

**MINISTRY OF
AGRICULTURE AND
RURAL DEVELOPMENT**

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 04/2015/TT-BNNPTNT

Hanoi, February 12, 2015

CIRCULAR

ON GUIDELINES FOR THE DECREE NO. 187/2013/ND-CP DATED NOVEMBER 20, 2013 OF THE GOVERNMENT ON GUIDANCE ON THE LAW ON COMMERCE ON INTERNATIONAL TRADE IN GOODS AND COMMERCIAL AGENCY, TRADING, PROCESSING AND TRANSIT OF GOODS WITH FOREIGN COUNTRIES IN THE AGRICULTURE, FORESTRY AND AQUACULTURE FIELDS

Pursuant to the Decree No. 199/2013/ND-CP dated November 26, 2013 of the Government on functions, tasks, entitlements and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Decree No. 187/2013/ND-CP dated November 20, 2013 of the Government on guidance on the Law on Commerce on international trade in goods and commercial agency, trading, processing and transit of goods with foreign parties in the agriculture, forestry and aquaculture fields;

At the request of the Director of Agro-forestry Processing and Salt Industry Department;

The Minister of Agriculture and Rural development issues a Circular on guidance on the Decree No. 187/2013/ND-CP dated November 20, 2013 of the Government on guidance on the Commercial law on international trade in goods and commercial agency, trading, processing and transit of goods with foreign countries in the agriculture, forestry and aquaculture fields.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular promulgates content, procedures for export and import of goods subject to management of agriculture, forestry and aquaculture fields, including:

1. Export of timber and timber products from domestic natural forests; firewood or charcoal made from timber or firewood originated from timber of domestic natural forests.
2. Export and import of endangered and precious species of wild fauna and flora;
3. Export and import of plant varieties;
4. Export and import of breeds;
5. Export and import of live aquatic animals used for food;
6. Import of drugs, materials for the manufacture of drugs, vaccines, biological preparations, microorganisms and chemicals used in veterinary or aquatic veterinary medicine (hereinafter referred to as veterinary drugs);
7. Import of products and materials used in manufacture of products for the treatment and improvement of the aquaculture environment.
8. Import of plant protection products and materials included in the List of plant articles subject to the pest risk analysis before being imported into Vietnam.
9. Import of livestock, poultry, aquatic animal feeds;
10. Import of fertilizer;
11. Export and import of genetic resources of plants used for scientific and technical study and exchange.
12. Export and import of food originated from animals, plants and aquatic animals.

Article 2. Regulated entities

This Circular applies to organizations and individuals (hereinafter referred to as traders) involved in export and import of goods subject to management of agriculture, forestry and aquaculture fields.

Article 3. Interpretation of terms

Within the purposes of this Circular, these terms below shall be construed as follows:

1. Round timber: includes raw timber, rounded-off timber and heartwood which are between 10 cm and under 20 cm in smaller end diameter and 1 m or longer in length; or at least 20 cm in smaller end diameter and 30 cm or longer in length. The dimensions of timber of artificial forests, mangrove forests are 06 cm in their smaller end diameter and 01 m or longer in their length. The endangered and precious species of timber shall be considered as round timber regardless of their dimensions.
2. Sawn timber: means sawn, cut, sliced or peeled timber.
3. Finished woodwork (including art woodcraft and high-class woodwork): means products made from timber which has been completely assembled according to their use or which are detached parts of complete products and can be used according to their use right after being assembled.
4. Endangered and precious species of wild fauna and flora: means wild fauna and flora mentioned in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and species included in the List of endangered and precious species of fauna and flora as prescribed in the Government's Decree.
5. Breeds: mean populations of domesticated animals belong to the same species, same origin, similar appearance and genetic structure, which is formed, strengthened, developed by human; the breeds must have certain quantity for multiplication and passing of genetic characteristics of breeds for the next generations.

The breeds defined in this Circular include breeds of live stocks and poultry, bees, silkworms and their breed products such as sperms, embryos, eggs, seeds, larvae and genetic materials.

6. Aquatic animals:

- a) Aquatic breeds: means species of aquatic fauna and flora, including their spawns, embryos, and sperms, larvae used for the production of breeds or used as breeds for commerce, ornament, or entertainment purposes.
- b) Live aquatic animals used for food: mean species of live aquatic fauna and flora used for food.
- c) Products for treating and improving the aquaculture environment mean substances or compounds originated from minerals, chemicals, animals, plants or microorganisms and their preparations which are used to adjust the physical, chemical and biological properties of the aquaculture environment.

