
Hanoi, January 23, 2006

DECREE

Re: Detailing implementation of Trade Law regulations on international buying and selling of commodities and agent activities including purchasing, selling, sourcing, outsourcing, border-gate transfer, and transiting of commodities with foreign countries

THE GOVERNMENT

Pursuant to the Government Organization Law dated December 25, 2001;

Pursuant to the Trade Law dated June 14, 2005;

Upon on proposal by the Minister of Trade,

HEREBY DECREES THAT

Chapter I

GENERAL REGULATIONS

Article 1. Scope of effect

1. This Decree guides implementation of the Trade Law's regulations on international commodity buying and selling activities including export, import, temporary import for re-export, temporary export for re-import, tripartite transactional trade, export – import trusting and accepting trustee export – import, acting as purchase or sale agent, sourcing and outsourcing.

2. Commodity is movable properties, goods for individual needs of diplomats, and personal luggage in compliance with the law of current practice, following Prime Minister's guidelines.

Article 2. Subjects

Vietnamese businesses; other organizations and individuals related to trade activities as specified in the Trade Law.

Chapter II

Export – Import of commodities

Article 3. Right for export – import

1. For Vietnamese enterprises without foreign direct investment (better known as enterprises): Excluding products in the List of products subject to export prohibition, temporary export cease and those in the Lists of products subject to import prohibition and temporary import prohibition, enterprises can export – import goods without being dependent on their fields of operation as registered.

Business branches can export – import commodities as trusted by their holding enterprise.

2. For enterprises with foreign investment, foreign companies, and branches of foreign firms in Vietnam:

When carrying out trading activities within the scope of effect of this Decree, enterprises with foreign investment, foreign companies, and branches of foreign firms in Vietnam, in addition to following the regulations as specified in this Decree, shall implement regulations of other relevant laws as well as Vietnam's commitments in international agreements that it has signed or joined.

Pursuant to the law of current practice and international agreements, the Minister of Trade provides the roadmap and operation scope of businesses as specified in sub-Clause 2 of this Article.

Article 4. Export – import procedures

1. For commodities of which export – import requires licence, enterprises which want to export – import must have licence granted by the Ministry of Trade or relevant Ministries.

2. Exported – imported commodities have to qualify regulations related to hygiene, food safety and sanitary, quality as well as suffer from investigation by relevant State agencies before entry or exit.
3. Commodities that are not included in the Lists of products subject to export – import prohibition, temporary export – import prohibition and those not mentioned in sub-Clauses 1 and 2 of this Article have to follow entry or exit procedures at Customs authorities of border passes.

Article 5. Commodities prohibited for export – import

1. The List of products prohibited from export – import is attached to this Decree (Appendix 1).
2. Adjustments to the List of products prohibited from export – import is decided by the Government upon on Minister of Trade's proposal.
3. If needed, export – import of commodities in the List in Appendix 1 shall be decided by Prime Minister.

Article 6. Commodities exported – imported under licence granted by Ministry of Trade

1. The List of products to be exported – imported under licence granted by the Ministry of Trade is attached to this Decree (Appendix 2).
2. For commodities to be exported under quotas by foreign countries, the Ministry of trade shall agree with relevant Ministries and sectoral associations to determine quota allocation in public, transparent, reasonable way.
3. For commodities to be imported under tariff quotas, the Ministry of Trade shall announce quota for individual product upon on studying the Ministry of Finance and relevant Ministries' proposal; Determination and announcement of tariff import duty and non-tariff import duty for individual products is presided over by the Ministry of Trade in coordination with relevant Ministries and agencies and the Ministry of Trade in compliance with the law.
4. For commodities included in the List of products subject to automatic export – import licence, the Ministry of Trade shall announce and provide guidelines on export – import for each period.

Article 7. Products to be exported – imported under licence of relevant agencies

1. The List of products of which export – import managed by relevant Ministries and the regulations on application of this List to specified management fields is attached to this Decree (Appendix 3).
2. Licencing agencies have to announce standards and conditions for being licenced; licencing procedures follow the Regulations on licencing procedures issued by Prime Minister.

Article 8. Commodities to be exported – imported under regulations on veterinary, food safety and sanitary, quality before exit or entry.

1. The Ministry of Agriculture and Rural Development issues the List of commodities subject to veterinary investigation before exit or entry and provide standards on products of this List.
2. The Ministry of Public Health issues the List of products subject to investigation for food safety and sanitary before entry or exit and specific standards on products included in this List.
3. The Ministry of Science and Technology issues the List of products subject to investigation on quality before entry or exit and specific standards on products included in this List.

Article 9. Issuance of the List of products with HS code and adjustments to the Lists of products in Appendixes 1, 2, and 3.

1. The Ministry of Trade and relevant Ministries upon on agreement with the Ministry of Finance announce HS codes of products in the export – import duty schedule for the products as listed in Appendixes 1, 2, and 3 attached.
2. Adjustments to the Lists of products in Appendixes 1, 2, and 3 are decided by the Government upon on proposal by the Ministry of Trade and relevant agencies.

