

CIRCULAR No. 02/2006/TT-BBCVT OF APRIL 24, 2006, GUIDING THE IMPLEMENTATION 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 PARTIES FOR GOODS SUBJECT TO SPECIALIZED MANAGEMENT BY THE MINISTRY OF POST AND TELEMATICS

Pursuant to the Ordinance on Post and Telecommunications and the decrees detailing the implementation of this Ordinance;

Pursuant to the Government's Decree No. 90/2002/ ND-CP of November 11, 2002, defining the functions, tasks, powers and organizational structure of the Post and Telematics Ministry,

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 purchase and sale activities and goods purchase and sale agency, processing and transit with foreign parties;

The Post and Telematics Ministry hereby guides a number of contents regarding the goods subject to the specialized management by the Post and Telematics Ministry in Section IV of Appendix No. 3 to then Government's Decree No. 12/2002/ND-CP of January 23, 2006, as follows:

I. GENERAL PROVISIONS

1. The Post and Telematics Ministry performs the management through the grant of import permits for the following goods:

a/ Postage stamps, stamp publications and postage stamp items (hereinafter collectively referred to as postage stamps) specified in Appendix 1 to this Circular;

b/ Radio transmitters and radio transmitterreceivers with a frequency band of between 9 kHz and 400 GHz and a capacity of 60 mW or more, specified in Appendix 2 to this Circular;

c/ Radar equipment, radio aid apparatus and radio remote control apparatus specified in Appendix 2 to this Circular;

Equipment and apparatus mentioned at Points b and c of this Section are hereinafter collectively referred to as radio transmitters, radio transmitter-receivers.

For the import of the said goods in service of security and national defense under the provisions of Clause 6, Article 10 of the Government's Decree No.

12/2006/ND-CP, the Post and Telematics Ministry shall not grant import permits.

The temporary import for re-export of the said goods shall comply with the Trade Ministry's guidance after reaching agreement with the Post and Telematics Ministry. The transit and border-gate transfer thereof shall comply with the Trade Ministry's guidance.

2. Goods subject to the Post and Telematics Ministry's specialized management can be exported without permits. The export of post and telecommunications goods and information technology goods, which are manufactured or assembled at home, is encouraged.

3. Goods subject to the Post and Telematics Ministry's specialized management, not banned from import and not on the lists specified in Appendices 1 and 2 to this Circular can be imported without the Post and Telematics Ministry's permits but must go through procedures for certification of standard conformity according to current regulations.

II. PROVISIONS ON GRANT OF IMPORT PERMITS

A. For postage stamps

1. Import conditions:

To be imported, postage stamps must not: a/ Be counterfeit;

b/ Have unhealthy contents, contents which provoke or sow hatred among nations or run counter to the fine national traditions and customs;

c/ Have inappropriate contents and origins as already cautioned by postal offices and philately societies.

2. Cases where postage stamps can be imported without import permits:

a/ Postage stamps issued for purpose of professional exchange with countries being members of the Universal Postal Union (UPU);

b/ The total quantity of postage stamps of each type in each importation is less than 500;

c/ Vietnamese postage stamps re-imported after participating in international exhibitions or conferences;

d/ Vietnamese postage stamps printed abroad under the Post and Telematics Ministry's decisions.

3. A dossier of application for a postal stamp import permit comprises:

a/An application for import permit, made according to form No. 01 in Appendix 3 to this Circular (not printed herein);

b/ Specimens or copies of postage stamps requested to be imported;

4. The address for receipt of dossiers of application for postage stamp import permits:

The Ministry of Post and Telematics 18 Nguyen Du street, Hanoi

Telephone: 04 8228899 - Fax: 04 8226954

5. The time limit for consideration and grant of postage stamp import permits:

a/ Within 5 working days after the receipt of valid dossiers, the Post and Telematics Ministry shall have to grant permits according to form No. 3 in Appendix No. 3 to this Circular (not printed herein).

b/ In case of refusal to grant permits, the Post and Telematics Ministry shall have to notify such in writing to individuals or organizations that have filed application dossiers, clearly stating the reasons therefor.

6. A postage stamp import permit shall be used only once and shall not be extended.

7. The fee for grant of postage stamp import permits:

Organizations or individuals granted postage stamp import permits must pay the granting fee according to the Finance Ministry's regulations.

B. For radio transmitters and radio transmitterreceivers

1. Import conditions:

To be imported, radio transmitters and radio transmitter-receivers must satisfy the following conditions:

a/ Being compatible with Vietnam's telecommunications technologies and networks and the technical standards promulgated or publicized for application by the State and the Post and Telematics Ministry;

b/ Being in line with the national planning on radio frequencies specified in the Prime Minister's Decision No. 336/2005/QĐ-TTg of December 16, 2005;

c/ Being conformable to the standards on management of radio wave radiation, causing no interference among information systems, and ensuring their use purposes' compliance with regulations on telecommunications management;

d/ The import of equipment and apparatus which fail to satisfy the aforesaid conditions for special purposes shall comply with the Post and Telematics Ministry's guidance for each specific case;

2. In the following cases, radio transmitters and radio transmitter-receivers can be imported without import permits:

The import of radio transmitters and radio transmitter-receivers for use on board fishing ships, which are of the frequency band of 26.96 - 27.41 mHz and a transmission capacity not exceeding 25 W;

3. A dossier of application for a permit to import radio transmitters and radio transmitter-receivers comprises:

a/ An application for the grant of import permit, made according to form No. 2 set in Appendix No. 3 to this Circular (not printed herein);

b/ Copies of:

- The business registration certificate or establishment permit, for organizations; the identity card or passport, for individuals;

(Notarized copies or photocopies enclosed with the original for comparison).