7. Chemical Standards:

Chemical Standards mean a pure chemical, in form of liquid or solid, whose concentration or composition used for standardizing an agent or another chemical or a measuring instrument is exactly determined.

Article 4. Rules for implementation of regulations on fauna, flora and aquatic animal quarantine; food quality and safety inspection of fauna, flora and goods originated from exported or imported fauna and flora

1. The goods specified in the List of animals and animal products subject to quarantine; the List of aquatic animals subject to quarantine; or the List of plant articles subject to quarantine shall be undergone the quarantine before customs clearance as prescribed.
2. The goods are exported or imported into Vietnam and subject to management of the Ministry of Agriculture and Rural Development must comply with the regulations of the Ministry of Agriculture and Rural Development on food quality and safety inspection.
3. After customs clearance, if the goods do not satisfy requirements pertaining to quarantine, food safety and quality, they shall be processed as prescribed in current law. If the goods do not satisfy requirements pertaining to plant protection and quarantine, they must be re-exported without customs clearance.

Article 5. Rules for import pending the addition to the List of goods eligible for import without permits

1. With regard to the goods not included in the List of goods eligible for import without permits, after receiving testing results or risk assessment results certified in writing by the specialized agencies affiliated to the Ministry of Agriculture and Rural Development, the trader is permitted to import according to their needs, without any restriction on quantity, value, or any application for the Import permit.
2. The specialized agencies affiliated to the Ministry of Agriculture and Rural Development shall post the written certification of testing results or risk assessment results and/or the List of goods on their website and the website of the Ministry of Agriculture and Rural Development at the address <http://www.mard.gov.vn> and send them to the customs authority.

3. Pursuant to the testing results or risk assessment results, the Ministry of Agriculture and Rural Development shall include the goods in the equivalent List of goods.

Article 6. General provisions of procedures for issuance of export or import permit subject to management of agriculture, forestry and aquaculture fields

1. Procedures and methods: The trader shall send an application directly or by post to the specialized agencies affiliated to the Ministry of Agriculture and Rural Development.

a) The specialized agencies affiliated to the Ministry of Agriculture and Rural Development shall receive the application, then consider and instruct the trader to provide additional documents right after receipt of application if the application is sent directly or within 03 working days from the date on which the application is received if the application is sent by post.

b) In case the application is satisfactory as prescribed, within 05 working days (except for cases prescribed in Clause 3 Article 5 of the Decree No. 98/2011/ND-CP dated October 26, 2011 of the Government on amendments to the Decrees on agriculture), the specialized agencies affiliated to the Ministry of Agriculture and Rural Development must grant the Import permit or Export permit or if the application is rejected, the authority must provide explanation in writing.

2. Number of application: 01 set

3. Documents in the application: mentioned in Article 9, 12, 13, 15, 18, 21, 24, 26, 28, 30, 31, 32, 33, 34, 35 of this Circular.

4. Procedures for payment of fees or charges and notifications:

a) The trader pays fees or charges directly at the receiving body or in the form of wire transfer by post as prescribed in regulations of law in force.

b) The receiving body shall directly send the result to the trader directly or by post at the request of the trader.

5. Agency in charge: mentioned in Article 9, 12, 13, 15, 18, 21, 24, 26, 28, 30, 31, 32, 33, 34, 35 of this Circular.

6. Validity of the permit: The permit shall be valid for up to 01 year from the date of issue. 0}

7. In case there is any regulation contrary to regulations prescribed in Clause 1, 2, 3, 4, 5, and 6 of this Article, it shall comply with Articles in the Chapter II of this Circular.

Chapter II

SPECIFIC PROVISIONS

Section 1. EXPORT OF TIMBER AND TIMBER PRODUCTS; FIREWOOD OR CHARCOAL MADE FROM TIMBER OR FIREWOOD ORIGINATED FROM TIMBER OF DOMESTIC NATURAL FORESTS.

Article 7. Bans from export

The following timber and timber products shall be banned from export:

1. Round timber, sawn timber originated from domestic natural forests.

2. Timber products in the Group IA prescribed in regulations of the Government which are exported for the commercial purposes (except for timber which is confiscated evidence as prescribed in regulations of the Government in force and the cases prescribed in Article 8 of this Circular) and the Appendix I of CITES originated from the nature.

Article 8. Export subject to requirements or export with permits

1. The timber or timber products are only permitted for export if there are lawful documents on forest products as prescribed in regulations of law in force. When exporting, the trader makes declaration on quantity, varieties of the goods with customs authority and the trader shall take responsibility for the lawful origin of the timber and timber products.

