing contract in the market of the country of the processor or any other market and to pay tax in accordance with the current law.

4. To be exempted from import duties and export duties in respect of machinery, equipment, raw materials, sub-materials or supplies temporarily exported for re-import; or to pay export duties in accordance with the Law on Import and Export Duties where re-import is not carried out.

5. To send experts and technical workers abroad for the purpose of inspection and acceptance of processed products.

6. To be responsible for the right to use trademarks of goods and origin appellations of goods.
7. The Ministry of Finance shall provide guidelines on implementation of taxation obligations applicable to processed products imported to service domestic consumption.

## **Chapter 7.**

### **TRANSIT OF GOODS THROUGH TERRITORY OF VIETNAM**

#### **Article 39. Business entities permitted to provide goods transshipment services**

Business entities which have a business registration certificate for the lines of business being receipt and delivery of goods and carriage of goods shall be permitted to provide transshipment services via the territory of Vietnam for foreign goods owners.

#### **Article 40. Transit of goods through territory of Vietnam**

1. All types of goods owned by foreign organizations and individuals shall be permitted to transit through the territory of Vietnam, except for weapons, ammunition, explosives, other highly dangerous goods, and goods on the lists of goods the import and export of which is prohibited or temporarily suspended. Transit procedures shall be resolved by the border gate customs Sub-departments.
2. Goods being weapons, ammunition, explosives and highly dangerous goods shall only be permitted to transit through the territory of Vietnam with permission from the Prime Minister.

The carriage of goods on the list of highly dangerous goods for transit through the territory of Vietnam must comply with Vietnamese law on carriage of dangerous goods and relevant international treaties to which the Socialist Republic of Vietnam is a member.

3. Goods on the lists of goods the business, export and import of which is prohibited or temporarily suspended, and goods on the lists of goods the import and export of which is subject to issuance of a permit shall be permitted to transit through the territory of Vietnam with permission from the Ministry of Industry and Trade, unless an international treaty to which the Socialist Republic of Vietnam is a member contains some other provision in which case such treaty shall apply.
4. Goods in transit through the territory of Vietnam shall be subject to supervision by the customs of Vietnam for the whole period during which they are circulating in the territory of Vietnam, and shall enter and exit Vietnam via the correct border gate and route as stipulated; the quantity of goods exported must be the same quantity which was imported, with the same packaging and container.

5. The owner of goods in transit must pay customs fees and other types of charges applicable to goods in transit pursuant to the current law of Vietnam.

6. Goods in transit shall not be permitted to be sold or consumed in the territory of Vietnam. In necessary cases of sale or consumption in Vietnam, application for permission must be made to the Ministry of Industry and Trade.

7. The Ministry of Industry and Trade shall provide guidelines for conducting transit of goods through the territory of Vietnam in the cases of Treaties which have provisions different to those stipulated in this article.

8. The Ministry of Finance shall provide guidelines on procedures for storage including open storage of goods in transit, procedures for ship to ship transshipment, for change of means of carriage of goods in transit, and for extension of duration of goods in transit.

9. The Ministry of Transport shall provide guidelines on transit routes.

## **Chapter 8.**

### **ORGANIZATION OF IMPLEMENTATION AND PROVISIONS OF IMPLEMENTATION**

#### **Article 41. Organization of implementation**

1. The Ministry of Finance shall instruct the customs branch to supply to the Ministry of Industry and Trade and to other ministries and branches involved in the work of managing and operating import and export, on a periodical and random basis, data about enterprises engaged in import and export business and other types of business stipulated in this Decree, and data on import and export quotas according to lists of goods and markets and other relevant data on import and export required by the Ministry of Industry and Trade.

2. The Ministry of Industry and Trade shall preside over co-ordination with other ministries and branches and with people's committees of provinces and cities under central authority to discharge the responsibility to inspect implementation of the provisions in this Decree; and to detect and notify any incorrect provisions in legal instruments of ministries and branches guiding implementation of this Decree so that such provisions can be amended.

#### **Article 42. Effect**

1. This Decree takes effect on February 20, 2014, replaces the Government's Decree No. 12/2006/ND-CP dated January 23, 2006 detailing implementation of the Commercial Law with respect to international purchases and sales of goods; and activities of agency for sale and purchase, processing and transit of goods involving foreign parties.