Article 10. Products to be exported – imported under special regulations

1. Export of commodity rice and paddy rice
Enterprises of all economic sectors are allowed to export commodity rice and paddy rice.
The Ministry of Trade in conjunction with the Ministry of Agriculture and Rural Development, People's Committees of provinces with large commodity rice production and the Vietnam Food Association to administrate rice export under the guidelines of ensuring national food security, full

consumption of commodity rice, and prices profitable to farmers as well as suitable with the domestic market; submit to Prime Minister solutions if these principles are not ensured.

For rice export deals under agreement between the Vietnamese Government and Governments of foreign countries (government deals), the Ministry of Trade discusses with the Vietnam Food Association to carry out transactions, sign deals, and deliver commodity.

The Ministry of Trade builds up regulations to organize tendering for these deals.

2. Import of oil, gasoline, and other energies

Import of oil, gasoline, and other energies follows Prime Minister's guidelines of current practice.

3. Import of used car

Used cars of all kinds to be imported must have been used for no more than 5 years from their production to import.

4. Re-export of major import materials that the State guarantees foreign currencies for import

Products for which the State guarantees foreign currencies for import shall be re-exported if payment is in freely exchanged foreign currencies.

The Ministry of Trade issues the list of such products for different periods and organizes implementation.

5. Import of cigarette and cigar

Pursuant to the law of current practice on production, trading, and use of cigarette and relevant international commitments, the Ministry of Trade in conjunction with the Ministry of Industry to detail administration on import of this product.

6. Export – import of products for military and national defense

Export – Import of products for military and national defense follows decision by Prime Minister.

Pursuant to decision by Prime Minister, Ministers of Public Security and National Defense grant licence export – import of these commodities.

7. Import of timber from countries sharing border with Vietnam

The Ministry of Trade issues guidelines on import of timber from countries sharing with Vietnam pursuant to the law of Vietnam as well as relevant agreements between Vietnam and those countries.

Article 11. Temporary export – import of commodities

If needed, Prime Minister shall decide temporary export – import to/from certain markets or export – import of certain products to guarantee national security and interests, in accordance with the law of Vietnam and international agreements that Vietnam has signed or joined. Prime Minister's decision is made public for acknowledgement of domestic and foreign organizations and individuals.

The Ministry of Trade shall inform international economic organizations and relevant agencies in accordance with agreed procedures after Prime Minister issues decision on temporary export – import of commodities as specified in this Article.

Chapter III

Temporary import for re-export, temporary export for re-import, tripartite trading of commodities

Article 12. Temporary import for re-export

1. Enterprises can temporarily import commodities for re-export according to the regulations as below:
 - a. Temporary import and re-export of commodities included in the List of products subject to import prohibition, temporary import cease and those as specified in Appendixes 2 and 3 attached (if licencing required) requires licence issued by Ministry of Trade.
 - b. For products that are not mentioned in sub-Clause a above, enterprises shall only follow temporary import and re-export procedures at border gate customs.
2. Commodities that are temporarily imported for re-export can stay in Vietnam for no more than 120 days since completion of procedures for temporary import. For an extended stay,

enterprises shall submit application to provincial customs authorities. One extension is no more than 30 days and there shall be no more than 2 extension for each lot of commodities temporarily imported for re-export.

3. Commodities temporarily imported for re-export have to go through customs procedures and be supervised by customs authorities until actual exit.
4. Payment for temporary import and re-export follows regulations on foreign currency management and the State Bank of Vietnam's guidelines.
5. Temporary import for re-export is carried out under 2 separate contracts: one export contract and one import contract signed between Vietnamese businesses and foreign partners. The export contract can be signed before or after the import contract.

Article 13. Other modes of temporary import for re-export

1. Commodities which are equipments, machinery, moulds not included in the Lists of products subject to export – import prohibition and temporary export – import cease can be temporarily imported for re-export under leasing or borrowing contracts between Vietnamese businesses and foreign partners for production, construction. Procedures for temporary import and re-export in such cases are carried out at border gate customs. Temporary import for re-export of export – import products controlled by licence follows the regulations as specified in sub-Clause a, Clause 1, Article 12.
2. Time for temporary import for re-export is as agreed between Vietnamese businesses and their partners and registered with border gate customs.
3. Enterprises can temporarily import commodities that they have exported for reproduction, warranty service as requested by foreign businesses and then re-export those to foreign countries. Procedures for temporary import for re-export are carried out at border gate customs.

Article 14. Temporary export for re-import

1. Enterprises can temporarily export commodities for re-import machinery, equipments, vehicles for repairing, warranty, production, construction, leasing under relevant contracts with foreign businesses. The procedures from temporary export and re-import are as below:
 - a. For products included in the Lists of commodities subject to export – import prohibition, temporary export – import cease specified in Appendixes 2 and 3 attached (for which licence is required), licence granted by the Ministry of Trade is required.
 - b. For commodities that are not mentioned in sub-Clause a, Clause 1 of this Article, enterprises only have to go through procedures at border gate customs.
2. Time for temporary export for re-import is as agreed between enterprises with their partners and registered with border gate customs.
3. Commodities that are temporary exported for re-import as specified in this Article can be sold, transferred, presented, re-funded to foreign partners or used as capital contribution to joint venture overseas under agreement in contract between enterprises and their partners. For products that are mentioned in sub-Clause a, Clause 1 of this Article, licence granted by the Ministry of Trade is required before implementation of agreement with foreign partners. Procedures for such lots of goods are carried out at border gate customs where procedures for temporary export are implemented.
4. Payment for machinery, equipments, vehicles sold, transferred, or used as capital contribution to joint venture overseas follows regulations on foreign currency management and guidelines provided by the State Bank of Vietnam or regulations of current practice on Vietnamese businesses' investment overseas.