2. When exporting firewood or charcoal, the trader makes declaration on quantity, varieties of goods with customs authority and takes responsibility for the lawful origin of the firewood or charcoal and eligible for export without permits.

3. The timber and timber products in the Appendices of CITES must be granted CITES permit issued by Vietnam CITES management authority.

Article 9. Application, authorities granting export permit for timber and timber products listed in the Appendices of CITES

1. Application for a CITES permit:

- a) An application form for permit or CITES permit using form No. 01/LN issued together with this Circular;
- b) A copy of the commercial contract between relevant contracting parties;
- c) Documents proving that the specimens are originated lawfully as prescribed in regulations in force (a copy and an original for comparison; or a certified true copy);
- d) A copy of Certificate of Enterprise registration or Certificate of Business Registration (if the registration is required) or Certificate of investment (regarding foreign-invested companies); identity card or passport (with regard to individuals) which is only required for the initial export;
- dd) Invoices proving that the timber is confiscated evidence (a copy and an original for comparison; or a certified true copy).

2. Deadline for application processing: 10 working days from the day on which the completed and valid application is received (except that it is required to consult with CITES scientific authorities or related agencies). If the application is not completed, within 03 working days, Vietnam CITES management authority must notify the organizations or individuals of the completion of the application. In case it is required to consult with CITES scientific authority of Vietnam, relevant agencies, within 05 working days, Vietnam CITES management authority must notify the organizations or individuals and that period shall be not included in the deadline for application processing.

3. Validity of permit: The permit is valid for up to 06 year from the date of issue.

4. Authority in charge: Vietnam CITES management authority

The trader sends the application to one in following addresses:

a) Vietnam CITES management authority:

- Address: A3 Building, No.2 Ngoc Ha Street, Ba Dinh District, Hanoi

- Phone number: (04) 3733 5676; Fax: (04) 37346742

- Email: cites_vn.kl@mard.gov.vn

- Website: www.tongcuclamnghiep.gov.vn

a) Southern Representative Office of Vietnam CITES Management Authority:

- Address: 3rd Floor, Building No. 12 Vo Van Kiet Street, District 1, Ho Chi Minh City.

- Phone number: (08) 3821 8206; Fax: (08) 39151120

- Email: citesphianam@gmail.com

Section 2. EXPORT OR IMPORT OF ENDANGERED AND PRECIOUS SPECIES OF WILD FAUNA AND FLORA

Section 10. Export of endangered and precious species of wild fauna and flora

1. Bans from export

Natural specimens of endangered and precious species of wild fauna and flora banned from commercial export include:

- a) The specimens of endangered and precious species of wild animals in group IB, the specimens of wild plants in group IA prescribed in regulations of the Government on management of endangered and precious species of wild fauna and flora.
- b) The specimens of endangered species of wild fauna and flora prescribed in Appendix I of CITES.

2. Export with permits

- a) Endangered and precious species of wild fauna and flora which are exported for purposes of foreign affairs, scientific research, exchange between wildlife parks, exhibitions, circus performance, or exchange or return of specimens between CITES Management Authorities of different countries;
- b) Export for commercial purposes:
 - The specimens of endangered species of wild fauna and flora prescribed in Appendix II and III of CITES.
 - The natural specimens of wild plants listed in groups IIA as prescribed in regulations of the Government;

- The specimens of endangered and precious species of wild fauna and flora listed in groups I and II under the Government's Decree and under Appendices I and II to CITES which are raised or planted under the Government's Decree No. 82/2006/ND-CP of August 10, 2006, on management of export, import, re-export, introduction from the sea, transit, raising for breeding and growth and artificial propagation of endangered and precious species of wild fauna and flora and Article 5 of Decree No. 98/2011/ND-CP dated October 26, 2011 of the Government on amendments to the Decrees on agriculture.

Article 11. Import of specimens of fauna and flora listed in Appendices of CITES

1. Bans from import

The natural specimens of fauna and flora listed in Appendix I of CITES shall be banned from import for commercial purposes.

2. Import with permits

a) The natural specimens of fauna or flora listed in Appendix I of CITES shall be only imported for purposes of foreign affairs, scientific research, exchange between wildlife parks, exhibitions, circus performance and without purposes of profit or exchange or return of specimens between CITES Management Authorities of different countries;

b) The specimens of fauna or flora listed in Appendix I originated from stud farms, artificial propagation establishments, or samples prescribed in Point a Clause 2 of this Article and the specimens of fauna or flora listed in Appendix II and II of CITES shall be granted the permit by Vietnam CITES management authority.