2. Ministries, Heads of ministerial-level agencies, Heads of Governmental agencies, Chairpersons of People's Committees of provinces and central-affiliated cities shall guide and implement this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**

**ANNEX I**

**LIST OF GOODS THE IMPORT OR EXPORT OF WHICH IS PROHIBITED**

*(Promulgated together with the Government's Decree No. 187/2013/ND-CP dated November 20, 2013)*

This List applies to import and export activities for both commercial and non-commercial goods, to the import and export of goods in border areas, and to goods being both Governmental and non-Governmental aid.

**I. GOODS THE EXPORT OF WHICH IS PROHIBITED**

<b>No.</b>	<b>Description of Goods</b>
1.	Weapons, ammunition, explosive materials (except industrial explosives) and military technical equipment.  (The Ministry of Defense shall announce a specific List and record the HS code numbers

	from the Import and Export Tariff Duty List).
2.	<p>a) National relics, antiques and precious objects which belong to State, to political organizations and to socio-political organizations.</p> <p>b) Cultural products in the category prohibited from dissemination and circulation in Vietnam.</p> <p>(The Ministry of Culture, Sports and Tourism shall guide the implementation and announce a specific List of Goods stated in points a and b above and record the HS code numbers from the Import and Export Tariff Duty List).</p>
3.	<p>a) Types of publications in the category prohibited from dissemination and circulation in Vietnam.</p> <p>b) Postal stamps in the category prohibited from business, exchange, display, and propagation as prescribed by Law on Post.</p> <p>(The Ministry of Information and Communications shall guide the implementation and announce a specific List of goods stated in points a and b above and record the HS code numbers from the Import and Export Tariff Duty List).</p>
4.	<p>Round timber and sawn timber produced from domestic natural forests.</p> <p>(The Ministry of Agriculture and Rural Development shall guide the implementation and announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).</p>
5.	<p>a) Rare and precious wild fauna and flora, and rare and precious animal breeds and plant varieties listed in Groups IA-IB of the Government's Decree No. 32/2006/ND-CP dated March 30, 2006, on managing endangered, precious and rare forest animals and plants; and rare and precious wild fauna and flora in the "red book" for which Vietnam has made undertakings to international organizations.</p> <p>b) Rare and precious products of aquaculture.</p> <p>c) Animal breeds and plant varieties on List of rare and precious animal breeds and plant varieties the export of which is prohibited as promulgated by the Ministry of Agriculture</p>



	<p>and Rural Development in accordance with the 2004 Ordinance on animal breeds and the 2004 Ordinance on plant varieties.</p> <p>(The Ministry of Agriculture and Rural Development shall announce a specific List of Goods stated from point a thru point c above and record the HS code numbers from the Import and Export Tariff Duty List).</p>
6.	The cipher products used for protection of State secret information. (The Ministry of National Defense shall provide guidelines for implementation).
7.	<p>a) Type 1 toxic chemicals stipulated in the Treaty Prohibiting development, production, storage, use and destruction of Chemical Weapons and Annex No.1 promulgated together with the Government's Decree No. 100/2005/ND-CP dated August 03, 2005, on implementation of Treaty prohibiting development, production, storage, use and destruction of Chemical Weapons.</p> <p>b) Chemicals on list of prohibited chemicals specified in Annex III promulgated together with the Government's Decree No. 108/2008/ND-CP dated October 07, 2008, detailing and guiding implementation of a number of articles of Law on chemicals.</p> <p>(The Ministry of Industry and Trade shall announce a specific List of goods stated in points a and b above and record the HS code numbers from the Import and Export Tariff Duty List).</p>

## II. GOODS THE IMPORT OF WHICH IS PROHIBITED

No.	Description of Goods
1.	<p>Weapons, ammunition, explosive materials (except industrial explosives) and military technical equipment.</p> <p>(The Ministry of Defense shall announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).</p>