Article 15. Border-gate transfer of commodities

Enterprises can deal in border-gate transfer of commodities in accordance with the regulations as below:

1. Excluding commodities as specified in Clause 2 of this Article, every product can be subject border-gate transfer; procedures for border-gate transfer of commodities are implemented at border gate customs.
2. For products included in the Lists of commodities subject to export – import exhibition or temporary export – import cease and those exported – imported under licence, border gate can be

transferred through Vietnam's border gate if enterprises have licence granted by the Ministry of Trade. If border gate is not transferred through Vietnam's border gate, licence granted by the Ministry of Trade is not required.

3. Commodities with border gate transferred through Vietnam's border gate suffer from supervision by customs authorities until actual exit.

4. Payment for commodities with transferred border gate follows the regulations on foreign currency management and guidelines provided by the State Bank of Vietnam.

5. Border-gate transfer is carried out based on 2 separate contracts: one purchasing contract signed by Vietnamese enterprise with exporter and one selling contract signed by Vietnamese enterprise with importer. The purchasing contract can be signed before or after the selling contract.

Article 16. Prevention of illegal shipment

In order to prevent illegal shipment and trade frauds and protect prestige of Vietnam's export products, if needed, Minister of Trade shall inform Prime Minister before announcement of the List of products subject to cease of trading under the modes of temporary import for re-export, border-gate transfer; set up conditions on certain commodities or issue list of products of which these trading modes require licence issued by Minister of Trade.

Chapter IV

Export – import trusting and accepting trustee export – import

Article 17. Export – import trusting and accepting trustee export – import

Enterprises delegate other enterprises to export or import or be delegated by other enterprises to export or import commodities excluding those included in the Lists of products subject to export – import prohibition, temporary export – import cease.

Article 18. Export – import trusting and accepting trustee export – import under licence

For products of which export – import requires licence as specified in this Decree, trusting enterprises or trusted enterprises must have export – import licence before signing trusting or trustee contract.

Article 19. Export – import trusting and accepting trustee export – import by organizations, individuals that are not business

Vietnamese organizations and individuals that are not business can delegate export – import or accept trustee export – import based on contract signed in compliance with the law to export – import commodities for their need, excluding those included in the Lists of products subject to export – import prohibition or temporary export – import cease.

Article 20. Interests and obligations of export – import truster and trustee are as agreed by the relevant parties in contracts between them.

Chapter V

Purchasing and sale agent with foreign business

Part 1

Acting as purchasing and sale agent for foreign business

Article 21. Enterprises acting as purchasing and sale agent for foreign businesses

1. Enterprises can act as agent for foreign businesses to purchase and sell products excluding those included in the Lists of commodities subject to export – import prohibition, temporary export – import cease. For products that are included in these Lists, enterprises must have licence granted by the Ministry of Trade before signing contract to act as purchasing or sale agent for foreign businesses.

2. If the law specifies that one agent business can sign agent contract with only one hiring enterprise on only one commodity, enterprises have to follow that regulation.

3. Agent businesses can pay hiring enterprises in VND or foreign currencies in accordance with the regulations on foreign currency management or guidelines provided by the State Bank of Vietnam or in commodities not included in the Lists of products subject to export – import prohibition or temporary export – import cease; if commodities included in these Lists are used for payments, licence granted by competent agencies is required.

4. Agent businesses require foreign hiring enterprises to transfer freely exchanged foreign currencies through banking system for purchase of commodities under agent contract.

Article 22. Taxation obligation

1. Commodities in purchasing, sale agent contracts are imposed tax and other financial obligations in accordance with the law of Vietnam.

2. Vietnamese enterprises are responsible for registering, declaring, paying taxes and implementing other financial obligations related to commodities in purchasing, sale agent contracts and their business activities in accordance with the law.

Article 23. Export – import procedures

Export – import of commodities in purchasing, sale agent contracts between Vietnamese enterprises and foreign businesses follows procedures on export – import as specified in Clause 1, 2, 3, Article 4 of this Decree.

Article 24. Refund

Commodities in contract in which Vietnamese enterprise acts as sale agent for foreign business shall be re-exported if they not sold in Vietnam. Tax refund is implemented in accordance the Ministry of Finance's regulations.

Part II

Hiring foreign businesses to act as sale agent overseas

Article 25. Hiring foreign businesses to act as sale agent overseas

1. Enterprises can hire foreign businesses to act as overseas agent to sell commodities excluding those included in the Lists of products subject to export – import prohibition or temporary export – import cease. A licence granted issued by the Ministry of Trade is required before signing of contract on hiring foreign businesses to act as overseas agents to sell products included in these lists.

2. Enterprises that hire foreign businesses to act as overseas sale agent have to sign contracts with foreign businesses and transfer money obtained from the sale contracts to home in accordance with the regulations on foreign currency management and guidelines as provided by the State Bank of Vietnam.

3. If overseas sale agent pay hiring enterprises in commodities, hiring enterprises shall follow the regulations of current practice on export – import of commodities.

