

**MINISTRY OF
TRADE**

No. 10-2007-QD-BTM

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, 21 May 2007

**DECISION
ANNOUNCING THE SCHEDULE FOR IMPLEMENTATION OF
TRADING AND DISTRIBUTION ACTIVITIES**

The Minister of Finance

Pursuant to Decree 29-2004-ND-CP of the Government dated 16 January 2004 on functions, duties and powers of the Ministry of Trade;

Pursuant to Resolution 71-2006-QH11 of the National Assembly dated 29 November 2006 on ratification of the protocol on accession by Vietnam to the World Trade Organization (WTO);

On the proposal of the Director of the Department for Planning and Investment;

Decides:

Article 1

To announce the schedule for implementation of trading and distribution activities pursuant to undertakings in international treaties of which the Socialist Republic of Vietnam is a member, as follows:

- (a) Investment Forms and Schedule for implementation of trading and distribution activities (Appendix 1).
- (b) List of Goods and Schedule for implementation of export rights (Appendix 2).
- (c) List of Goods and Schedule for implementation of import rights (Appendix 3).
- (d) List of Goods and Schedule for implementation of distribution rights (Appendix 4).

Article 2

This Decision shall be of full force and effect fifteen days after the date of its publication in the Official Gazette.

**The Minister of Trade
Deputy Minister**

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APPENDIX 1

INVESTMENT FORMS AND SCHEDULE FOR IMPLEMENTATION OF TRADING AND DISTRIBUTION ACTIVITIES

No. Activity Investment Form and Schedule for Implementation

1. Import rights, export rights: Permitted to conduct investment in the form of an economic institution with 100% foreign owned capital, or in the form of a joint venture economic institution between a foreign investor and a domestic investor.

2. Distribution rights:

- Agent for purchase and sale

- Wholesale

- Retail

- Franchisee

- Permitted to conduct investment in the form of a joint venture economic institution between a foreign investor and a domestic investor, in which the foreign investor may not contribute more than 49% of the charter capital; as from I January 2008 there will be no restriction on the % charter capital contribution of the foreign investor.

- Permitted to conduct investment in the form of an economic institution with 100% foreign owned capital as from I January 2009.

- Distribution rights are attached to the right to establish the first retail sales outlet; establishment of additional retail sales outlets shall be considered on the basis of an inspection of the economic requirements (the current number of service providers within a geographical area, market stability and the size of the geographical area).

3. Commercial advertising (excluding advertising of tobacco):

Permitted to conduct investment in the form of a joint venture economic institution or in the form of a business co-operation contract between a foreign investor and a domestic investor already licensed for commercial advertising business.

In the case of investment in the form of a joint venture economic institution, the foreign investor may not contribute more than 51% of the charter capital; as from I January 2009 there will be no restriction on the % charter capital contribution of the foreign investor.

4. Commercial assessment (excluding acceptance testing of transportation vehicles):

Permitted to conduct investment in the form of an economic institution with 100% foreign owned capital, or in the form of a joint venture economic institution between a foreign investor and a domestic investor.

Provision of commercial assessment services shall not be permitted in some geographical areas for national security reasons as certified by the competent body.

The above investment forms and schedule for implementation also apply to currently established economic institutions with 100% foreign owned capital

and to joint venture economic institutions between foreign investors and domestic investors which request addition of trading and distribution activities to their business lines.

APPENDIX 2

LIST OF GOODS AND SCHEDULE FOR IMPLEMENTATION OF EXPORT RIGHTS

I. Principles for Use:

1. This List has been prepared on the basis of goods and their HS Code Numbers in the Import/Export Tariff².
2. The groups in this List are each an 8 figure number, sometimes further subdivided into a 10 figure number in which case the schedule for the head 8 figure group also applies to the 10 figure subgroup.

II. Lists:

A. GOODS NOT PERMITTED TO BE EXPORTED:

Goods Code Goods Description Crude [unrefined] petroleum and petroleum/oil obtained from bitumen minerals

2709.00.10 - Crude oil

2709.00.20 - Condensate

2709.00.90 - Other types

B. GOODS PERMITTED TO BE EXPORTED PURSUANT TO A SCHEDULE:

Goods Code Goods Description Schedule Husked rice 1 January 2011

1006.10.10 to -- To create seedlings

1006.30.69 - Other types

1006.40.00 - Broken rice

APPENDIX 3

LIST OF GOODS AND SCHEDULE FOR IMPLEMENTATION OF IMPORT RIGHTS

I. Principles for Use:

1. This List has been prepared on the basis of goods and their HS Code Numbers in the Import/Export Tariff.
2. The groups in this List are each an 8 figure number, sometimes further subdivided into a 10 figure number in which case the schedule for the head 8 figure group also applies to the 10 figure subgroup.
3. In order to avoid having to issue an exceedingly long list, the description of goods has been shortened as compared to the Import/Export Tariff so the description of goods in the Import/Export Tariff should be relied on.

