

**THE MINISTRY OF  
INDUSTRY AND TRADE**

**No. 35/2014/TT-BCT**

**THE SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

*Hanoi, October 15, 2014*

## **CIRCULAR**

### **Prescribing the application of the automatic import licensing regime to a number of fertilizer products<sup>(\*)</sup>**

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

*Pursuant to the Government's Decree No. 187/2013/ND-CP of November 20, 2013, detailing the implementation of the Commercial Law regarding international goods sale and purchase and goods sale, purchase, processing and transit agency activities with foreign countries;*

*Pursuant to the Prime Minister's Decision No. 41/2005/QĐ-TTg of March 2, 2005 promulgating the Regulation on goods import licensing;*

*At the proposal of the Director of the Import-Export Department;*

*The Minister of Industry and Trade promulgates the Circular prescribing the application of the automatic import licensing regime to a number of fertilizer products.*

#### **Chapter I**

##### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation**

1. This Circular prescribes the application of the automatic import licensing regime to a number of fertilizer products on the list provided in Appendix I to this Circular.

2. Fertilizers imported in the following cases are not regulated by this Circular and must comply with current management regulations:

a/ Fertilizers temporarily imported for re-export, temporarily exported for re-import, in border-gate transfer and in transit;

b/ Fertilizers imported for test, use as samples and scientific research.

#### **Article 2. Subjects of application**

This Circular applies to state management agencies and traders importing fertilizers.

#### **Chapter II**

##### **ORDER AND PROCEDURES FOR AUTOMATIC IMPORT LICENSING**

#### **Article 3. Automatic import licensing**

1. Automatic import licenses shall be granted by the Ministry of Industry and Trade to traders in the form of certification of import registration applications for each shipment.

2. Automatic import licenses are valid for 30 (thirty) days from the date of certification by the Ministry of Industry and Trade.

#### **Article 4. Automatic import licensing agency**

<sup>(\*)</sup> Công Báo Nos 965-966 (01/11/2014)

1. The automatic import licensing agency is the Import and Export Department of the Ministry of Industry and Trade (below referred to as the licensing agency).

2. Addresses for dossier receipt and automatic import licensing are:

a/ The Import and Export Department of the Ministry of Industry and Trade: No. 54 Hai Ba Trung Street, Hoan Kiem district, Hanoi;

b/ The representative office of the Import and Export Department in Ho Chi Minh City: No. 12 Vo Van Kiet Street, 2<sup>nd</sup> floor, Nguyen Thai Binh ward, district 1, Ho Chi Minh City.

**Article 5.** Dossiers of registration for automatic import licensing

1. A dossier of registration for automatic import licensing must comprise:

a/ Automatic import registration application: 2 (two) originals (made according to Form No. 1 provided in Appendix II to this Circular) (*not translated*);

b/ Enterprise registration certificate or business registration certificate or investment certificate containing the fertilizer business line: 1 (one) copy (appended with a true copy stamp of the trader);

c/ Import contract or equivalent documents: 1 (one) copy (appended with a true copy stamp of the trader);

d/ Commercial invoice: 1 (one) copy (appended with a true copy stamp of the trader);

dd/ Letter of credit (L/C) or payment document: 1 (one) copy (appended with a true copy stamp of the trader); certification of via-bank payment (enclosed with a written request for certification of via-bank payment) made according to Form No. 2 or No. 3 provided in Appendix II to this Circular: 1 (one) original;

e/ Bill of lading or another transport document of the import shipment: 1 (one) copy (appended with a true copy stamp of the trader);

2. In case goods are imported through a land border gate or from a non-tariff zone, traders are not required to submit bills of lading or other transport documents but shall submit reports on the situation of import under the previous certified import registration application according to Form No. 4 provided in Appendix II to this Circular.

**Article 6.** Order and procedures for automatic import licensing

1. A trader shall send by post 1 (one) dossier set of registration application for automatic import licensing to the address of the licensing agency prescribed in Clause 2, Article 4 of this Circular. The date of dossier receipt is the date recorded in the incoming-mail mark.

2. The time limit for automatic import licensing is 7 (seven) working days. From the date of receipt of a complete and valid dossier, the licensing agency shall consider and grant an automatic import license to the trader. In case of refusal, it shall issue a written reply clearly stating the reason.

3. In case the dossier is incomplete and invalid, within 3 (three) working days after receiving it, the licensing agency shall send a written request for supplementation.

4. Automatic import licenses may be sent by post to the traders' addresses written in the registration applications.

**Article 7.** Re-grant, modification and revocation of automatic import licenses

1. If an automatic import license is lost or damaged, the trader shall send an application for re-grant of the license, clearly stating the reason, together with the registration application according to Form No. 1 provided in Appendix II to this Circular, to the licensing agency.

Within 5 (five) working days after receiving a complete and valid dossier, the licensing agency shall consider and re-grant the automatic business license if the license remains valid. If the dossier

is incomplete and invalid, the licensing agency shall comply with Clause 3, Article 6 of this Circular.

2. When wishing to modify the contents of the granted automatic import license, the trader shall send an application for modification of the license, a new registration application (according to Form No. 1 provided in Appendix II to this Circular) enclosed with relevant documents and the certified automatic import license (the original).

Within 5 (five) working days after receiving a complete and valid dossier from the trader, the licensing agency shall grant the modified automatic import license. If the dossier is incomplete and invalid, the agency shall comply with Clause 3, Article 6 of this Circular. In case of refusal to re-grant the license, it shall issue a written reply clearly stating the reason.

3. In case the granted automatic import license fails to comply with regulations, the trader violates the provisions of this Circular or relevant laws concerning the management of imports, the licensing agency shall revoke the license and send a written notice thereof to related agencies.

**Article 8. Other provisions**

1. When performing import procedures, traders shall submit to customs offices their granted automatic import licenses together with the import dossier sets made under current regulations and shall fully comply with regulations on imports subject to line management.

2. Fertilizers on the list provided in Appendix I of this Circular may only be imported through international and main border gates. In special cases, the import of fertilizers on the list provided in Appendix I of this Circular through auxiliary border gates or border crossings must have a written approval of the Ministry of Industry and Trade.

Chapter III

ORGANIZATION OF IMPLEMENTATION

**Article 9. Effect**

This Circular takes effect on December 1, 2014.

**Article 10. Implementation responsibility**

Any problems arising in the course of implementation should be reported to the Ministry of Industry and Trade for prompt settlement.-

*For the Minister of Industry and Trade*

Deputy Minister  
CAO QUOC HUNG

**Appendix I**

LIST OF FERTILIZERS SUBJECT  
TO THE AUTOMATIC IMPORT LICENSING REGIME

*(To the Minister of Industry and Trade's Circular No. 35/2014/TT-BCT  
of October 15, 2014, prescribing the application of the automatic import  
licensing regime to a number of fertilizer products)*

<b>HS Code</b>	<b>Goods description</b>
3102.10.00	Urea, whether or not in aqueous solution
3105.20.00	Mineral or chemical fertilizers containing the three fertilizing elements, namely nitrogen, phosphorus and potassium