Article 26. Taxation obligation

1. Commodities in overseas sale contract are imposed tax and other financial obligations in accordance with the law of Vietnam.

2. Enterprises are responsible for registering, declaring, and paying taxes and implement other financial obligations related to hiring foreign businesses to act as overseas sale agent in compliance with the Ministry of Finance's guidelines.

Article 27. Refund

1. Commodities exported under overseas sale agent contracts shall be re-imported into Vietnam if they are not sold overseas.

2. Commodities re-imported into Vietnam as specified in Clause 1 of this Article are imposed import duties and have export duties (if any) refunded in accordance with the Ministry of Finance's guidelines.

Article 28. Export – import procedures

Commodities exported under overseas sale agent contracts when being exported or re-imported into Vietnam as specified in Article 27 of this Decree follow procedures on export – import as stated in Clauses 1, 2, and 3, Article 4 of this Decree.

Chapter VI

Sourcing commodities with foreign factor

Article 29. Enterprises sourcing commodities from foreign businesses

Enterprises including those with foreign investment can source commodities from foreign businesses, excluding products included in the Lists of commodities subject to export – import

prohibition or temporary export – import cease. For commodities of which export – import licence is required, enterprises can sign sourcing contract if only they are licenced by the Ministry of Trade.

Article 30. Sourcing contract

Sourcing contract must be in written form or other modes with equivalent legal value and might include provisions as below:

- a. Name, address of parties and sourcing business;
- b. Name, quantity of sourced products;
- b. Sourcing prices;
- d. Time and mode of payment;
- e. List, quantity, value of materials imported and those manufactured domestically (if any) for sourcing; material consumption and waste levels;
- f. List and value of equipments and machinery leased, lent, or given (if any) for sourcing;
- g. Measures to deal with wastes and principles for dealing with equipments and machinery leased or lent and abundant materials after sourcing contract is ended;
- h. Place and time of delivery;
- i. Product's brand and origin;
- k. Contract effect.

Article 31. Material consumption and waste level

Material consumption and waste level is as used in sourcing contracts with respect to material consumption and waste levels in relevant industries in Vietnam at the time with the contract is signed. Head of sourcing enterprise is responsible for use of imported materials for the right sourcing purpose and accurate calculation of material consumption and waste levels.

Article 32. Leasing, borrowing, importing equipments from outsourcing party to carry out sourcing contract.

Sourcing enterprise can lease, borrow equipments and machinery from the outsourcing businesses to carry out sourcing contract. Leasing, borrowing, giving of equipments and machinery shall be specified in sourcing contract.

Article 33. Rights and obligations of sourcing and outsourcing enterprises

1. Outsourcing enterprise:
 - a. Handling all of a part of outsourced materials as agreed in outsourcing contracts;
 - b. Receiving outsourced products; equipments and machinery leasing or lending to sourcing business; abundant materials and waste after contract is ended excluding in the cases of being allowed for exporting on the spot, destroying or giving in accordance with this Decree.
 - c. Sending experts to Vietnam to provide technical instruction and check quality of outsourced products as agreed in outsourcing contracts;
 - d. Being responsible for use of product brand and origin;
 - e. Following regulations of Vietnam's law related to outsourcing and provisions of outsourcing contracts signed;
 - e. Being allowed to export outsourced products; equipments and machinery leased or lent; abundant materials and waste materials on the spot as agreement between relevant parties, in accordance with the regulations of current practice on commodity export – import management and implementing tax and other financial obligations in compliance with the law.
2. For sourcing party:
 - a. Being exempt from import duties on equipment and machinery, materials temporarily imported for implementation of sourcing contract; being exempt from export duty on sourced products;
 - b. Outsourcing the commodities they source to other enterprises;
 - c. Supplying all or a part of materials for implementation of sourcing contract as specified in sourcing contract and having to pay export duties on domestically purchased materials in accordance with the laws on export – import duties;
 - d. Being paid by sourcing party in commodity excluding those included in the Lists of products subject to export – import prohibition and temporary export – import cease. For products in these Lists, licence granted by the Ministry of Trade or authorized agencies is required;
 - e. Following Vietnam's law on sourcing for export, import, domestic production and provisions of sourcing contract signed;
 - f. Going through procedures for on-the-spot export of sourced products; leased or borrowed equipments and machinery; abundant and waste materials as authorized by the outsourcing party.

3. Conditions on on-the-spot export - import of sourced products; leased or borrowed equipments and machinery; abundant and waste materials:
 - a. Following regulations of the law on export – import, tax and other financial obligations in accordance with the law;
 - b. There must be a purchasing and sale contract signed between foreign business or authorized individuals or organized and importing enterprise.

Article 34. Transitional sourcing

Enterprises can source commodities transitionally. Accordingly:

1. Products of one sourcing contract are used as material for another sourcing contract in Vietnam.
2. Products of a sourcing contract on one stage are handled to another business with another sourcing contract on the next stage as authorized by the outsourcing party.