Article 12. Application, issuing authorities and validity of export or import permit for specimens of wild fauna or flora prescribed in Appendices of CITES

1. Application for export:

b) Export of specimens for commercial purposes:

- An application form for permit or CITES permit using form No. 01/LN issued together with this Circular;
- A copy of the commercial contract between relevant contracting parties.
- A copy of Certificate of Enterprise registration or Certificate of Business Registration (with regard to registration) or Certificate of investment (with regard to foreign-invested companies); identity card or passport (with regard to individuals) which is only required for the initial export;
- Document proving that the specimen is originated lawfully as prescribed in regulations in force (a copy and a original for comparison; or a certified true copy);

b) Export for non-commercial purposes:

- An application form for permit or CITES permit using form No. 01/LN issued together with this Circular;
- An agreement on scientific research cooperation programs or a written confirmation of gift, diplomacy (regarding specimens for scientific research or diplomacy) or a decision on sending to exhibitions or circus performance (regarding specimens for exhibitions or circus performance) issued by competent agency (a copy and a original for comparison; or a certified true copy);
- A copy of the document on function and tasks of the organization.
- Documents proving that the specimen is originated lawfully as prescribed in regulations in force (a copy and a original for comparison; or a certified true copy);
- A copy of import CITES permit issued by the CITES management authority of importing countries pertaining to the specimens prescribed in Appendix I of CITES.

2. Application for import:

a) Import of specimens listed in Appendices of CITES for commercial purposes:

- An application form for permit or CITES permit using form No. 01/LN issued together with this Circular;
- A copy of the commercial contract between relevant contracting parties.
- A copy of Certificate of Enterprise registration or Certificate of Business Registration (if the registration is required) or Certificate of investment (with regard to foreign-invested companies); identity card or passport (with regard to individuals) which is only required for the initial export;
- A copy of export permit, re-export permit issued by CITES management authority of the exporting or re-exporting country.

- In case imported specimens are live species of wild fauna or flora, the following documents are additionally required:

+ A written certification of eligibility for raising, keeping and care by a forest management agency of province or fishery authority of province related to aquatic species:

+ A written certification that the import of specimens does not adversely affect the environment and the conservation of domestic animal and plant species, for species imported to Vietnam for the first time, by one of the following CITES Scientific authorities of Vietnam: Institute of Ecology and Biological Resources under Vietnam Academy of Science and Technology; Forest Science Institute of Vietnam under the Ministry of Agriculture and Rural Development; Research Institute for Marine Fisheries under the Ministry of Agriculture and Rural Development; Center for Natural Resources and Environmental Studies under Hanoi National University.

b) Import of specimens listed in Appendices of CITES not for commercial purposes:

- An application form for permit or CITES permit using form No. 01/LN issued together with this Circular;

- An agreement on scientific research cooperation programs or a written confirmation of gift, diplomacy (regarding specimens for scientific research or diplomacy) or a decision on sending to exhibitions or circus performance (regarding specimens for exhibition, or circus performance) issued by competent agency (a copy and a original for comparison; or a certified true copy);

- A copy of the document on function and tasks of the organization.

- A copy of the CITES permit issued by CITES management authority of the exporting or re-exporting country.

3. Agency in charge: as prescribed in Clause 4 Article 9 of this Circular.

4. Validity of permit: The export and re-export permit/certificate is valid for up to 06 months; the import permit is valid for up to 12 months, from the date of issue.

Section 3. EXPORT OR IMPORT OF PLANT VARIETIES

Article 13. Export of plant varieties

1. Bans from export:

Traders shall be banned from exporting plant varieties included in the List of precious and rare plant varieties banned from export as prescribed in regulations of the Ministry of Agriculture and Rural Development.

2. Export with permits:

a) The exporter of plant varieties included in the List of genetic resources of precious plants for international exchange in special cases and the List of genetic resources of precious rare plants restricted from international exchange as prescribed in the Ministry of Agriculture and Rural Development's regulations must obtain a written approval issued by the Minister of Agriculture and Rural Development.

b) The exporter of plant varieties not included in the lists mentioned in Clause 1 and Point a Clause 2 of this Article and the List of plant varieties permitted for production and business in Vietnam obtain a written approval issued by Vietnam Administration of Forestry (for forest plant varieties) or the Department of Crop Production (for agricultural plant varieties).

3. Export without permits:

The exporter of plant varieties not included in the lists mentioned in Clause 1 and Clause 2 of this Article shall be eligible for export without permits.

