

**THE MINISTRY OF
INDUSTRY AND TRADE**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 60/2014/TT-BCT

Hanoi, December 27, 2014

CIRCULAR

Detailing a number of articles of the Government's Decree No. 94/2012/ND-CP of November 12, 2012, on liquor production and trading^(*)

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. 94/2012/ND-CP of November 12, 2012, on liquor production and trading;

At the proposal of the Director of the Department of Light Industries;

The Minister of Industry and Trade promulgates the Circular detailing a number of articles of the Government's Decree No. 94/2012/ND-CP of November 12, 2012, on liquor production and trading.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Circular provides dossiers and procedures for grant, re-grant, modification, supplementation and revocation of industrial-scale liquor production licenses, licenses for small-scale production of liquor for sale, certificates of registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, liquor product distribution licenses, liquor product wholesale licenses and liquor product retail licenses prescribed in the Government's Decree No. 94/2012/ND-CP of November 12, 2012, on liquor production and trading.

2. This Circular does not apply to the on-premise sale of liquor (retail of drinks for immediate consumption).

Article 2. Subjects of application

This Circular applies to domestic and foreign organizations and individuals engaged in liquor production and trading and other related activities within Vietnam's territory.

Article 3. Interpretation of terms

1. Copy referred to in this Circular shall be presented in one of the following suitable forms:

a/ Certified copy as prescribed (applicable to dossiers sent by post or administrative correspondence);

^(*) *Công Báo Nos 143-144 (23/1/2015)*

b/ Copy enclosed with the original for comparison (applicable to dossiers submitted directly);

c/ Scanned copy of the original (if the administrative procedures allow online submission of dossiers).

2. A license shall be re-granted when it is damaged, burnt, lost, expires or upon expiration of the revocation period.

Article 4. Technical regulations on liquor

Liquor products must meet current Vietnamese regulations (the applicable regulation is Regulation QCVN 6-3:2010/BYT promulgated together with the Ministry of Health's Circular No. 45/2010/TT-BYT of December 22, 2010, and its amending, supplementing or superseding regulations).

Chapter II

LIQUOR PRODUCTION

Article 5. Dossiers of application for industrial-scale liquor production licenses

An applying enterprise shall compile a dossier of application for an industrial-scale liquor production license in 2 (two) sets, send one set to the licensing agency and keep the other. Each dossier set must comprise:

1. An application for an industrial-scale liquor production license (made according to the form provided in Appendix 1 to this Circular).

2. A copy of the investment certificate or enterprise registration certificate or business registration certificate and a copy of the tax identification number certificate.

3. Copies of the receipt of the regulation conformity announcement and the certificate of satisfaction of food safety conditions.

4. A list of liquor products that the enterprise plans to produce, enclosed with copies of their labels.

5. A copy of the decision approving the environmental impact assessment report or the certificate of registration of the environmental protection commitment, issued by a competent agency.

Article 6. Small-scale production of liquor for sale

1. Organizations and individuals engaged in small-scale production of liquor that are members of a traditional liquor village shall be exempted from applying for a license for small-scale production of liquor for sale. The organization or individual representing the liquor village shall apply for a license for small-scale production of liquor for the whole village, and take responsibility for the general liquor production conditions applicable to all village members.

2. An applying organization or individual shall compile a dossier of application for a license for small-scale production of liquor for sale in 2 (two) sets, send one set to the competent licensing agency and keep the other. Each dossier set must comprise:

a/ An application for a license for small-scale production of liquor for sale, made according to the form provided in Appendix 10 to this Circular;

b/ A copy of the enterprise registration certificate or business registration certificate and a copy of the tax identification number certificate;

c/ Copies of the receipt of the regulation conformity announcement and the certificate of satisfaction of food safety conditions;

d/ A list of liquor products that the applicant plans to produce, enclosed with their labels.

Article 7. Small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing

1. An applying organization or individual shall compile a dossier of application for registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing in 2 (two) sets, send one set to the People's Committee of the commune or ward where the organization's or individual's liquor production facility is located and keep the other at its/his/her head office.