Article 35. Liquidation and discharging of sourcing contract

1. When sourcing contract is finished of its effect comes to an end, the relevant parties have to liquidate that contract and go through discharging procedures at customs authorities.
For sourcing contracts that are effective for more than 1 year, the sourcing party have to annually go through procedures for discharging at customs authorities.
2. The basis for liquidation and discharging of sourcing contract is quantity of materials imported and product exported under material consumption and waste levels as agreed in sourcing contract.
3. After sourcing contract is finished, equipments and machinery borrowed or leased under it and abundant and waste materials are handled in compliance with that contract and the law of Vietnam.
4. Destruction of waste materials (if any) is only carried out under permit granted by provincial Department of Natural Resources and Environment and supervision by customs authorities. If waste materials cannot be destroyed in Vietnam, they shall be re-exported as required by the outsourcing party.
5. Giving equipments, machinery, materials and waste materials
 - a. The outsourcing party must state their giving action in a written document;
 - b. The given enterprise has to go through export - import procedures of current practice; pay import duties and other taxes (if any) and register those as assets in compliance with the law of current practice.

Article 36. Customs procedures

The Ministry of Finance provides guidelines on customs procedures and financial obligations on sourced commodities to be exported and supervise export – import activities related to sourcing contracts.

Part 2

Outsourcing commodities overseas

Article 37. General regulations

1. Enterprises can outsource overseas commodities that are allowed for circulation in the home market to trade in accordance with the law.
2. Export of equipments, machinery and materials for implementation of outsourcing contract and import of outsourced commodities follows regulations on export – import management.
3. Overseas outsourcing contract and procedures on export – import of outsourced products are as specified in Articles 30 and 36 of this Decree.

Article 38. Rights and obligations of enterprises outsourcing commodities overseas

1. Temporarily exporting equipments, machinery and materials or transferring border gate of equipments, machinery and materials from a third country to the sourcing party for implementation of the outsourcing party.
2. Re-importing outsourced products. When outsourcing contract is ended, re-importing equipments, machinery, abundant and waste materials.
3. Selling outsourced products and equipments, machinery and materials exported for implementation of outsourcing contract in the sourcing market or other market and paying taxes in accordance with the law of current practice.
4. Being exempt from export – import duties on equipments, machinery, and materials temporarily exported for re-import. If those are not re-imported, paying export duties as specified in the laws on export – import duties.

5. Sending experts, technical workers to outsourcing countries to supervise and collect outsourced products.
6. The Ministry of Finance issues guidelines on financial obligations on outsourced commodities imported for domestic consumption.

Chapter VII

Commodity transit through Vietnam's territory

Article 39. Enterprises providing commodity transit service

Enterprises with business registration certificate in freight forwarding, transport are allowed to provide commodity transit service to foreign businesses.

Article 40. Commodity transit through Vietnam's territory

1. Commodities owned by foreign organizations and individuals excluding arms, ammunition, exploding materials, and other highly dangerous products and those included in the Lists of commodities subject to export – import prohibition and temporary export – import cease can be transited through Vietnam's territory.

The Ministry of Trade is responsible for making up the list of highly dangerous commodities upon on studying proposal of relevant Ministries and industries.

2. Arms, ammunition, exploding materials and highly dangerous products can be transited through Vietnam's territory with permit granted by Prime Minister.

3. Products included in the Lists of commodities subject to export – import prohibition and temporary export – import cease can be transited through Vietnam's territory if allowed by the Ministry of Trade. In the cases where international agreements that Vietnam joined have different regulations, transit of such products through Vietnam's territory shall follow those agreements.

4. Commodities transited through the territory of Vietnam are supervised by Vietnam's customs authorities during their stay in Vietnam, enter and get out of Vietnam's territory at the right border gates and roads; the quantity of outgoing commodities must be the same with the quantity of incoming commodities without changes to package.

5. Owner of transited commodities have to pay customs fees and other fees applicable to transited commodities in compliance with the law of Vietnam.

6. Transited commodities cannot be consumed in Vietnam without permit granted by the Ministry of Trade.

7. The Ministry of Trade provides instruction on procedures on transit of commodities through the territory of Vietnam to transit agreement with different regulations in compared to those as specified in Clauses 1, 2, 3 of this Article.

8. The Ministry of Finance provides instruction on procedures on warehousing of transited commodities, changes in means of transport, stay extension for transited commodities.

9. The Ministry of Transport provides guidelines on road line for transit.

Chapter VIII

Handling with violations

Article 41. Handling with violations by enterprises

Enterprises which violate the regulations as specified in this Decree will be imposed sanction based on their levels of regulation. The sanction might be administrative or penal measures in accordance with the law.

Article 42. Handling with violations by State staff

State staff who over use their position and power to violate the regulations of this Decree will be disciplined or suffer from penal fine depending on their levels of violation in accordance with the law.

Chapter IX

Implementation

Article 43. Implementation

1. This Decree will come into effect on May 1, 2006, replacing Decree 57/1998/ND-CP dated July 31, 1998 by the Government detailing implementation of the Trade Law's regulations on export –