2.	<p>Assorted firecrackers (except for flares used for marine safety pursuant to guidelines of the Ministry of Transport), sky lantern and equipment interfering with road traffic speed measuring instruments.</p> <p>(The Ministry of Public Security shall guide the implementation and announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).</p>
3.	<p>Second-hand consumer goods, comprising the following groups:</p> <p>a) Textiles and garments, shoes and sandals, clothing.</p> <p>b) Electronic goods.</p> <p>c) Refrigerators.</p> <p>d) Household electrical appliances.</p> <p>dd) Medical apparatus.</p> <p>e) Furniture and items of interior decoration.</p> <p>g) Household goods comprising porcelain, terracotta and china, glass, metal, resin, rubber and plastic articles and household goods made from other materials.</p> <p>(The Ministry of Industry and Trade shall specify goods stated from point a thru point g above and record the HS code numbers from the Import and Export Tariff Duty List).</p> <p>h) Second-hand information technology products.</p> <p>(The Ministry of Information and Communications shall announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).</p>
4.	<p>a) Types of publications in the category prohibited from dissemination and circulation in Vietnam.</p> <p>b) Postal stamps in the category prohibited from business, exchange, display, and propagation as prescribed by Law on Post.</p> <p>c) Radio equipment, equipment applying radio wave not in line with planning on radio</p>

	<p>frequency and relevant technical regulations in accordance with Law on radio frequencies.</p> <p>(The Ministry of Information and Communications shall guide the implementation and announce a specific List of goods stated from point a thru point c above and record the HS code numbers from the Import and Export Tariff Duty List).</p>
5.	<p>Cultural products in the category prohibited from dissemination and circulation in Vietnam or having issued decision on suspension of dissemination and circulation in Vietnam.</p> <p>(The Ministry of Culture, Sports and Tourism shall guide the implementation and announce List and record the HS code numbers from the Import and Export Tariff Duty List).</p>
6.	<p>a) Right-hand-drive motor vehicles (including vehicles in which the right-hand-drive mechanism has been removed or re-arranged prior to import into Vietnam) except for specialized use right-hand drive motor vehicles used in narrow scope and not joined in traffic including: cranes, canal and drain digging machines, road sweepers, road watering vehicles, rubbish and daily-life waste collecting vehicles, road surfacing vehicles, passenger vehicles at airports, fork-lift trucks at warehouses and ports, concrete pump trucks and caddy vehicles at golf-courses, parks.</p> <p>b) All types of automobiles and components to assemble automobiles in which the frame or engine number has been erased, changed or remade</p> <p>b) All types of motorbikes, specialized motor vehicles, motor vehicles in which the frame or engine number has been erased, changed or remade.</p> <p>(The Ministry of Transport shall announce a specific List of Goods stated from point a thru point c above and record the HS code numbers from the Import and Export Tariff Duty List).</p>
7.	<p>Second-hand materials and transport facilities, comprising:</p> <p>a) Frames, tyres and tubes, accessories and engines of all types of automobiles, tractors and motor vehicles.</p>

	<p>b) Chassis attached to automobile and tractor engines (including new chassis attached to second-hand engines and or second-hand chassis attached to new engines).</p> <p>c) All types of automobiles in which the structure has been changed as compared to the original design, for conversion of utility; or in which the frame or engine number has been erased, changed or remade.</p> <p>d) Ambulances</p> <p>(The Ministry of Transport shall announce a specific List of Goods stated from point a thru point d above and record the HS code numbers from the Import and Export Tariff Duty List).</p> <p>dd) Bicycles</p> <p>e) Motorbikes, motor vehicles.</p> <p>(The Ministry of Industry and Trade shall announce a specific List of goods stated from point dd thru point e above and record the HS code numbers from the Import and Export Tariff Duty List).</p>
8.	<p>Chemicals stipulated in Annex III of Rotterdam Convention.</p> <p>(The Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade shall, basing on their assigned scope and duties, announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).</p>
9.	<p>Plant protection agents prohibited from use in Vietnam.</p> <p>(The Ministry of Agriculture and Rural Development shall announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).</p>
10.	<p>Scrap and waste, refrigerating equipment using C.F.C.</p> <p>(The Ministry of Natural Resources and Environment shall announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).</p>
11.	<p>Products, raw materials containing asbestos of the group of amphibole.</p>

