

EXPORT CONTROL OF VIETNAM

Ms. Tran Thanh Binh

Ms. Nguyen Thi To Ngan

Import-Export Administration Dept

Ministry of Industry and Trade of Vietnam

Content

- Overview
- Export and Import Control List
- Licensing
- Transshipment
- Transit
- Recommendations

Overview of Legal and Regulatory Framework

- ❑ Commercial Law (come into effect as of January 1st 2006)
- ❑ Government Decree No. 12/2006/ND-CP dated January 23rd 2006 on detailing the implementation of Commercial Law in terms of international goods trading and purchase and sale agency, processing for foreign companies and transit
- ❑ Circular No. 04/2006/TT-BTM of MOT dated 6th April 2006 by Ministry of Trade guiding some issues of Decree No. 12/2006/ND-CP
- ❑ Other legal documents issued by line ministries (MOI, MARD..) to control the specific items

Export & Import Control List

Control list of Goods for export

Prohibition list for export

- Weapons, ammunition, explosive materials (except industrial explosives) and military technical equipment (Ministry of Defense announce the list and HS code of commodity)
- Relics, antiques, national treasure which is belong to common ownership and the ownership of political, socio-political organizations (announced by Ministry of Information and Culture)
- Cultural publications prohibited to disseminate and popularize in Vietnam.

Control list of Goods for export

4. Round timber, sawed timber made of domestic natural forest (announced by MARD)
5. Rare, wild animal and fauna, flora (MARD)
6. Rare aquaculture species (MARD)
7. All types of coding machines and cipher software programs used in the field of state secret protection.
8. Toxic chemicals according to CWC (MOI)

Control list of Goods for import

Prohibition list for import

- Weapons, ammunition, explosive materials (except industrial explosives) and military technical equipment. (MOI)
- Toxic chemicals according to CWC.
- Scrap and waste, refrigerating equipment using C.F.C.
- Products containing asbestos of the group of amphibole

Licensing & Enforcement Authorities

Export licensing by Ministry of Industry and Trade

- 1. Non-automatic export licensing:** the goods need to be controlled under the regulations by the international treaties and agreements to which Vietnam is a party and they are announced by MOIT in certain periods
- 2. Automatic licensing:** MOIT shall announce the list of goods which are under the control of automatic licensing system

Export licensing by line ministries

Ministry of Culture & Information:

- Relics, antiques which is not belong to national (common) ownership and the ownership of political, socio-political organizations

Ministry of Industry (before) - MOI

- Toxic chemical and products which have toxic chemical
- Minerals
- Industrial explosives

Enforcement Authorities (1)

General Department of Customs-Ministry of Finance

- Check the Export License issued by the MOIT
- Check the HS code of the export goods
- Carry out the customs procedures
- Supervise the goods temporarily imported (for re-export) until they are really exported out of Vietnam
- Supervise the goods transshipped through Vietnam's gate until they are exported out of Vietnam

Enforcement Authorities (2)

Ministry of Finance (General Administration of Customs)

- Supervise the goods transited in Vietnam during the time they stay in Vietnam, the gate of entry and exit, and route as regulated
- Extend the staying time of the goods which are temporarily imported (for re-export) but stay in Vietnam more than 120 days
- Control the re-importing time of the goods which are temporarily exported
- Detect the fraud

Goods temporarily imported and re-exported; Goods temporarily exported and re-imported

- Goods that are temporarily imported and re-exported; goods that are temporarily exported and re-imported which fall under the Prohibition List, Export Suspension List, and the goods subject to the control of the line ministries must be obtained the licenses by the MOIT

Transshipment

- For the goods which fall under the Prohibition List, Export Suspension List and the goods exported subject to a grant of license, the trader must have the license granted by MOIT before he can export such goods;
- The goods transshipped through the Vietnamese gate are still under the supervision of the Customs until they are exported out of Vietnam.

Transit (1)

- Goods owned by foreign organizations, individuals (except for the weapons, ammunition, explosives; and other highly dangerous goods; and goods under the Prohibition List, Export Suspension List) shall be transited in Vietnam
- MOIT shall announce the list of highly dangerous goods after it consults with related ministries and branches
- The goods which are weapons, ammunition, explosives and highly dangerous goods are allowed to transit in Vietnam only when the Prime Minister gives a permission
- The goods under the Prohibition List, Export Suspension List and the goods subject to the licensing regime shall be transited in Vietnam after being granted permit by the MOIT

Transit (2)

- The transited goods shall not be consumed in Vietnam. In case it needs to be consumed in Vietnam, the owners must apply for a permit granted by MOIT
- Ministries involved: Ministry of Agricultural and rural development, Ministry of Finance, Ministry of Traffic and Transportation

Recommendations

- Look for training from advanced countries
- Develop a mechanism of cooperation among ministries and other enforcement agencies
- Seek for funding from some advanced countries who possess goods Export Control system
- Seek for technical assistances from developed countries
- Study and share experiences with other countries

Annex: Reference

- ❑ Government Decree No 12/2996/NĐ-CP dated 23rd January 2006 making detailed provision for implementation of the commercial law with respect to international purchases and sales of goods; and agency for sales and purchase, processing and transit of goods involving foreign parties
- ❑ Circular No 04/2006/TT-BTM of MOT dated 6/4/2006 guiding a number contents of the Gov Decree No 12 (as above)
- ❑ Circular No 01/2006/TT-BCN of MOI dated 11/4/2006 guiding the import and export of toxic chemicals, products containing toxic chemicals, drug precursors, chemicals used industrial sector managed by MOI
- ❑ Circular No 02/2006/TT-BCN of MOI dated 14/4/2006 guiding the export of minerals

Reference

- ❑ Circular No 03/2006/TT-BCN dated 14/4/2006 guiding the export and import of industrial explosive materials and high concentration Ammonium Nitrate
- ❑ Circular No 32/2006/TT-BNN of MARD dated 8/5/2006 guiding the implementation of Decree No 12/2006-NĐ-CP (as above)
- ❑ Decision No 80/2006/QĐ-BQP of MOD dated 9/5/2006 announcing the list of goods prohibited import according to Decree No 12/2006-NĐ-CP (as above)
- ❑ Circular No 48/2006/TT-BVHTT of MOCI dated 5/5/2006 guiding the implementation of some contents of Decree No 12/2006-NĐ-CP (as mentioned above)

Reference

- ❑ Circular No 48/2006/TT-BBCVT of MOPT dated 24/4/2006 guiding the implementation of some contents of Decree No 12/2006-NĐ-CP (as above)
- ❑ Decision No 05/2006/QĐ-BCN dated 7/4/2006 announcing the list of chemicals prohibited export or import according to Decree No 12 (as above)
- ❑ Decision No 06/2006/QĐ-BCN dated 10/4/2006 announcing the list of goods prohibited import according to Decree No 12/2006-NĐ-CP (as above)

□ Thank you for attention