	(The Ministry of Culture and Information details the implementation, announces list of commodities and states the HS code as shown in export-import commodities tariff nomenclature).
3	Stationeries banned from circulation and dissemination in Vietnam (The Ministry of Culture and Information details the implementation, announces list of commodities and states the HS code as shown in export-import commodities tariff nomenclature).
4	Round wood, sawn timber from domestic natural forest wood (The Ministry of Agriculture and Rural Development details the implementation, announces list of commodities and states the HS code as shown in export-import commodities tariff nomenclature).
5	Wild animals, rare animals and rare plants in the Group IA and IB regulated in Decision 48/2002/ND-CP dated April 22, 2002 of the Government. Wild animal, rare animals, rare plants as regulated in the "red book" under Vietnam's commitments with international organizations. (The Ministry of Agriculture and Rural Development announces list and states the HS code as shown in export-import commodities tariff nomenclature).
6	Rare aquatic products. (The Ministry of Fisheries announces list and states the HS code as shown in export-import commodities tariff nomenclature)
7	Special encoding machines and encoding software used in the State secret protection (The Ministry of Trade and Government Commission for Code details the implementation).
8	Toxic chemicals (Type I) as regulated in the Chemical Weapon Convention (The Ministry of Industry announces list and states the HS code as shown in export-import commodities tariff nomenclature)
	II. Commodities Banned From Import
1	Arms, ammunition, explosives (except for industrial explosives), technical military equipment. (The Ministry of National Defence announces list and states the HS code as shown in export-import commodities tariff nomenclature)
2	Fire-cracker of all kinds, except for signalling flares for maritime security detailed by The Ministry of Transportation); (The Ministry of Security details the implementation, announces list and states the HS code as shown in export-import commodities tariff nomenclature).
3	Second-hand consumer commodities include the following categories: <ul style="list-style-type: none"> • Textile and garment, footwear • Electronics • Cooling appliances • Home appliances • Healthcare equipment • Interior decoration • Home appliances made from pottery, glass, metal, plastic, rubber and other materials. (The Ministry of Trade details above commodities and states the HS code as shown in export-import commodities tariff nomenclature) <ul style="list-style-type: none"> • Second-hand information technology products (The Ministry of Posts and Telematics details commodities and states the HS code as shown in export-import commodities tariff nomenclature)
4	Kinds of stationeries banned from circulation and dissemination in Vietnam. (The Ministry of Culture and Information details the implementation, announces list of commodities and states the HS code as shown in export-import commodities tariff nomenclature).
5	Right-hand drive vehicles (including in forms of (including converted drive vehicles or disassembled vehicles), except for special purpose vehicles with right-hand drive running in

	small area including such as: crane lorries, breakdown lorries, road sweeper lorries, spraying lorries, rubbish lorries, passenger buses in airport, pick-up trucks, concrete-mixer lorries, van working in parks and golf courses.
6	<p>Second-hand vehicles include:</p> <ul style="list-style-type: none"> • Engine, frame, inner tube, tyre, accessories, motion of cars, tractors and two wheel and three wheel vehicles; (The Ministry of Transportation announces list and states the HS code as shown in export-import commodities tariff nomenclature) • Underframe of motion cars and tractors (including new underframe with second-hand motion and/or second-hand underframe with new motion); (The Ministry of Transportation announces list and states the HS code as shown in export-import commodities tariff nomenclature) • Bicycles; (The Ministry of Industry announces list and states the HS code as shown in export-import commodities tariff nomenclature) • Motion two wheel and three wheel vehicles; (The Ministry of Industry announces list and states the HS code as shown in export-import commodities tariff nomenclature) • Ambulances; (The Ministry of Industry announces list and states the HS code as shown in export-import commodities tariff nomenclature) • All type of cars with structures and fuctions changed from the original design.
7	<p>Residues, waste, cooling equipment using C.F.C</p> <p>The Ministry of Resource and Environment announces list and states the HS code as shown in export-import commodities tariff nomenclature).</p>
8	<p>Products, materials containing asbestos of amphibian group.</p> <p>(The Ministry of Construction announces list and states the HS code as shown in export-import commodities tariff nomenclature).</p>
9	<p>Poisons in Table I regulated in the Convention on Nuclear weapon</p> <p>(The Ministry of Industry announces list and states the HS code as shown in export-import commodities tariff nomenclature).</p>

Appendix 02

List of export, import commodities licensed by the Ministry of Trade

(Attached to Decree No. **12/2006/ND-CP** dated 23/01/2006 by the Government)

Commodities in this list are applied to export – import of commodities of trade, non-trade, export and import in borders with neighbour countries; commodities of government and non-government assistance.

I.	COMMODITIES	FOR	EXPORT
A.	EXPORT		LICENSE

	DESCRIPTION
1	Textile and garment products for export to markets with quotas requiring quotas, announced by the Ministry of Trade from time to time (The Ministry of Trade in conjunction with the Ministry of Industry details the implementation)
2	Commodities for export control under international treaties and agreements Vietnam has signed or participated in, announced from time to time by the Ministry of Trade.

B. AUTOMATIC EXPORT LICENSE

The Ministry of Trade shall announce list of commodities applying automatic export licence from time to time and organization in charge of licence issuance in conformity with current regulations on licence issuance

II. COMMODITIES FOR IMPORT

A. IMPORT LICENSE

	DESCRIPTION
1	Commodities for import control under international treaties and agreements Vietnam has signed or participated in, announced from time to time by the Ministry of Trade
2	Two or three-wheel vehicles of 175 cm ³ and above (The Ministry of Trade details the HS code as shown in export-import commodities tariff nomenclature and provides guidance on implementation; the Ministry of Security regulates and announces objects allowed to register for use).
3	Sport guns (as approved by the Committee for Sport and Games)

B. LICENSES ISSUED IN ACCORDANCE WITH QUOTA TARIFF

	DESCRIPTION
1	Salt
2	Avian eggs
3	Refined and raw sugar

The Ministry of Trade details the HS code as shown in Export-Import Commodities Tariff Nomenclature, list of commodities with quota tariff.