4. Export of agricultural plant varieties

a) Application:

- An application form for export using the form No. 01/TT issued together with this Circular;

- A technical declaration form using the form No. 02/TT issued together with this Circular;

- A copy of Certificate of Enterprise registration or Certificate of Business Registration (if the registration is required) or Certificate of investment (with regard to foreign-invested companies); identity card or passport (with regard to individuals);

- With regard to export for study or international cooperation, it is required to provide following additional documents: 01 copy of the agreement on cooperation in foreign language together with 01 Vietnamese translation with certified signature of a translation agency or the importer;

- With regard to export for trade fairs or exhibitions, it is required to provide following additional documents: 01 copy of Certification or Letter of invitation to participate in trade fairs or exhibitions in foreign language together with 01 Vietnamese translation with certified signature of a translation agency or the importer;

- With regard to export for gift, it is required to provide following additional documents: 01 copy of the agreement concluded by both contracting parties in foreign language together with 01 Vietnamese translation with certified signature of a translation agency or the importer;

b) Deadline for completion of the application: within 03 months from the date on which the initial application is received. If the trader fails to complete the application by the deadline, he is required to apply a new application.

c) Agency in charge:

- Receiving body: "Single window" department - Bureau of Cultivation.

- Website: www.cuctrongtrot.gov.vn

- Address: Building A6A, No.02 Ngoc Ha Street, Ba Dinh District, Hanoi

- Phone number: (04) 3823 4651; Fax: (04) 37344967.

- Email: vanphongctt@gmail.com

5) Export of forestry plant varieties:

Application and procedures for export of forestry plant varieties shall comply with regulations of Article 6 and Article 30 of this Circular.

Article 14. Import of plant varieties

1. Import with permits

The importer of plant varieties which are not included in the List of forestry plant varieties permitted for business or the List of plant varieties permitted for production and business in Vietnam, or not recognized as new forestry or agriculture plant varieties in any written certification, must obtain a written approval issued by Vietnam Administration of Forestry (for forest plant varieties) or the Department of Crop Production (for agricultural plant varieties).

2. Import without permits:

The importer of plant varieties which are included in the List of forestry plant varieties permitted for business or the List of plant varieties permitted for production and business in Vietnam, or recognized as new forestry or agriculture plant varieties in written certification shall be permitted to produce or trade plant varieties in Vietnam and eligible for import without permits.

Article 15. Application, agencies granting Permit for import of plant varieties

1. Application for a permit for import of agricultural plant varieties:

a) An application form for import using the form No.03/TT issued together with this Circular;

b) A technical declaration form using the form No.04/TT issued together with this Circular (for initial import only);

c) A copy of Certificate of Enterprise registration or Certificate of Business Registration (if registration is required) or Certificate of investment (with regard to foreign-invested companies); identity card or passport (with regard to individuals);

d) A report on results of import, testing and trial production of the previous imports without documents prescribed in Point b and Point c Clause 1 of this Article if the plant varieties are imported again for testing or trial production,

dd) With regard to export for study or international cooperation, it is required to provide following additional documents: 01 copy of the agreement on cooperation in foreign language together with 01 Vietnamese translation with certified signature of a translation agency or the importer;

e) With regard to import for trade fairs or exhibitions, a Certification or Letter of invitation to participate in trade fairs or exhibitions in Vietnam is additionally required;

g) With regard to export for gift, 01 copy of the agreement concluded by both contracting parties in foreign language together with 01 Vietnamese translation with certified signature of a translation agency or the importer are additionally required;

h) With regard to import for investment programs or projects, the following documents must be additionally required:

- A certified true copy or a copy and an original for comparison of the approval for investment programs or projects issued by competent agency or the enterprise as prescribed in regulations of law;
- With regard to import of plant varieties for construction project of traffic way, a certified true copy of Certificate of Free Sale – CFS issued by the competent agency or a certified true copy of one of following documents are additionally required: a certification of conformity, certification of new plant varieties, certification of plant varieties not included in the List of plant varieties banned from use in the exporting country, other similar certifications enclosed with Vietnamese translations certified by translation agencies or the importer or research findings in Vietnam proving that the plant varieties are safe for the environment. If the trader submits the copies of aforesaid documents, he must additionally submit the original documents for comparison.

2. Application for permit for import of genetically modified plant varieties:

- a) An application form for import using the form No.09/TT issued together with this Circular;
- b) A technical declaration form using the form No.10/TT issued together with this Circular (for initial import only);
- c) A copy of Certificate of Enterprise registration or Certificate of Business Registration (if the registration is required) or Certificate of investment (with regard to foreign-invested companies);
- d) Copies of the Certification of biosafety and the Certification of genetically modified plants eligible for use for food, animal feeds issued by competent agency of Vietnam;
- e) A plan for comparison testing, including narrow scope and wide scope comparison testing using the form in Appendix 7 issued together with the Circular No.29/2014/TT-BNNPTNT dated September 5, 2014.