Such a dossier set must comprise:

a/ The registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, made according to the form provided in Appendix 16 to this Circular;

b/ Copies of liquor sale/purchase contracts between the applicant and enterprises licensed to produce liquor.

2. Order and procedures for granting a certificate of registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing

a/ Within 7 working days after receiving a complete and valid dossier, the People's Committee of the commune or ward where the applicant's production facility is located shall consider and grant a certificate of registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, or issue a written reply clearly stating the reason for refusal to grant the certificate;

b/ In case the dossier is not yet valid, within 3 working days after receiving it, the certificate-granting agency shall send a written request for dossier supplementation.

3. A certificate of registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing must be valid for 5 years.

Article 8. Making and keeping liquor production licenses and certificates of registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing

1. An industrial-scale liquor production license shall be made in 4 (four) copies: 2 copies shall be kept at the licensing agency, 1 (one) copy sent to the applicant, 1 (one) copy sent to the Ministry of Industry and Trade (for licenses granted by provincial-level Industry and Trade Departments according to the form provided in Appendix 7 to this Circular) or to the provincial-level Industry and Trade Department (for licenses granted by the Ministry of Industry and Trade according to the form provided in Appendix 4 to this Circular).

2. A license for small-scale production of liquor for sale shall be made in 4 (four) copies: 2 (two) copies shall be kept at the licensing agency, 1 (one) copy sent to the applicant and 1 (one) copy sent to the provincial-level Industry and Trade Department managing the locality. Licenses shall be made according to the form provided in Appendix 13 to this Circular.

3. A certificate of registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing shall be made in 4 (four) copies: 2 (two) copies shall be kept at the licensing agency, 1 (one) copy sent to the applicant and 1 (one) copy sent

to the district-level Industry and Trade Division managing the locality. Certificates shall be made according to the form provided in Appendix 19 to this Circular.

Article 9. Liquor production volume

Liquor producers may neither produce liquor in excess of the production volume nor produce liquor of types other than those stated in their granted licenses.

Chapter III
LIQUOR TRADING

Article 10. Dossiers of application for liquor product distribution licenses

An enterprise applying for a liquor product distribution license shall compile a dossier in 2 (two) sets, send one set to the licensing agency and keep the other. Each dossier set must comprise:

1. An application for a liquor product distribution license, made according to the form provided in Appendix 27 to this Circular.

2. A copy of the investment certificate or enterprise registration certificate or business registration certificate and a copy of the tax identification number certificate.

3. The enterprise's written commitment stating its full satisfaction of fire prevention and fighting and environmental protection requirements for its liquor shops and warehouses as prescribed by law.

4. A report on the enterprise's business results, covering the following details:

a/ The business results of the last 3 years, enclosed with a list of sale/purchase contracts signed with liquor producers or other liquor distributors and valid copies of such contracts, and the taxes paid;

b/ The form of sale and method of managing the distribution system.

5. A list of traders that have joined or will join the enterprise's liquor product distribution system in at least 6 provinces (there must be at least 3 liquor product wholesalers in each province) and copies of their investment certificates or enterprise registration certificates or business registration certificates, tax identification number certificates and liquor product trading licenses (for traders that have been engaged in liquor trading).

6. Copies of letters of introduction of, or sale/purchase contracts signed with, liquor producers or other liquor distributors (clearly stating the areas where the enterprise plans to operate and liquor products to be traded in).

7. Copies of regulation conformity announcement certificates or standard certificates of liquor products to be traded in.

8. Dossiers of vehicles for transporting liquor products, including copies of papers proving the right to use the vehicles (ownership or co-ownership under joint-venture or capital contribution contracts; or rent contract with a term of at least 1 year as suitable to the enterprise's business scale). The enterprise must have the right to use at least 3 vehicles each having a loading capacity of at least 500 kg and ensuring the quality of liquor products during transportation.

9. A dossier proving the enterprise's financial capacity to ensure normal operation of its entire distribution system (a bank's statement certifying an account balance of at least VND 1 billion).

