

CIRCULAR No. 02/2006/TT-BCN OF APRIL 14, 2006, GUIDING THE EXPORT OF MINERALS

Pursuant to the Government's Decree No. 55/2003/ND-CP of May 28, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Industry;

Pursuant to the Government's Decree No. 12/2006/ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding international goods sale and purchase activities and goods sale and purchase agency, processing and transit with foreign countries;

Pursuant to the March 20, 1996 Law on Minerals; the June 14, 2005 Law Amending and Supplementing a Number of Articles of the Law on Minerals; and the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding the implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals;

The Ministry of Industry hereby guides the export of minerals as follows:

I. INTERPRETATION OF TERMS

1. VILAS standards are standards set by the Vietnam Laboratory Accreditation Scheme. Laboratories meeting VILAS standards are those having the quality management system under ISO/IEC 17025, equivalent to TCVN ISO/IEC 17025:2001. VILAS certificates are granted by the Quality Accreditation Office under the General Department of Standardization, Metrology and Quality Control.

2. State agencies competent to grant mineral exploitation or processing permits are the Ministry of Industry (before November 11, 2002), the Ministry of Natural Resources and Environment (as from November 11, 2002), or provincial/municipal People's Committees.

II. PROVISIONS ON THE EXPORT OF MINERALS

1. Minerals shall be permitted for export only if they fully meet the following conditions and standards:

a/ Being exploited from mines not planned for domestic processing.

b/ Having been processed to meet the quality standards and conditions specified in the List enclosed with this Circular. The quality standards of minerals for which a certain percentage of metal is required must be certified by laboratories meeting VILAS standards.

2. To be licensed to export minerals, enterprises must be those set up under the provisions of law, fully meeting the conditions set in the Commercial Law on goods import, export, processing as well as purchase and sale agency with foreign countries, and satisfying one of the following conditions:

a/ Possessing valid mineral exploitation permits or mineral full-extraction permits, granted by competent state agencies.

b/ Possessing valid mineral processing permits and contracts on the purchase of minerals for processing, signed with organizations or individuals that possess valid mineral exploitation permits or mineral full-extraction permits.

c/ Possessing contracts on the purchase of minerals or contracts on entrusted export of minerals, signed with organizations or individuals that possess valid mineral exploitation permits, mineral full-extraction permits or mineral processing permits.

3. The export of minerals by mode of temporary import for re-export or undertaking processing for foreign traders shall comply with the provisions of the Government's Decree No. 12/2006/ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding international goods sale and purchase activities and goods sale and purchase agency, processing and transit with foreign countries.

4. The export of pit coal shall comply with the Industry Ministry's Circular No. 02/1999/TT-BCN of June 14, 1999, guiding the conditions for trading in pit coal. The non-quota export of coal to China shall comply with the Trade Ministry's Circular No. 15/2000/TT-BTM of August 10, 2000.

5. The export of petroleum shall comply with the July 6, 1993 Petroleum Law and the June 9, 2000 Law Amending and Supplementing a Number of Articles of the Petroleum Law.

6. For minerals which have been categorized, sorted, washed and processed but fail to reach the quality standards provided for in the List enclosed with this Circular or minerals not yet included in the List, the Ministry of Industry (for solid and non-metal minerals) or the Ministry of Construction (for minerals used as construction materials) shall guide the export thereof. Any special adjustment or supplement to the planning must be reported to the Prime Minister.

III. IMPLEMENTATION PROVISIONS

1. Basing itself on the demands for each type of mineral used for domestic projects on intensive processing of minerals, the Ministry of Industry shall consider the adjustment of minerals permitted for export on the List enclosed with this Circular and publish such adjustment one year before stopping the export thereof.

2. This Circular takes effect 15 days after its publication in "CONG BAO" and replaces the Industry Ministry's Circular No. 04/2005/TT-BCN of August 2, 2005, guiding the export of minerals in the 2005-2010 period.

For the Minister of Industry
Vice Minister

DO HUU HAO

**LIST OF QUALITY STANDARDS AND CONDITIONS OF
EXPORTED MINERALS**

*(Issued together with the Industry Ministry's Circular No. 02/2006/TT-BCN
of April 14, 2006)*

No.	Exported minerals	Content	Time limits and conditions
1	Refined chromite ore	³ 46% Cr ₂ O ₃	
2	Titanium ore products		
	- Refined ilmenite ore (mineral sand)	³ 52% TiO ₂ (<57%)	To be permitted for export till the end of 2008 only
	- Refined ilmenite ore (base)	³ 48% TiO ₂	Those exploited from Cay Cham mine (Thai Nguyen province) shall be permitted for export till the end of 2008 only
	- Refined zircon ore	³ 65%	To be permitted for export till the end of April 2007 only
	- Refined rutile ore	³ 83% TiO ₂	
	- Refined monazite ore	³ 57% ReO	
3	Refined lead sulfide ore	³ 50% Pb	
4	Refined copper ore	³ 18% Cu	To be permitted for export till the end of 2006 only

5	Zinc ore products		
	- Refined zinc sulfide ore	³ 50% Zn	To be permitted for export till the end of 2006 only
	- Zinc oxide ore	³ 25% Zn	To be permitted for export till the end of 2006 only
	- Zinc oxide powder	³ 60% Zn	
6	Iron ore	³ 54% Fe Granule size < 50 mm	Minerals exploited from Thach Khe mine, Ha Tinh province, must not be exported. Minerals exploited from Quy Xa mine shall be permitted for export only in exchange for imported coke in service of domestic steel refinement
7	Iron ore in granules	³ 66% Fe Granule size of 8 - 15 mm	
8	Refined magnetite ore	³ 75% Fe ₂ O ₃	
9	Manganese ore	³ 35% Mn	
10	Refined wolframite ore	³ 65% WO ₃	
11	Refined bauxite ore	³ 48% Al ₂ O ₃	Exploited from mines outside the Central Highlands area
		³ 48% Al ₂ O ₃	Those exploited from Bao Loc mine, Lam Dong province (by the Southern Base Chemical One-Member Limited Liability Company), shall be

			permitted for export till the end of 2006 only
12	Pyrophyllite kaolin ore	³ 17% Al ₂ O ₃	
13	Fluorite ore	³ 65% CaF ₂	
14	White sand	Already sorted and washed Grade II; Already sorted and washed < 98% SiO ₂	Except for Cam Ranh mine (Khanh Hoa province), which is managed by the Ministry of Construction Van Hai mine (Quang Ninh province)
15	Gravel and yellow sand	Already sorted and washed	
16	Block of stone	Already cut and processed	
17	Slabs	Already processed	
18	White stone	Already processed	
19	White stone powder	Whiteness ³ 90%	
20	Barite		
	- Barite ore	Already sorted and washed	
	- Barite powder	³ 89% BaSO ₄	
21	Felspar	³ 12% K ₂ O+Na ₂ O	

THE END