3. Application for permit for import of forestry plant varieties:

a) Import of plant varieties for testing

- An application form for import of forestry plant varieties using the form No.02/LN issued together with this Circular;
- A record of plant varieties applied for import using the form No.03/LN issued together with this Circular;
- Technical planning documents on plant varieties for testing;
- Relevant documents: sale contract of plant varieties or gift deed of the partner.

b) Import of forestry plant varieties used as ornamental plants, shade plants.

- An application form for import of forestry plant varieties using the form No.02/LN issued together with this Circular;
- A record of plant varieties applied for import using the form No.03/LN issued together with this Circular;
- An approval for import of plant varieties issued by the Service of Agriculture and Rural development of the province;
- Relevant documents: sale contract of plant varieties or gift deed of the partner.

4. Deadline for completion of the application: within 03 months from the date on which the initial application is received. If the trader fails to complete the application by the deadline, he is required to apply a new application.

5. Agency in charge:

a) Agricultural plant varieties: Department of Crop production

- Receiving body: "Single window" department – Office of Department of Crop production
- Website: www.cuctrongtot.gov.vn.
- Address: Building A6A, No.02 Ngoc Ha Street, Ba Dinh District, Hanoi
- Phone number: (04) 3823 4651; Fax: (04) 37344967.
- Email: vanphongctt@gmail.com

b) Forestry plant varieties: Vietnam administration of forestry

- Receiving body: Office of Vietnam administration of forestry
- Address: No.02 Ngoc Ha Street, Ba Dinh District, Hanoi
- Phone number: (04) 3843 8792; Fax: (04) 38438793.
- Email: ln@mard.gov.vn

Section 4. EXPORT OR IMPORT OF BREEDS

Section 16. Export of breeds

1. Export with permits

The Minister of Agriculture and Rural Development shall decide on exchange between the trader and foreign parties of precious animal breeds included in the List of precious and rare breeds banned from export and the List of genetic resources of precious breeds subject to conservation for scientific research or other special purposes.

2. Export without permits:

The traders are permitted to export breeds not included in the List of precious breeds banned from export and the List of genetic resources of precious breeds subject to conservation issued by the Ministry of Agriculture and Rural Development.

Section 17. Import of breeds

1. The traders may only import the breeds included in the List of breeds permitted for business in Vietnam issued by the Ministry of Agriculture and Rural Development or the Certification of new breeds and eligible for import without permits.

2. Import with permits

Importer of sperms, embryos, or dilute environment used for conservation of breed sperms must obtain the written approval of the Department of Livestock production.

The importer of the breeds not included in the List of breeds permitted for business in Vietnam for research or testing or in other special cases must obtain the written approval of the Department of Livestock production.

Article 18. Application, agencies granting permits for export or import of breeds and their sperms, embryos, dilute environment, or conservation of breed sperms.

1. Application:

a) Application for export or import of breeds and genetic resources of precious breeds:

Application form for export or import of breeds and genetic resources of precious breeds using the form No.01/CN issued together with this Circular;

A record of genetic resources of precious breeds for international exchange using the form No.02/CN issued together with this Circular;

A copy of the Project for research cooperation or Agreement on research related to export or import of genetic resources of precious breeds.

b) Application for import of breeds not included in the List of breeds permitted for business in Vietnam:

An application form for import for testing of breeds using the form No.03/CN issued together with this Circular;

A Record of breeds which contains: names of breeds, quality grades, origin, quantity, technical economic criteria of caring and raising process of the breed and common diseases (if any) of that breeds; the application must be certified by the competent agency of the exporting country. The documents in application must be the originals or the certified true copies enclosed with Vietnamese translations certified by the importer. In case the application is sent directly, the documents of application are copies and their originals are required for comparison;

Content of testing (location, observation criteria);

A copy of Certificate of business registration (applied to entities subject to business registration) or Investment license (applied to foreign-invested enterprises) or Decision on Establishment certified by the importer applied to cases registered import for the first time.

c) Application for import of sperms or embryos:

An application form for import of sperms or embryos using the form No.04/CN issued together with this Circular;

With regard to cattle (grazing cattle): A record of breeds certified by the competent agency of the exporting country. The record of the sperm of breed shall be the record of male breed giving sperms within three degrees of consanguinity; the record of the embryo shall be the record of male and female breeds giving embryos which certified by the competent agency of the exporting country. The sperms of cattle may not be imported not later than 60 months from the date of manufacture.