C. AUTOMATIC ISSUANCE OF IMPORT LICENSE

The Ministry of Trade shall announce the list of commodities, which are applicable for automatic issuance of import licence from time to time, and allocate quotas in accordance with current regulations on import licensing.

Appendix 3

**List of products subject to ministerial management and management regulations
(Attached to Decree 12/2006/ND-CP) dated January 23, 2006 by the Government)**

This List is applicable to export – import of commercial and non-commercial commodities, export – import activities at border with neighboring countries, government and non-government commodity aid

I. List of products managed by the Ministry of Agriculture and Rural Development

A.	Export product	Management mode
1	Animals and plants of which export requires control as specified in the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) that Vietnam has joined. Rare wild land-based plants and animals in Groups IIA and IIB as specified in Decree 48/2002/ND-CP dated April 22, 2002.	The Ministry of Agriculture and Rural Development issues conditions and procedures for export based on CITES obligations.

		The Ministry of Agriculture and Rural Development issues detailed conditions and procedures for export.
2	Rare plant and animal breeds	The Ministry of Agriculture and Rural Development provides guidelines in compliance with the Decrees on plant and animal breeds.
3	Firewood or charcoal originating from wood from domestic natural forest.	The Ministry of Agriculture and Rural Development issues detailed conditions and procedures for export.
B.	Import product	Management mode
1	Veterinary medicines and materials for production of veterinary medicines registered for import for the first time in Vietnam.	Test licence
2	Veterinary biotic, micro-biotic, chemical products registered for import for the first time in Vietnam.	Test licence
3	a. Pesticides and materials for production of pesticides not concluded in the List of those allowed for use in Vietnam.	a. Import licence, specifying conditions, quantity, and licencing procedures.
	b. Pesticides and materials for production of pesticides included in the list of those restricted.	b. Import licence, specifying conditions, quantity, and licencing procedures
4.	Breeds of animals, plants, insects that do not exist in Vietnam.	Test licence
5.	Feedings and materials for production of feedings used in Vietnam for the first time.	Test licence
6.	Fertilizers used in Vietnam for the first time.	Test licence
7.	Genes of plants, animals, microorganisms used for research, science and technology exchange.	Import licence, specifying conditions and procedures for licencing.
8.	Wild animals and plants of which import requires control as specified in the CITES that Vietnam joined.	The Ministry of Agriculture and Rural Development issues conditions and procedures for export based on CITES obligations.

Management

regulations:

1. The Ministry of Agriculture and Rural Development issues the list of import products under its management; announces products allowed for use in Vietnam by their HS code as in import duty schedule, enterprises which can import for their need without licence.
2. For products that are imported into Vietnam for the first time and products not included in the list of those allowed for use in Vietnam, the Ministry of Agriculture and Rural Developments issues test licence. Content of test licence and test time limit must be in compliance with the Ministry's guidelines. Based on testing results, the Ministry decides to whether allow use of those products in Vietnam or not. If allowed by the Ministry, those products can be imported as demanded, without restriction on quantity, value, and import licence.

I. List of products subject to the Ministry of Fisheries' management

1. The Ministry of Fisheries performs its management by issuing the lists of products by HS codes as specified in the tariff duty schedule:

- a. List of aquatic products exported under certain conditions;
- b. List of products for aquaculture imported under certain conditions;
- c. List of aquatic products exported – imported normally;
- d. List of medicines, chemicals, materials for production of medicine and chemicals for aquaculture imported normally.

2. Management regulations:

- a. For export – import of products in Lists (a) and (b) of Clause 1 above, the Ministry of Fisheries issues list and conditions. Qualified exporters – importers shall proceeding for export – import at customs authorities without permission by the Ministries of Fisheries and Trade;
- b. Import of breedings, medicines, chemicals and materials for production of medicines and chemicals which are not included in Lists (c) and (d) of Clause 1 above can be implemented only with test licence granted by the Ministry of Fisheries. Once six months, the Ministry of Fisheries announces to add to Lists (c) and (d) products with good testing results. Once included in the list of products imported normally, products can be imported as demanded without restrictions on quantity, value and licence.

III. List of products managed by State Bank of Vietnam

A.	Export product	Mode of management
	None	
B.	Import product	Mode of management
1	Money destroying machines (technical requirements specified by the State Bank of Vietnam).	Import licence
2	Door panels for money store (technical requirements specified by the State Bank of Vietnam).	Import licence
3	Money printing paper	Authorized importers
4	Money printing ink	Authorized importers
5	Equipments for anti-counterfeit money, bonds, and other valuable notes issued and managed by banks.	Authorized importers
6	Money printing machines (technical requirements specified by the State Bank of Vietnam).	Authorized importers
7	Metal money making machine (technical requirements specified by the State Bank of Vietnam).	Authorized importers

Management regulations:

The State Bank issues the list of products under its management by HS codes as specified in the import duty schedule; authorizes importers to import products as specified in the above list; issues regulations and procedures for import licence; conditions for import; and is responsible for managing use of machines, equipments, and materials for the right purposes.