	(The Ministry of Construction shall announce a specific List and record the HS code numbers from the Import and Export Tariff Duty List).
12.	<p>a) Type 1 toxic chemicals stipulated in the Treaty Prohibiting development, production, storage, use and destruction of Chemical Weapons and Annex No.1 promulgated together with the Government's Decree No. 100/2005/ND-CP dated August 03, 2005, on implementation of Treaty prohibiting development, production, storage, use and destruction of Chemical Weapons.</p> <p>b) Chemicals on list of prohibited chemicals specified in Annex III promulgated together with the Government's Decree No. 108/2008/ND-CP dated October 07, 2008, detailing and guiding implementation of a number of articles of Law on chemicals.</p> <p>(The Ministry of Industry and Trade shall announce a specific List of goods stated in points a and b above and record the HS code numbers from the Import and Export Tariff Duty List).</p>

## ANNEX II

### LIST OF GOODS THE IMPORT OR EXPORT OF WHICH IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT

*(Promulgated together with the Government's Decree No. 187/2013/ND-CP dated November 20, 2013)*

This List applies to import and export activities for both commercial and non-commercial goods, to the import and export of goods in border areas, and to goods being both Governmental and non-Governmental aid.

#### **I. List of goods for which import and export is subject to issuance of a permit and in the category of line management of the Ministry of Industry and Trade**

A.	Export goods	Form of management
1.	a) Chemicals and products containing chemicals	a) Complying with Law on chemicals and Decrees detailing implementation.

	<p>a) Chemicals stipulated in table 2, table 3 according to Annex No. 01 promulgated together with the Government's Decree No. 100/2005/ND-CP dated August 03, 2005, on implementation of Treaty prohibiting development, production, storage, use and destruction of Chemical Weapons.</p>	<p>b) Complying with the Government's Decree No. 100/2005/ND-CP dated August 03, 2005</p>
	<p>c) Precursor substances used in industry (according to Law on drug prevention and fight and documents guiding implementation).</p>	<p>c) Export permit.</p>
2.	Minerals.	<p>Promulgation of list of goods the export of which is conditional, specify conditions or standards.</p>
3.	Precursor substances of explosives, industrial explosives	<p>Export permit.</p>
4.	<p>Types of goods exported pursuant to quotas stipulated by foreign countries</p> <p>(The Ministry of Industry and Trade shall announce in line with international agreements or commitments or Vietnam with foreign countries).</p>	<p>Export permit.</p>
5.	<p>Goods in need of export control according to International treaties of which Vietnam is a member, and announced by the Ministry of Industry and Trade for each period.</p>	<p>Export permit.</p>
6.	<p>Goods applying regime of granting automatic export permit. The Ministry of Industry and Trade shall announce list of goods applying regime of granting automatic export permit for each period and organize license in accordance with current regulations on</p>	<p>Automatic export permit.</p>

	licensing.	
<b>B.</b>	<b>Import goods</b>	<b>Form of management</b>
1.	Line-throwing appliance.	Export permit.
2.	Goods in need of import control according to International treaties of which Vietnam is a member, and announced by the Ministry of Industry and Trade for each period.	Export permit.
3.	Goods applying regime of granting automatic import permit: The Ministry of Industry and Trade shall announce list of goods applying regime of granting automatic import permit for each period and organize license in accordance with current regulations on licensing.	Automatic export permit.
4.	<p>Goods applying the regime of taxation quotas:</p> <p>a) Salt.</p> <p>b) Tobacco raw material.</p> <p>c) Poultry eggs.</p> <p>d) Refined sugar, raw sugar</p> <p>The Ministry of Industry and Trade shall specify the above lines of goods to which the quota regime applies, using the HS code numbers on the Import and Export Tariff Duty List.</p>	Import permit according to the regime of taxation quotas.
5.	a) Chemicals and products containing chemicals	a) Complying with Law on chemicals and Decrees detailing implementation.

	b) Chemicals stipulated in table 2, table 3 according to Annex No. 01 promulgated together with the Government's Decree No. 100/2005/ND-CP dated August 03, 2005, on implementation of Treaty prohibiting development, production, storage, use and destruction of Chemical Weapons.	b) Complying with the Government's Decree No. 100/2005/ND-CP dated August 03, 2005
	c) Precursor substances used in industry (according to Law on drug prevention and fight and documents guiding implementation).	c) Import permit.
6.	Precursor substances of explosives, industrial explosives	Import permit, specifying conditions and procedures for licensing.
7.	Tobacco raw materials, tobacco products, cigarette rolling papers; specialized machinery and equipment for manufacture of tobacco and spare parts.	Complying with regulations of Government on tobacco manufacture and trading.