Regarding pig breeds: a record of pig sperms, including names of breeds, quality grade of every male breed; male breeding facilities;

The documents in the application shall be the originals or certified true copies enclosed with their Vietnamese translations certified by the importer. If the application is sent directly, the documents in the application shall be copies and their originals are required for comparison.

A copy of Business certificates (if the entity subject to business registration) or Investment license (regarding foreign-invested companies) or Decision on Establishment certified by the importer with regard to the initial import.

d) Import of diluted environment for sperm conservation for testing:

An application form for import using the form No.05/CN issued together with this Circular;

A report on information about technical criteria of the diluted environment for sperm conservation. The documents in the application shall be the originals or certified true copies enclosed with their Vietnamese translations certified by the importer. If the application is sent directly, the documents in the application shall be copies and their originals are required for comparison.

A copy of Business certificates (if the entity subject to business registration) or Investment license (regarding foreign-invested companies) or Decision on Establishment certified by the importer with regard to the initial import.

2. Agency in charge: the Department of Livestock production

- Receiving body: "Single window" department - Office of Department of Livestock production

Address: No.16 Thuy Khue - Tay Ho - Hanoi

- Phone number: (04) 3734 5443; Fax: (04) 37345444.

- Email: cn@mard.gov.vn

Section 5. IMPORT OF VETERINARY DRUGS

Article 19. Import with permits

1. Importers of vaccines, biological preparations, microorganisms with CFS in Vietnam or included in the List of veterinary drugs permitted for sale in Vietnam must obtain an approval of Department of Animal Health in writing and subject to/required to undergo quality inspection as prescribed.

2. Any veterinary drug without CFS or not included in the List of veterinary drugs permitted for sale in Vietnam shall be imported in following cases:

a) Materials used for manufacture of veterinary drugs with CFS;

b) Samples used for study, testing, laboratory diagnosis, testing, or registration for sale;

c) Chemical standards used for veterinary diagnosis or testing; veterinary drugs displayed in trade fairs, exhibitions or used for prevention and treatment for precious and rare animals;

d) Medical aid of international organizations and types of other non-commercial imports;

dd) Prevention and treatment of urgent epidemic diseases, disaster recovery.

3. With regard to urgent communicable diseases, the Minister of Agriculture and Rural development shall decide the import of vaccines used for prevention and treatment of communicable diseases without CFS in Vietnam.

Article 20. Import without permits

The veterinary drugs with CFS in Vietnam or included in the List of veterinary drugs permitted for free sale in Vietnam shall be permitted for import or export (except for regulations in Clause 1 Article 19 of this Circular) and subject to quality inspection as prescribed.

Article 21. Application, agencies granting permit for import of veterinary drugs

1. Application:

a) Application for import of materials for veterinary drugs:

- An application form for import of veterinary drugs using the form No.01/TY issued together with this Circular; Concurrently send the file of application form (word, excel) via email: quanlythuoc@gmail.com;

- Good manufacturing practice (GMP) certificate or International Organization for Standardization (ISO) certificate or equivalent standards of the manufacturer (regarding some common chemicals);

- Certificate of free sale issued by competent agency of the exporting country (CFS, CPP, MA);

- Certificate of analysis (CoA) issued by the manufacturer;
- A copy of the Certificate of eligibility for import of veterinary drugs issued to the importer by the veterinary authority in the central government;

b) Application for import of veterinary drug samples used for study, testing, laboratory diagnosis, testing, or registration for sale:

- An application form for import of veterinary drugs using the form No.01/TY issued together with this Circular; Concurrently send the file of application form (word, excel) via email: quanlythuoc@gmail.com;
- A copy of Certificate of Business Registration of the organization or individual applying for the permit for import of veterinary drugs.
- A Good manufacturing practice (GMP) certificate or International Organization for Standardization (ISO) certificate or equivalent standards of the manufacturer (regarding some common chemicals);
- A Certificate of free sale issued by competent agency of the exporting country (CFS, CPP, MA);
- A Certificate of analysis (CoA) issued by manufacturer;
- A summary of product characteristics

c) Application for import of chemical standards, KIT used for veterinary diagnosis or testing; exhibitions, trade fairs, or prevention and treatment for precious animals:

- An application form for import of veterinary drugs using the form No.01/TY issued together with this Circular; Concurrently send the file of application form (word, excel) via email: quanlythuoc@gmail.com;
- A Certificate of analysis (CoA) issued by manufacturer;
- A summary of product characteristics;
- Labels of products.

