

Circular No. 15/2013/TT-BCT of July 15, 2013, on coal export

Pursuant to the Government's Decree No. 95/2012/ND-CP of November 12, 2012, defining the functions, task, powers and organizational structure of the Ministry of Industry and Trade;

Pursuant to the Government's Decree No. 15/2012/ND-CP of March 9, 2012, detailing a number of articles of the Law on Minerals;

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

In furtherance of the Prime Minister's Decision No. 2427/QĐ-TTg of December 22, 2011, approving the mineral strategy through 2020, with a vision toward 2030;

At the proposal of the Director General of Energy,

The Minister of Industry and Trade promulgates the Circular providing coal export as follows:

Article 1. Scope of regulation

1. This Circular provides the list of coal, quality standards and conditions for export.

2. The export of coal by the modes of temporary import for re-export and processing for foreign enterprises for export is not governed by this Circular and complies with the Government's Decree No. 12/2006/ND-CP of January 23, 2006, detailing the Commercial Law regarding international good purchase and sale and goods purchase, sale, processing

and transit with foreign parties.

Article 2. Subjects of application

This Circular applies to state management agencies and enterprises engaged in coal export in the Vietnamese territory.

Article 3. Interpretation of terms

In this Circular, the terms below are construed as follows:

1. VILAS standards refer to standards of the Vietnam Laboratory Accreditation Scheme.
2. Competent state agencies include central state management agencies (ministries) and People's Committees of provinces and centrally run cities (provincial-level People's Committees).

Article 4. Conditions on coal export

1. Only enterprises may export coal. Coal exporters are those eligible for coal trading as prescribed in the Ministry of Industry and Trade's Circular No. 14/2013/TT-BCT of July 15, 2013, providing for conditions on coal trading.

2. Coal may be exported when fully meeting the following conditions:

a/ Having been processed up to the quality standards prescribed in Appendix I to this Circular or equivalent quality standards;

b/ Having a lawful origin as prescribed in the Ministry of Industry and Trade's Circular No. 14/2013/TT-BCT of July 15, 2013, providing for conditions on coal trading;

c/ Complying with the Government's other regulations (if any) on import and export activities in each period.

Article 5. Procedures for coal export

1. When carrying out procedures for coal export, in addition to documents according to customs regulations, exporters shall produce the following papers:

a/ A sample analysis note certifying the exported coal shipment's conformity to quality standards, issued by a laboratory that meets VILAS standards;

b/ Documents proving the lawful origin of exported coal.

2. Documents proving the lawful origin of exported coal include:

a/ For coal mining enterprises: Valid mining license or salvage mining license granted by a competent state agency;

b/ For coal processing enterprises: Certificate of investment in coal processing facilities and contract on sale of coal of lawful origin for processing;

c/ For coal importers and exporters: Coal purchase and sale contracts, enclosed with copies of value-added invoices or coal export entrustment contracts signed with enterprises specified at Point a or b of this Clause; or valid documents on purchase of coal confiscated and liquidated by competent state agencies.

3. When carrying out procedures for customs clearance, if suspecting that an export coal shipment fails to meet the quality standards prescribed in this Circular, the border-gate customs may grant customs clearance and, at the same time, make a record and take samples for testing. The testing must be carried out by a laboratory that meets VILAS standards. If testing results confirm that the suspicion is grounded, coal exporters shall be administratively sanctioned according to

current regulations and pay testing expenses. If testing results show that such coal shipment reaches quality standards as prescribed, the border-gate customs office shall pay testing expenses.

Article 6. Reporting on coal export

1. Reporting contents:

a/ Categories, volume and origin of exported coal and coal export value;

b/ Observance of regulations on coal export.

2. Reporting regime:

Coal exporters shall make periodical reports on coal export once every six months (at the beginning of the first and third quarters every year), and send them to the Ministry of Industry and Trade and provincial-level Departments of Industry and Trade and Departments of Natural Resources and Environment of the localities where coal is exported.

3. Coal exporters shall take responsibility for the accuracy and truthfulness of reported data and information.

4. Coal exporters shall make irregular reports on coal export to serve management requirements when so requested by competent state agencies.

Article 7. Management responsibilities

1. The General Department of Energy (the Ministry of Industry and Trade) shall assume the prime responsibility for, and act as the focal point in coordinating with related ministries, sectors and localities in, periodically inspecting the observance of this Circular and other relevant laws.

2. When necessary, the General Department of Energy shall, based on practical coal mining, processing and trading activities, propose the Ministry of Industry and Trade to amend and supplement this Circular.