**Management Principles:**

1. With respect to goods exported pursuant to quotas stipulated by foreign countries, the Ministry of Industry and Trade shall reach agreement with ministries of line management and with relevant goods industry associations to fix the method for allocating quotas; and shall ensure publicity, transparency and reasonableness.

2. The Ministry of Industry and Trade shall announce and organize implementation in each period in respect of goods the export and import of which is subject to issuance of an automatic permit.

**II. LIST OF GOODS FOR WHICH IMPORT AND EXPORT IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT OF THE MINISTRY OF TRANSPORT**

A.	Export goods	Form of management
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	Nil	
<b>B.</b>	<b>Import goods</b>	<b>Form of management</b>
	Assorted flares used for marine safety.  (The Ministry of Transport shall announce a List and record the HS code numbers from the Import and Export Tariff Duty List and stipulate procedures for licensing).	Import permit.

**III. LIST OF GOODS FOR WHICH IMPORT AND EXPORT IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT OF THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT**

<b>A.</b>	<b>Export goods</b>	<b>Form of management</b>
1.	a) The endangered terrestrial rare and precious wild fauna and flora for which there is a need to control export pursuant to the CITES Convention which Vietnam has undertaken to implement.	a) Pursuant to CITES Convention for announcing conditions and guiding procedures for export.
	b) The endangered terrestrial rare and precious wild fauna and flora in Groups IIA and IIB specified in Decree No. 32/2006/ND-CP of the Government.	b) Announcement on conditions and guide on procedures for export.
2.	Rare and precious plant varieties and animal breeds.	Specific guides according to the Ordinance of plant varieties and Ordinance of animal breeds.
3.	Ornamental plants, shade trees, ancient trees from domestic natural forest.	Announcement on conditions and export dossier.
4.	Firewood and charcoal made from timber or firewood sourced from wood from domestic natural	Announcement on conditions and

	forests.	guides on procedures for export.
5.	<p>a) Products of aquaculture the export of which is conditional</p> <p>b) Products of aquaculture which may normally be exported</p>	<p>Promulgation of list of Products of aquaculture which may normally be exported; list of products of aquaculture and export conditions of Products of aquaculture the export of which is conditional (promulgating specific list of goods record the HS code numbers from the Import and Export Tariff Duty List).</p>
<b>B.</b>	<b>Import goods</b>	<b>Form of management</b>
1.	Veterinary medicines and raw materials for the production of veterinary medicines, registered for the first time for import into Vietnam.	License of testing.
2.	Biologically and micro-biologically produced articles and chemicals used in veterinary, registered for the first time for import into Vietnam	License of testing.
3.	<p>a) Plant protection agents and raw materials for the production of plant protection agents, outside the List of goods permitted to be used in Vietnam.</p>	<p>a) Import permit specifying the conditions for import, the quantity to be imported and the procedures for issuance of the permit.</p>
	<p>b) Plant protection agents and raw materials for the production of plant protection agents, on the List of restricted use goods.</p>	<p>b) Import permit specifying the conditions for import, the quantity to be imported and the procedures for issuance of the permit.</p>
4.	Animal breeds outside the List of goods permitted production and business in Vietnam; various types of insects which are not yet found in Vietnam;	Import permit, or license of testing, specifying conditions and