II. Lists:

A. GOODS NOT PERMITTED TO BE IMPORTED:

Goods Code Goods Description Cigars, double-filter cigars, cheroots and cigarettes processed from tobacco leaf or replacement tobacco leaf
2402.10.00 to Cigars, double-filter cigars and cheroots produced from tobacco leaf
2402.90.20 Cigarettes produced from replacement tobacco leaf
Processed tobacco leaf and other processed replacement tobacco leaf; "pure" tobacco and "reconstituted" tobacco; tobacco extract and tobacco essence
2403.10.11 to --- Blended tobacco leaf
2403.99.60 --- Ang Hoon
2403.99.90 --- Other types
Petroleum and oil sourced from petroleum and from bitumen minerals, but not crude oil
2710.11.11 to --- High grade mixed engine oils
2710.91.00 -- PCBs, PCTs and PBBs
2710.99.00 -- Other types
Specialized newspapers and magazines and periodicals irrespective of whether they are illustrated or contain advertisements
4902.10.00 to - Published at least 4 times per week
4902.90.91 --- On science, technical matters or economics
4902.90.99 --- Other types
Disks, videos and other information-containing audio or similar objects including models and original materials for production of disks or videos
8524.39.20 to --- Used to create films
8524.99.90 --- Other types
Other aircraft (such as helicopters and planes); rockets (including satellite rockets) and orbiting spacecraft and anti-rocket launching pads
8802.11.00 to -- Air weight under 2000 kg
8802.40.90 -- Other types
8802.60.00 Rockets (and satellite rockets), orbiting spacecraft and anti-rocket launching pads Aircraft components for Group 88.01 or 88.02
8803.10.10 to -- Doors of planes or helicopters
8803.90.90 -- Other types

B. GOODS PERMITTED TO BE IMPORTED PURSUANT TO A SCHEDULE:

Goods Code Goods Description Schedule
Pharmaceutical drugs 1 January 2009
Medicines (except for Groups 3002, 3005 and 3006) being a mixture of two or more ingredients
3003.10.10 to --Containing amoxicillin (INN)
3003.90.40 -- Medicine for treating fevers
3003.90.90 -- Other types
Medicines (except for Groups 3002, 3005 and 3006) 1 January 2009

3004.10.11 to -- Containing penicillin G
 3004.20.60 -- In liquid form and containing isoniazid or pyrazinamid
 3004.00.99 -- Other types
 Other pharmaceutical products mentioned in Note 4 to Chapter 30 1 January 2009
 3006.10.00 to - Antiseptic catgut string
 3006.80.00 --Discarded pharmaceutical drugs
 Film
 Cinema film (fully developed film) 1 January 2009
 3706.10.10 to -- Current events films, tourism films, scientific and technical films
 3706.90.20 -- Films
 3706.90.90 -- Other types
 Unused calendars, postcards and stamps
 Current stamps, tax stamps or similar stamps 1 January 2009
 4907.00.10 to -- Paper money subject to legal tendering
 4907.00.40 - Securities, share certificates or bond certificates
 4907.00.90 - Other types
 Printed or photo postcards, greeting cards with printed messages 1 January 2009
 4909.00.00 Printed or photo postcards, greeting cards with printed messages
 Printed and block calendars 1 January 2009
 4910.00.00 Printed and block calendars
 Other publications including pictures and photos 1 January 2009
 4911.10.00 to Commercial advertising publications including commercial catalogues
 4911.99.90 --- Other types
 Industrial Printers Machines, equipment and tools 1 January 2009
 8442.10.10 to -- Electricity driven
 8442.50.90 -- Other types
 Other types of printers 1 January 2009
 8443.11.10 to -- Electricity driven
 8443.90.90 -- Other types
 Other types of machines
 Transmission equipment used for radio 1 January 2009
 8525.10.10 to -- Used for wireless broadcasts
 8525.30.30 -- Other types
 8525.40.40 -- Cameras
 Radar and radio wave transmitting equipment 1 January 2009
 8526.10.90 -- Other types
 8526.92.00 -- Remote controlled equipment