Article 8. Effect

This Circular takes effect on September 1, 2013, and replaces the Ministry of Industry and Trade's Circular No. 05/2007/TT-BCT of October 22, 2007, guiding coal export.

Article 9. Organization of implementation

1. The Ministry of Industry and Trade shall, based on domestic coal demand and coal mining and processing capacity, consider adjusting the list of coal allowed for export as well as their quality standards and export conditions.

2. Valid coal export contracts (as prescribed in the Ministry of Industry and Trade's Circular No. 05/2007/TT-BCT of October 22, 2007, guiding coal export) which have been signed before the effective date of this Circular may be further implemented through their expiration date.

3. The Ministry of Industry and Trade may order coal exporters that violate this Circular to stop coal export.

4. State management agencies and enterprises engaged in coal export shall implement this Circular. Any problems arising in the course of implementation should be promptly reported in writing to the Ministry of Industry and Trade for consideration and handling.-

For the Minister of Industry and Trade
Deputy Minister
LE DUONG QUANG

Appendix I

LIST OF COAL, QUALITY STANDARDS AND CONDITIONS FOR EXPORT

(To the Ministry of Industry and Trade's Circular No. 15/2013/TT-BCT of July 15, 2013, on coal export)

No.	Type of exported coal	Grain size (mm)	Ash on dry basis, A ^k (%)	Gross calorific value on dry basis, Q ^k _{gr} (cal/g)	Conditions and time of application
1	Lump coal of all types				Export restriction after 2015
	Hon Gai - Cam Pha	6 ÷ 100	3 ÷ 16	≥ 7,050	
	Mao Khe	15 ÷ 100	7 ÷ 15	≥ 6,750	
	Uong Bi - Nam Mau - Vang Danh	6 ÷ 90	7 ÷ 15	≥ 6,700	
2.	Pulverized coal of all types				Export restriction after 2015
2.1	Grades 1, 2, 3				
	Hon Gai - Cam Pha	≤ 15	5 ÷ 19	≥ 6,750	
	Uong Bi - Nam Mau - Vang Danh	≤ 15	8 ÷ 19	≥ 6,350	
2.2	Grade 4				Export suspension from 2016
	Hon Gai - Cam Pha	≤ 15	19.01 ÷ 27	≥ 5,950	
	Mao Khe	≤ 15	23.01 ÷ 27	≥ 5,700	
	Uong Bi - Nam Mau - Vang Danh	≤ 15	19.01 ÷ 27	≥ 5,700	
2.3	Grade 5				Export suspension from 2016
	Hon Gai - Cam Pha	≤ 15	27 ÷ 35	≥ 5,250	
	Mao Khe	≤ 15	27.01 ÷ 35	≥ 4,950	
	Uong Bi - Nam Mau - Vang Danh	≤ 15	27.01 ÷ 35	≥ 5,050	

2.4	Grade 6				Export suspension from 2015
	Hon Gai - Cam Pha	≤ 15	35.01 ÷ 45	≥ 4,350	
	Mao Khe	≤ 15	35.01 ÷ 45	≥ 4,200	
	Uong Bi - Nam M a u - V a n g Danh	≤ 15	35.01 ÷ 45	≥ 4,200	

Note: Quality standards of exported coal comply with Vietnam's standard TCVN 8910:2011 - Commercial coal - Technical specifications

a number of articles of the Ministry of Justice's Circular No. 08.a/2010/TT-BTP of March 25, 2010, promulgating, and guiding the note-taking, archive and use of, civil status books and forms, and Circular No. 05/2012/TT-BTP of May 23, 2012, amending and supplementing a number of articles of Circular No. 08.a/2010/TT-BTP

THE MINISTRY OF EDUCATION AND
TRAINING

This Circular takes effect on July 5, 2013.-

Circular No. 26/2013/TT-BGDDT of July 15, 2013, amending and supplementing a number of articles of the Regulation on the order and procedures for recognizing diplomas granted to Vietnamese by foreign education institutions, promulgated together with the Minister of Education and Training's Decision No. 77/2007/QD-BGDDT of December 20, 2007

This Circular takes effect on August 30, 2013.-

THE MINISTRY OF JUSTICE

Circular No. 09b/2013/TT-BTP of May 20, 2013, amending and supplementing

OTHER DOCUMENTS

THE PRESIDENT

Decision No. 1195/QD-CTN of July 11, 2013, permitting the renunciation of Vietnamese nationality

To permit 7 persons currently residing in the Czech Republic to renounce Vietnamese nationality.

This Decision takes effect on the date of its signing.-