10. Copies of charge and fee receipts as prescribed by the Ministry of Finance.

Article 11. Dossiers of application for liquor product wholesale licenses

An enterprise applying for a liquor product wholesale license shall compile a dossier in 2 (two) sets, send one set to the licensing agency and keep the other. Each dossier set must comprise:

1. An application for a liquor product wholesale license, made according to the form provided in Appendix 29 to this Circular.
2. A copy of the enterprise's investment certificate or enterprise registration certificate or business registration certificate and a copy of its tax identification number certificate.
3. The enterprise's written commitment stating its satisfaction of fire prevention and fighting and environmental protection requirements for its liquor shops and warehouses as prescribed by law.
4. A report on the enterprise's business results:
 - a/ The business results of the last 3 years, enclosed with a list of sale/purchase contracts signed with liquor producers or liquor distributors and valid copies of such contracts, and the taxes paid;
 - b/ The form of sale and method of managing the wholesale system.
5. A list of traders that have joined or will join the enterprise's liquor product wholesale system (there must be at least 3 liquor product retailers) and copies of their investment certificates or enterprise registration certificates or business registration certificates, tax identification number certificates and liquor product trading licenses (for traders that have been engaged in liquor trading).
6. Copies of letters of introduction of, or sale/purchase contracts signed with, liquor producers or liquor distributors (clearly stating the areas where the enterprise plans to operate and liquor products to be traded in).
7. Copies of regulation conformity announcement certificates or standard certificates of liquor products to be traded in.
8. Dossiers of vehicles for transporting liquor products, including copies of papers proving the right to use the vehicles (ownership or co-ownership under joint-venture or capital contribution contracts; or rent contract with a term of at least 1 year as suitable to the enterprise's business scale). The enterprise must have the right to use at least 1 vehicle having a loading capacity of at least 500 kg and ensuring the quality of liquor products during transportation.
9. A dossier proving the enterprise's financial capacity to ensure normal operation of its entire wholesale system (a bank's statement certifying an account balance of at least VND 300 million).
10. Copies of charge and fee receipts as prescribed by the Ministry of Finance.

Article 12. Dossiers of application for liquor product retail licenses

A trader applying for a liquor product retail license shall compile a dossier in 2 (two) sets, send one set to the licensing agency and keep the other. A liquor product retail license may be used for only one liquor retail shop.

A dossier set of application for a liquor product retail license must comprise:

1. An application for a liquor product retail license, made according to the form provided in Appendix 31 to this Circular.
2. A copy of the investment certificate, enterprise registration certificate or business registration certificate and a copy of the tax identification number certificate.

3. The trader's written commitment stating its satisfaction of fire prevention and fighting and environmental protection requirements for its liquor shops and warehouses as prescribed by law.

4. Copies of letters of introduction of, or sale/purchase contracts signed with, liquor product wholesalers (clearly stating liquor products to be traded in).

5. Copies of regulation conformity announcement certificates or standard certificates of liquor products to be traded in.

6. Copies and charge and fee receipts as prescribed by the Ministry of Finance.

Article 13. Making and keeping licenses for trading in liquor products

1. For licenses for liquor product distribution:

a/ Liquor product distribution licenses shall be made according to the form provided in Appendix 28 to this Circular;

b/ A liquor product distribution license shall be made in many copies: 2 (two) shall be kept at the licensing agency; 1 (one) copy sent to the applying enterprise; 1 (one) copy sent to the Department of Market Management; 1 (one) copy sent to each of provincial-level Industry and Trade Departments listed in the license (including provincial-level Industry and Trade Departments of the localities where the enterprise plans to operate and the locality where it is based); and 1 (one) copy sent to each of liquor producers or liquor distributors listed in the license (that sell liquor to the enterprise).

2. For liquor product wholesale licenses:

a/ Liquor product wholesale licenses shall be made according to the form provided in Appendix 30 to this Circular;

b/ A liquor product wholesale license shall be made in many copies: 2 (two) copies shall be kept at the licensing agency, 1 (one) copy sent to the applying enterprise, 1 (one) copy sent to the Ministry of Industry and Trade; 1 (one) copy sent to the Sub-Department of Market Management; and 1 (one) copy sent to each of liquor producers or liquor distributors listed in the license (that sell liquor to the enterprise).