	sperms and embryos of animal breeds imported for the first time in Vietnam.	procedures for licensing.
5.	Alive plant varieties and creatures in field of plant protection and others in list of species subject to plant quarantine which must analyze pest risk before importing into Vietnam.	Import permit, specifying conditions and procedures for licensing.
6.	Plant varieties not yet stated in list of plant varieties permitted production and business in Vietnam, which are imported for research, testing, trial production or for purpose of international cooperation, for using as samples in exhibitions, donations or for implementing programs and investment projects.	Import permit, or license of testing, specifying conditions and procedures for licensing in accordance with the Ordinance of plant varieties and Ordinance of animal breeds.
7.	Feed for livestock and raw materials for the production of feed for livestock, feed for aquaculture and raw materials for the production of feed for aquaculture outside the list permitted circulation in Vietnam.	Import permit, or license of testing, specifying conditions and procedures for licensing.
8.	Fertilizers outside the list permitted production, business and use in Vietnam	Import permit, specifying conditions and procedures for licensing.
9.	Genetic sources of plants and domestic animals; microorganisms serving research, scientific and technical exchange.	Import permit, specifying conditions and procedures for licensing.
10.	Wild animals and plants for which there is a need to control import pursuant to the CITES Convention which Vietnam has undertaken to implement	Pursuant to CITES Convention to announce conditions and guide procedures for import.
11.	a) Raw materials for production of probiotics, microorganisms, chemicals, products for handling	a) Regulation on quality control of

	and renovating environment in aquaculture.	imported raw materials.
	b) Completed products stated in the list permitted circulation in Vietnam or in list of import products subject to conditions	b) Promulgation of a list of products permitted circulation in Vietnam (list of products which may be normally imported) and list of import products subject to conditions.
	c) Completed products not yet named in the list permitted circulation in Vietnam or in list of import products subject to conditions	c) Import permit specifying the conditions for import, the quantity to be imported and the procedures for issuance of the permit.
12.	a) Aquatic seedlings which may normally be imported.	a) Promulgation of a list of Aquatic seedlings which may normally be imported.
	b) Aquatic seedlings the export of which is conditional	b) Promulgation of a list of import Aquatic seedlings subject to conditions
	c) Aquatic seedlings not yet stated in the list permitted importing normally which are imported for the first time in Vietnam	c) Import permit specifying the conditions for import, the quantity to be imported and the procedures for issuance of the permit.
13.	a) Alive products of aquaculture used as foodstuff stated in list of products which may normally be imported.	a) Promulgation of list of fresh products of aquaculture used as foodstuff which may normally be imported.
	b) Alive products of aquaculture used as foodstuff outside the list of fresh products of aquaculture which may be imported and used as foodstuff in	b) Regulation on risk assessment and issuance of import permit.

Vietnam.	
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**Management principles:**

1. The Ministry of Agriculture and Rural Development shall promulgate Lists of all types of goods which are permitted production, business, use or circulation in Vietnam; Lists of types of goods which may be permitted producing, trading, using or circulating in Vietnam; Lists of types of goods which may be imported normally using the correct HS code numbers on the Import and Export Tariff Duty List. The import and export of these goods is not required to have a permit.

2. The Ministry of Agriculture and Rural Development shall announce Lists of export and import goods subject to line management using the correct HS code numbers on the Import and Export Tariff Duty List and form of management shall comply with the following principles:

a) For goods imported for the first time in Vietnam and goods outside Lists of goods permitted producing, trading, using or circulating in Vietnam, the Ministry of Agriculture and Rural Development shall issue import permits or licenses of testing.

b) For types of goods the export and import of which is conditional but not required to issue licenses, the Ministry of Agriculture and Rural Development shall promulgate lists and specify the conditions for export and import. When satisfying full conditions as prescribed, units directly doing procedures for export and import with customs offices not required to have a license.

c) For types of goods for which import and export is subject to issuance of a permit, the Ministry of Agriculture and Rural Development shall guide specifically on conditions, dossiers, procedures for issuance of import permit; cases of import for testing, content of license for testing, time limit for testing.

Depending on the test results, the Ministry of Agriculture and Rural Development shall issue a decision permitting or not permitting the goods to be used and circulated in Vietnam. Once the Ministry of Agriculture and Rural Development permits a type of goods to be used in Vietnam, such type of goods may be imported as needed, without restriction on quantity or value and without application for a permit.