IV. List of products managed by the Ministry of Post and Telematics

A	Export products	Management mode
	None	
B	Import products	Management mode
1	Postal stamp, stamp publications and postal stamp products.	Import licence
2	9KHz – 400KHz wireless wave communication	Import licence

	machines with capacity of 60mW and more.	
3	Radar, wireless wave and remote equipments.	Import licence

Management regulations:

The Ministry of Post and Telematics issues the list of products by HS codes as specified in the import duty schedule; conditions and procedures for licence.

V. List of products managed by the Ministry of Culture and Rural Development

A.	Export product	Management mode
1	Publications (books, magazines, newspapers, pictures, photographs, calendars, etc)	Origin
2	Film and other visual works recorded in every materials.	Origin
3	Art works of all kinds, recorded in every materials.	Origin
4	Antiques not under ownership of the public, political organizations, political – social organizations.	Export licence
B.	Import product	Management mode
1	Publications (books, magazines, newspapers, pictures, photographs, calendars, etc)	Examined content
2	Film and other visual works recorded in every materials.	Examined content
3	Letter arrangement system for printing	Import licence specifying conditions and procedures for licence.
4	Printers (offset, flexor, etc) and color photocopier.	Conditions
5	Television Receive Only (TVRO) equipments	Conditions
6	Casino machines	- Conditions on equipment and installation. - Only enterprises with investment licence or business registration certificate in compliance with Decision 32/2003/Qd-TTg dated February 27, 2003 by the Prime Minister can import.
7	Children toys	Functions and types of toys allowed for import.

Management

regulations:

1. The Ministry of Culture and Information issues the list of products by HS codes as specified in the export – import duty schedules.

Products as specified in Clauses 1, 2, and 3 in Part A can be exported as needed, procedures for export are done at customs, if they:

- Are allowed for manufacture and circulation in Vietnam, or
- Have transparent documents showing origin.

The Ministry of Culture – Information is responsible for detailing this regulation; does not grant licence and consider content, quantity and value of export products.

2. For visual – audio products which are not film works, the Ministry of Culture and Information authorizes provincial Departments of Culture and Information to consider content.

VI. List of products managed by the Ministry of Public Health

A.	Export product	Management mode
	None	
B.	Import product	Management mode
1	Addictive chemicals and products	Import licence specifying conditions and procedures for licence
2	Drugs for disease prevention and treatment for human being, already registered.	Imported as needed, no certification on import invoice required.
3	Drugs for disease prevention and treatment for human being, not registered yet.	Test licence
4	Materials for production of drugs, packages that directly contact drugs used in Vietnam for the first time.	Test licence
5	Cosmetics with direct impact on health of human being	Registration
6	Vaccines and similar products not included in the list of products imported as needed.	Import licence
7	Medical equipments with direct impact on health of human being, not included in the list of products imported as needed	Import licence
8	Pesticide products and chemicals used for household and health care purposes.	Registration

Management

regulations:

1. For materials for production of medicines and packages that directly contact with medicines and medical equipments, the Ministry of Public Health issues the list of products imported as needed. Additionally, import licence specifying conditions and procedures for licencing is also required.

2. Products controlled by test licence must follow testing process and time limit as guided by the Ministry of Public Health. Based on testing results, the Ministry shall issue decision to whether allow or not allow use of those in Vietnam. If allowed by the Ministry of Public Health for use in Vietnam, those products can be imported as needed without restriction on quantity and value, and import licence.

3. Products of which circulation registration is required once registered can be imported as needed without restriction on quantity and value, and import licence or certification on import invoice.

VII. List of products managed by the Ministry of Industry

A.	Export products	Management mode
1	Toxic chemicals and products with toxic chemicals. Addictive pre-chemicals for use in industry (under the Anti-Drug Law and related legal documents).	List of products exported under conditions, standards, or licence.
2	Minerals	Products exported under conditions, specifying conditions or standards.
3	Industrial explosive materials	Licence
B.	Import product	Management mode

1	Toxic chemicals and products with toxic chemicals. Addictive pre-chemicals for use in industry (under the Anti-Drug Law and related legal documents).	List of products imported under conditions, standards, or licence.
2	Natri hydrocid (liquid)	Standards
3	Acid chlohydric	Standards
4	Acid sulfuric (technical)	Standards
5	Acid sulfuric (pure)	Standards
6	Acid phosphoric (technical)	Standards
7	Aluminum hydrocid	Standards
8	Industrial explosive materials NH ₄ NO ₃	Import licence, specifying conditions and procedures for import.

Management regulations:

For products in Groups 2, 3 4, 5, 6, 7 of Group B, the Ministry of Industry issues conditions or technical requirements for import, no licence, certification or quantity/value consideration is required.

VIII. List of products managed by the Ministry of Natural Resources and Environment

A.	Export product	Management mode
	None	
B.	Import product	Management mode
1	Waste	Conditions or standards

Management regulations:

Importers shall do procedures for import at customs based on conditions or standards on imports of waste.

The Ministry of Natural Resources and Environment issues guidelines on implementation, detailing the above list by HS codes as specified in the import duty schedule.

IX. List of products managed by Ministry of Transport

A.	Export product	Management mode
	None	
B.	Import product	Management mode
1	Signal firework for maritime safety	Licence

The Ministry of Transport issues the list of products by HS codes as specified in the export-import tariff nomenclature and regulates license issuance procedures