3. For liquor product retail licenses:

a/ Liquor product retail licenses shall be made according to the form provided in Appendix 32 to this Circular;

b/ A liquor product retail license shall be made in many copies: 2 (two) copies shall be kept at the licensing agency, 1 (one) copy sent to the applying trader, 1 (one) copy sent to the provincial-level Department of Industry and Trade; 1 (one) copy sent to the Sub-Department of Market Management; and 1 (one) copy sent to each of liquor producers or liquor wholesalers listed in the license (that sell liquor to the enterprise).

Chapter IV

GRANT OF MODIFIED AND SUPPLEMENTED LICENSES AND RE-GRANT OF LIQUOR PRODUCTION LICENSES, LICENSES FOR SMALL-SCALE PRODUCTION OF LIQUOR FOR SALE, CERTIFICATES OF REGISTRATION OF SMALL-SCALE PRODUCTION OF LIQUOR FOR SALE TO ENTERPRISES LICENSED TO PRODUCE LIQUOR FOR FURTHER PROCESSING, AND LIQUOR PRODUCT TRADING LICENSES

Article 14. Grant of modified and supplemented licenses for industrial-scale production of liquor, licenses for small-scale production of liquor for sale, certificates of registration of

small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, and liquor product distribution, wholesale or retail licenses

1. When wishing to change the contents of its/his/her license for industrial-scale production of liquor, license for small-scale production of liquor for sale, certificate of registration of small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, or liquor product distribution, wholesale or retail license, an organization or individual shall compile a dossier in 2 (two) sets, send one set to a competent state management agency and keep the other.

2. A dossier set must comprise:

a/ An application for license modification or supplementation (made according to the form provided in Appendix 3, 11, 17 or 33 to this Circular);

b/ A copy of the granted license or certificate;

c/ Documents proving the need for the modification or supplementation.

3. Order and procedures for granting a modified and supplemented license:

a/ Within 10 working days after receiving a complete and valid dossier, the competent state agency shall consider and grant a modified and supplemented license for industrial-scale production of liquor, license for small-scale production of liquor for sale, certificate of registration for small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, or liquor product distribution, wholesale or retail license (made according to the form provided in Appendix 6, 9, 15, 21, 35, 36 or 37 to this Circular). In case of refusal, it shall issue a written reply clearly stating the reason;

b/ In case the dossier is not yet valid or complete, within 3 working days after receiving it, the agency competent to grant modified and supplemented licenses and certificates shall send a written request for dossier supplementation.

Article 15. Re-grant of licenses for industrial-scale production of liquor, licenses for small-scale production of liquor for sale, certificates of registration for small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing and liquor product distribution, wholesale or retail licenses.

1. When a license or certificate expires

An organization or individual shall submit a dossier of application for re-grant of the license (which may be an industrial-scale liquor production license, license for small-scale production of liquor for sale or liquor product distribution, wholesale or retail license) or the certificate of registration for small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, at least 30 days prior to the date of expiration. The dossier, competence, order and procedures for the re-grant are similar to those applicable for the first-time grant.

2. When a license or certificate is lost, damaged, torn or burnt:

a/ The licensed organization or individual shall compile a dossier of application for re-grant of the license or certificate in 2 (two) sets, send one set to a competent state management agency and keep the other. A dossier set of application for re-grant of lost, damaged, torn or burnt license or certificate must comprise:

- An application for the re-grant (made according to the form provided in Appendix 2, 12, 18 or 34 to this Circular);

- The original or copy of the granted license or certificate (if available).

b/ Depending on the filed dossiers and the dossier of application for the re-grant submitted by the enterprise, the licensing agency shall re-grant the license or certificate.

c/ The validity term of the new license must be the same as that of the old one (in case the old license is damaged or lost).