3. Biannually, the Ministry of Agriculture and Rural Development shall announce addition into lists of goods which may be normally imported for types of goods which have had good test results. Once a type of goods is added into list of goods which may be normally imported, such type of goods may be imported as needed, without restriction on quantity or value and without application for a permit.

**IV. LIST OF GOODS FOR WHICH IMPORT AND EXPORT IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT OF THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT**

<b>A.</b>	<b>Export goods</b>	<b>Form of management</b>
	Nil.	
<b>B.</b>	<b>Import goods</b>	<b>Form of management</b>
	Scrap.	Regulations on conditions or standards for import.

**Management principles:**

1. The Ministry of Natural Resources and Environment shall provide for lists, standards or conditions applicable to scraps which are permitted importing in Vietnam, concretize the list mentioned above according to the correct HS code numbers on the Import and Export Tariff Duty List.
2. On the basis of conditions or standards and lists of scraps which are permitted import above, import enterprises shall do procedures at customs agencies.

**V. LIST OF GOODS FOR WHICH IMPORT AND EXPORT IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT OF THE MINISTRY OF INFORMATION AND COMMUNICATIONS**

<b>A.</b>	<b>Export goods</b>	<b>Form of management</b>
1.	All types of printed matter (books, newspapers, magazines, pictures, photos, calendars).	Complying with law on publication and press.
<b>B.</b>	<b>Import goods</b>	<b>Form of management</b>
1.	All types of printed matter (books, newspapers, magazines, pictures, photos, calendars).	Complying with law on publication and press.

2.	Postage stamps, stamp publications and lines of stamp goods	Import permit.
3.	Microwave devices, radio transmitters and receivers with a frequency from 9KHz to 400GHz and a capacity of 60mW upwards	Import permit.
4.	Plate-making systems and type-setting systems for specialist use in the printing industry	Complying with law on printing activities.
5.	Printing machines (offset, Flexor and bronze cylinder printers) and color photocopiers.	Complying with law on printing activities.

**Management principles:**

1. The Ministry of Information and Communications shall announce a List of goods specified in the correct HS code numbers on the Import and Export Tariff Duty List; and shall regulate the standards which must be satisfied, dossiers and procedures for issuance of a permit.
2. For group of postage stamps, basing on law on post, the Ministry of Information and Communications shall specify cases which must have import permit, announce lists of goods according to the HS code numbers, and regulate conditions and procedures for issuance of a permit.

**IV. LIST OF GOODS FOR WHICH IMPORT AND EXPORT IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT OF THE MINISTRY OF CULTURE, SPORTS AND TOURISM**

A.	Export goods	Form of management
1.	Cinematographic works and other visual-aural products recorded on any material.	File on source of the goods.
2.	Cultural products under all types newly produced on any material.	File on source of the goods; license for production and circulation.

3.	Art and applied art works, paintings, photographic works.	File on source of the goods.
4.	Relics, antiques and precious objects not belong to State, to political organizations and to socio-political organizations.	Export permit.
<b>B.</b>	<b>Import goods</b>	<b>Form of management</b>
1.	Cinematographic works and other visual-aural products recorded on any material.	Approval of contents.
2.	Art and applied art works, paintings, photographic works.	Approval of contents.
3.	Electronic games machines with built-in prizes and specialized equipment for games in casinos	<p>- Regulations on conditions (regarding the equipment and the built-in programmers).</p> <p>- Enterprises having an issued investment license or having business registration pursuant to Decision No. 32/2003/QD-TTg of the Prime Minister dated February 27, 2003 shall be permitted to import these machines.</p>
4.	Children's toys.	Announcement of the properties and types of toys permitted to be imported.

**Management principles:**

1. The Ministry of Culture, Sports and Tourism shall announce specifically the above lists according to the correct HS code numbers from the Import and Export Tariff Duty List.



The products listed in clauses 1, 2 and 3 of Section A above shall be permitted to be exported on request, and procedures shall be resolved at customs agencies, when:

- a) The items are permitted to be produced and circulated in Vietnam, or
- b) They have a certificate clearly stating the source of the items.

The Ministry of Culture, Sports and Tourism shall be responsible to provide specific guidelines on these principles, and shall not issue export permits nor approve the contents, quantity or value of export products.