APPENDIX 4

LIST OF GOODS AND SCHEDULE FOR IMPLEMENTATION OF DISTRIBUTION RIGHTS

I. Principles for Use:

1. This List has been prepared on the basis of goods and their HS Code Numbers in the Import/Export Tariff.
2. The groups in this List are each an 4 figure number, sometimes further sub-divided into a 10 figure number in which case the schedule for the head 4 figure group also applies to the 10 figure subgroup.
3. In order to avoid having to issue an exceedingly long list, the description of goods has been shortened as compared to the Import/Export Tariff so the description of goods in the Import/Export Tariff should be relied on.

II. Lists:

A. GOODS NOT PERMITTED TO BE DISTRIBUTED:

Goods Code Goods Description Husked Rice

1006 Husked rice

Sugarcane and sugar beet

1701 Sugarcane and sugar beet in group 1701

Tobacco and cigars

2402 Cigars, double-filter cigars, cheroots and cigarettes processed from tobacco leaf or replacement tobacco leaf

2403 Processed tobacco leaf and other processed replacement tobacco leaf; "pure" tobacco and "reconstituted" tobacco; tobacco extract and tobacco essence

Crude oil and processed oil

2709 Mineral oil and all types of petroleum/oil obtained from bitumen minerals, in crude form

2710 Oil sourced from mineral oil and all types of petroleum/oil obtained from bitumen minerals

Pharmaceutical drugs (excluding nourishing products in the form of pills, bars, crystal or powder)

3001 Dried products used for treatment

3002 Processed humans and animal blood used for treatment and prevention

3003 Medicines (except for Groups 3002, 3005 and 3006)

3004 Medicines (except for Groups 3002, 3005 and 3006)

3006 Other pharmaceutical products mentioned in Note 4 to Chapter 30 on the Import List Explosives

3601 Powders

3602 Processed explosive except for 3601

3603 Safety fuses, detonators etc.

Books, newspapers and magazines

4901 Books...

4902 Specialized newspapers and magazines and periodicals irrespective of whether they are illustrated or contain advertisements
 4903 Picture, drawing and colouring books for children
 Precious stones
 7102 Diamonds not yet inlaid or encrusted
 7103 Precious stones (excluding diamonds) not yet beaded
 7104 Collated or re-worked precious stones not yet beaded or encrusted
 7106 Silver not yet handcrafted
 7108 Gold not yet handcrafted
 7110 Platinum not yet handcrafted
 7111
 7118 Metal coins
 Image recorded objects on whatever material
 Disks, videos and other information-containing audio or similar objects including models and original materials for production of disks or videos, except for products in Chapter 37 of the Import List

B. GOODS PERMITTED TO BE DISTRIBUTED PURSUANT TO A SCHEDULE:

Goods Code Goods Description Schedule

Liquor 01/01/2010

2204 Red wine

2205 Vermouth and other red wines

2206 Other fermented drink

2207 Spirits with 80% or more concentration

2208 Spirits with less than 80% concentration

Cement and clinker 01/01/2010

2523 Portland cement, aluminium cement, porous (slag) cement

Fertilizer 01/01/2010

3102 Mineral or chemical fertilizer with nitrogen

3103 Mineral or chemical fertilizer with phosphate

3104 Mineral or chemical fertilizer with potassium

3105 Mineral or chemical fertilizer with a mixture of nitrogen phosphate or phosphate, and other fertilizers

Tyres 01/01/2010

4011 10 00 00 - Used for small cars

4011 20 10 00 -- Used for buses

4011 40 00 00 - Used for cars

Paper 01/01/2010

4801 Newsprint

4802 Writing paper

4804

4807

4810
4820
4823
Iron and steel 01/01/2010
7208
7209
7210
7211
7212
7213
7214
7215
7216
7217
Audio and visual equipment 01/01/2010
8517 Electrical equipment used for telephones
8519 Cassettes etc.
8520 Disks etc.
8521 Video players/recorders
8525 Radio equipment
8526 Radar equipment
8527 Receivers
8528 Receivers
8529 Parts for groups 85.25 to 85.28
Tractors, mechanized vehicles, small cars and motor cycles 01/01/2009
8701 Tractors
8702 10 or more seat vehicles
8703 Transport vehicles (except group 87.02)
8704 Goods carrying vehicles
8705 Specialized vehicles
8709 Transport vehicles
8711 Motorbikes, mopeds
8716 Scooters