- The standard conformity certificate;

- Technical documents of equipment;

- The commercial contract or customs declaration or papers stating quantities, which are related to the import goods lots.

4. The address for receipt of dossiers and grant of permits for import of radio transmitters and radio transmitter-receivers:

- The Department for Post, Telecommunications and Information Technology Quality Management

Address: 18 Nguyen Du street, Hanoi;

Telephone: 04 9720204 - Fax: 049720201

- The Quality Management Sub-Department of Region 2

Address: 27 Nguyen Binh Khiem street, District 1, Ho Chi Minh city;

Telephone: 08 9105114 - Fax: 08 9104723

- The Quality Management Sub-Department of Region 3

Address: 42 Tran Quoc Toan street, Da Nang city; Telephone: 0511 897717 - Fax: 0511 843007

5. The time limit for consideration and grant of permits for import of radio transmitters and radio transmitter-receivers:

a/ Within 5 working days after the receipt of valid dossiers, the import permit-granting agencies shall grant import permits according to form No. 04 set in Appendix No. 3 to this Circular (not printed herein);

b/ In case of refusal to grant permits, the import permit-granting agencies shall have to notify such in writing to individuals or organizations that have filed dossiers, clearly stating the reasons therefor.

6. The fee for grant of permits for import of radio transmitters and radio transmitter-receivers:

Organizations and individuals that are granted permits for import of radio transmitters and radio transmitter-receivers must pay the permit-granting fee according to the Finance Ministry's regulations.

7. Validity of permits for import of radio transmitters and radio transmitter-receivers:

a/ This validity shall be based on the actual dossiers of application for import permits and within the valid duration of the standard conformity certificates;

b/ Permits for import of radio transmitters and radio transmitter-receivers granted by import-permitting agencies shall be valid nationwide. They shall not be valid as substitute for permits for establishment of telecommunications networks or permits for use of radio transmitters and frequencies.

8. The order and procedures for extension of permits for import of radio transmitters and radio transmitter-receivers:

a/ Organizations and individuals that wish to have their radio transmitter and radio transmitter-receiver import permits extended must send dossiers of registration for extension to the permit-granting agencies before the date of expiration of their permits as stated in such permits. A dossier comprises:

- A written request for extension of the import permit, clearly stating the reasons therefor;

- A copy of the import permit.

b/ Within 3 working days after receiving the valid dossiers, the import permit-granting agencies shall notify in writing their approval or disapproval of extension of import permits.

IV. IMPLEMENTATION PROVISIONS

1. This Circular takes effect 15 days after its publication in "CONG BAO." All previous stipulations which are contrary to this Circular are hereby annulled.

2. Any problems or difficulties arising in the course of implementation should be reported by concerned organizations and individuals to the Post and Telematics Ministry for timely solution.

Minister of Post and Telematics

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Appendix No. 01

LIST OF POSTAGE STAMPS REQUIRING IMPORT PERMITS

(Promulgated together with the Post and Telematics Ministry's Circular No. 02/2006/TT-BBCVT of April 24, 2006)

Chapter	Heading	Sub-heading		Description
Chapter 49	4907	00	20	Newly issued and unused Vietnamese postage stamps (including souvenir sheets, miniature sheets, blocks)
	4907	00	90	Newly issued and unused aerograms, pre-stamped envelopes, postcards
Chapter 97	9704	00	10	Used or unused postage stamps of all kinds (including souvenir sheets, miniature sheets, blocks), excluding those under heading No. 4907
	9704	00	90	First-day covers, pre-stamped postcards affixed with daily postmarks or first-day postmarks (maximum cards), Documents illustrated with stamps (stamped books)
				Articles using postage stamps (paperweights, key cords, etc.) Commemorative sheets

Appendix No. 02

LIST OF RADIO TRANSMITTERS AND TRANSMITTER-RECEIVERS REQUIRING IMPORT PERMITS

*(Promulgated together with the Post and Telematics Ministry's Circular No.
02/2006/TT-BBCVT of April 24, 2006)*

Chapter	Heading	Sub-heading		Description
Chapter 85				1. Radio transmitters and radio transmitter-receivers of a frequency band of between 9 kHz and 400 GHz and a capacity of 60 mW or more
	8525	10		Radio transmitters and radio transmitter-receivers for use in ground fixed or mobile radio communication operations
	8525	10		Radio transmitters and radio transmitter-receivers exclusively used for satellite communication
	8525	10	10	Radio transmitters and radio transmitter-receivers exclusively used for radio broadcasting
	8525	10	50	Amateur radio transmitters and radio transmitter-receivers
	8525	10	92	Radio transmitters and radio transmitter-receivers exclusively used for television broadcasting
Chapter 85				2. Radar equipment, radio aid apparatus and radio remote control apparatus
	8526	10		Radar equipment and radio aid apparatus
	8526	10	90	Radio transmitters and radio transmitter-receivers exclusively used for standard transmission (frequency, time)
	8526	10	90	Radio transmitters and radio transmitter-receivers exclusively used for positioning and distance measurement
	8526	91		Radio transmitters and radio transmitter-receivers exclusively used for navigational mobile operation or air mobile operation (including aid apparatus and satellite apparatus)
	8526	92	00	Radio remote control apparatus