The Ministry of Culture, Sports and Tourism shall promulgate specific regulations on approving content of works and products at Clauses 1,2 of section B above and authorize to the provincial Departments of Culture, Sports and Tourism for implementation of the approval of content of visual-aural products which are not cinematographic works imported by organizations and individuals in their localities.

**VII. LIST OF GOODS FOR WHICH IMPORT AND EXPORT IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT OF THE MINISTRY OF HEALTH**

A.	Export goods	Form of management
1.	Addictive drugs, psychotropic medicines, precursors used to prepare drugs and radioactive drugs (including raw materials, finished product medicines in element and compound form).	Export permit.
B.	Import goods	Form of management
1.	Addictive drugs, psychotropic medicines, precursors used to prepare drugs and radioactive drugs (including the finished product medicines in element and compound form).	Import permit, specifying conditions and procedures for licensing.
2.	Preventive and curative medicines for humans, being finished products, with a registered number.	Permitted to be imported pursuant to need, without verifying the order for import.

3.	Preventive and curative medicines for humans, being finished products, but without a registered number.	Import permit.
4.	The following items being new types used in Vietnam, namely raw materials for the production of medicines, pharmaceutical drugs and adjuvant, empty capsules and packaging which directly contacts medicine.	Import permit and announcement.
5.	Cosmetics directly impacting on human health	Announcement of products.
6.	Vaccines and medical biological products without a registered number.	Import permit.
7.	Medical equipment which may directly impact on human health, outside the List of goods permitted to be imported as needed.	Import permit.
8.	Chemicals and preparations for the extermination of insects and bacteria, used in homes and in medicine generally	Registration of circulation.
9.	Chemicals and preparations for the extermination of insects and bacteria, used in homes and in medicine generally, which have not yet issued certificate of registration of circulation in Vietnam.	Import permit.
10.	Cosmetics not yet issued numbers of receipt of announcement sheet, being imported to serve for research or testing.	Import permit.

**Management principles:**

1. Commodities in the category of regulation by import permits are imported according to the quantity approved in orders of import.

2. Commodities in the category of regulation by registration for circulation have a registered number or commodities in the category of regulation by announcement of products have a receipt number of announcement sheet, are imported as needed, without restriction on quantity or value and without application for an import permit, except for goods in the list of goods subject to special control as prescribed in the Pharmacy Law.

3. The Ministry of Health shall guide the implementation and specify lists of goods above according to the correct HS code numbers from the Import and Export Tariff Duty List.

**VIII. LIST OF GOODS FOR WHICH IMPORT AND EXPORT IS SUBJECT TO ISSUANCE OF A PERMIT AND IN THE CATEGORY OF LINE MANAGEMENT OF THE STATE BANK OF VIETNAM**

	<b>Export goods</b>	<b>Form of management</b>
	Nil.	
<b>B.</b>	<b>Import goods</b>	<b>Form of management</b>
1.	Metal blanks used to cast, stamp metal money.	Appointment of an enterprise permitted to import
2.	Cash safe doors (pursuant to technical criteria stipulated by the State Bank of Vietnam).	Import permit.
3.	Paper for printing money	Appointment of an enterprise permitted to import
4.	Ink for printing money.	Appointment of an enterprise permitted to

		import
5.	Anti-counterfeit blank presses and blanks used for money, cheques, stamps, prints and other valuable papers which are issued and controlled by the banking industry.	Appointment of an enterprise permitted to import
6.	Cash safe doors (pursuant to technical criteria stipulated by the State Bank of Vietnam).	Appointment of an enterprise permitted to import
7.	Metal casting machines and machines for stamping metal money (pursuant to technical criteria stipulated by the State Bank of Vietnam).	Appointment of an enterprise permitted to import

**Management principles:**

The State bank of Vietnam shall announce a List of goods subject to industry management using the HS code numbers on the Import and Export Tariff Duty List, and shall appoint enterprises permitted to import the types of goods specified on this List; shall regulate the conditions for import and the procedures for issuance of an import permit; and shall be responsible to manage the use of machinery, equipment and supplies for the correct purpose.