3. Order and procedures for re-granting a license or certificate

a/ Within 10 working days after receiving a complete and valid dossier, the competent state agency shall consider and re-grant the license for industrial-scale production of liquor, license for small-scale production of liquor for sale, certificate of registration for small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing, or liquor product distribution, wholesale or retail license (made according to the form provided in Appendix 5, 8, 14, 20, 38, 39 or 40 to this Circular). In case of refusal, it shall issue a written reply clearly stating the reason;

b/ In case the dossier is not yet valid or complete, within 3 working days after receiving it, the agency competent to re-grant licenses and certificates shall send a written request for dossier supplementation.

Chapter V REPORTING REGIME

Article 16. The reporting regime

1. Before January 31 every year, liquor producers and traders shall send reports on the quantity and types of liquor products produced or traded in (within their distribution or wholesale systems) in the previous year to the competent licensing agencies. Reports shall be made according to the form provided in Appendix 22, 41, 42 or 50 to this Circular. Commune-level People's Committees shall send to district-level Industry and Trade Divisions lists of local small-scale liquor producers that sell liquor to enterprise licensed to produce liquor according to the form provided in Appendix 23 to this Circular.

2. Before February 28 every year, district-level Industry and Trade Divisions shall send reports on investment, production and trading and licensing of small-scale production of liquor for sale, and establishments engaged in small-scale production of liquor for sale to enterprises licensed to produce liquor for further processing in their localities to their superior provincial-level Industry and Trade Departments according to the forms provided in Appendices 24a and 24b to this Circular).

3. Before March 31 every year, provincial-level Industry and Trade Departments shall send reports on investment, production and licensing of industrial-scale production of liquor, small-scale production of liquor and liquor trading (wholesale and retail) in their localities to the Ministry of Industry and Trade according to the forms provided in Appendices 25a, 25b, 43 and 44 to this Circular).

4. Before July 15 and January 15 every year, liquor distributors shall send biannual and annual business reports according to the form provided in Appendix 49 to this Circular.

5. Before July 15 and January 15 every year, liquor wholesalers shall send biannual and annual business reports according to the form provided in Appendix 48 to this Circular.

6. Before July 15 and January 15 every year, liquor retailers shall send biannual and annual business reports according to the form provided in Appendix 47 to this Circular.

Chapter VI
IMPLEMENTATION PROVISIONS

Article 17. Organization of implementation

1. The Department of Light Industries and the Domestic Market Department shall, within the ambit of their functions and duties, assume the prime responsibility for, and coordinate with other units under the Ministry in:

a/ Receiving dossiers, and conducting inspection, supervision and appraisal, and submitting proposals on liquor production investment policy and licensing of liquor production and distribution to the Ministry's leadership for approval;

b/ Guiding and inspecting the implementation by organizations and individuals of this Circular and relevant liquor production and trading regulations.

2. Provincial-level Industry and Trade Departments shall announce local master plans for liquor retail systems, receive dossiers and conduct inspection, supervision and appraisal and grant liquor product wholesale and liquor production license as guided in this Circular.

3. District-level Industry and Trade Divisions shall receive dossiers, conduct inspection and appraisal and grant licenses for small-scale production of liquor for sale and for liquor product retail.

4. Commune-level People's Committees shall receive written registrations for small-scale production liquor for sale to enterprises licensed to produce liquor for further processing.

5. Enterprises and other organizations and individuals related to liquor production and trading shall comply with this Circular.

Article 18. Effect

1. This Circular takes effect on March 1, 2015.

2. The Ministry of Industry and Trade's Circular No. 39/2012/TT-BCT of December 20, 2012, detailing a number of articles of the Government's Decree No. 94/2012/ND-CP of November 12, 2012, on liquor production and trading, is annulled.

3. The granted liquor production or trading licenses which remain valid may be used until they expire.

4. Traders that wish to modify or supplement their liquor production or trading licenses shall comply with this Circular.

5. A liquor production or trading license shall be revoked in the following cases:

a/ The trader that has been granted the license before the effective date of this Circular fails to operate for 12 consecutive months;

b/ From the effective date of this Circular, the trader that has been granted a license fails to operate for 12 consecutive month.-

For the Minister of Industry and Trade
Deputy Minister
HO THI KIM THOA

** All appendices to this Circular are not translated.*