d) Application for import of vaccines, biological preparations, microorganisms included in the List of veterinary drugs permitted for sale in Vietnam or granted CFS in Vietnam:

- An application form for import of veterinary drugs using the form No.02/TY issued together with this Circular; Concurrently send the file of application form (word, excel) via email: quanlythuoc@gmail.com;
- A copy of the Certificate of eligibility for import of veterinary drugs issued to the organization applying for import by the veterinary authority in the central government.

dd) Application for import of veterinary drugs as prescribed in Point d, dd Clause 2 Article 19 of this Circular shall contain:

- An application form for import of veterinary drugs using the form No.01/TY issued together with this Circular; Concurrently send the file of application form (word, excel) via email: quanlythuoc@gmail.com;
- A copy of Certificate of Business Registration of the organization or individual applying for the permit for import of veterinary drugs;
- A Good manufacturing practice (GMP) certificate or International Organization for Standardization (ISO) certificate or equivalent standards of the manufacturer (regarding some common chemicals);
- A Certificate of free sale issued by competent agency of the exporting country (CFS, CPP, MA);
- A Certificate of analysis (CoA) issued by manufacturer;

e) With regard to GMP, ISO, FSC, CPP, MA, CoA certificates enclosed with the application, it is required to submit their originals or their lawful copies (certified true copies) or copies with originals for comparison if the application is directly submitted.

2. Agency in charge: Department of Animal Health

- Receiving body: Office of Department of Animal Health
- Address: 15/78 Giai Phong, Phuong Mai, Dong Da, Ha Noi
- Phone number: +(844) 3869.5527/3869.6788
- Email: quanlythuoc@gmail.com

Section 6. IMPORT OF PLANT PROTECTION PRODUCTS AND ARTICLES SUBJECT TO PHYTOSANITARY CERTIFICATE FOR IMPORT

Article 22. Import of plant protection drugs:

1. The import of plant protection products shall comply with Article 67 of the Law on plant protection and quarantine.
2. With regard to authorization for import, the organizations or individuals acting as agents must present letter of attorney of the principal at the customs authority.
3. The plant protection products included in the List of plant protection products permitted for use in Vietnam must satisfy the following requirements:
 - a) Minimum active ingredient content in technical drugs must equal active ingredient content in technical drugs included in the List and they shall be imported from manufacturers whose origins are clear;
 - b) Finished drug whose active ingredient content, form of drug and manufacturer of finished drugs must be conformable with the Certification of plant protection drug registration in Vietnam and their remaining shelf life is at least 2/3 shelf life which is stated in the drug label from the date on which the drug imported in Vietnam;
 - c) The finished drugs must meet the physical and chemical properties of floating rate, durable emulsion for each equivalent finished drug.
 - d) Technical drugs, finished drugs must satisfy requirements pertaining to noxious impurity as prescribed in National Technical Regulation, National Standards and internal standards of Plant Protection Department.
4. Import of methyl bromide and responsibility of importer for methyl bromide
 - a) The plant protection products containing methyl bromide active ingredient is only imported from countries participating in the Montreal Protocol.
 - b) The methyl bromide is only imported for quarantine and pre-shipment uses (QPS) and the purposes prescribed in regulations of the Montreal Protocol.
 - c) The importer must obtain a Certification of eligibility for processing of articles subject to plant quarantine using fumigation method.
 - d) The methyl bromide must be used for the purpose as registered with Plant Protection Department and it is subject to the inspection of the competent agency in the use of methyl bromide;
 - dd) The methyl bromide active ingredient is only sold to organizations obtaining the Certification of eligibility for processing of articles subject to plant quarantine using fumigation method;
 - e) The report on import, use and trading in methyl bromide using the form No.03/BVTV issued together with this Circular shall be sent to Plant Protection Department. Deadline for first biennial report is before July 15 and deadline for annual report is before January 15 of the succeeding year.
 - g) The importer shall be banned from import of methyl bromide if they commit one of following violations: Fails to send the report(s) as prescribed or the dishonest reports on import, use or trade in methyl bromide; uses methyl bromide for improper purposes in comparison with the permit; or their Certification of eligibility for processing of articles subject to plant quarantine using fumigation method.

Article 23. Import of articles subject to Phytosanitary certificate for import

The trader may only import the articles included in the List of articles subject to plant quarantine and pest risk analysis before importing into Vietnam or transit of articles subject to plant quarantine if they obtain the Phytosanitary certificate for import issued by Plant Protection Department.

Article 24. Application, validity and agencies granting Phytosanitary certificate for import, Permit for import of plant protection products

1. Application

a) Import of drug samples for testing and study

An application form for Permit for import of plant protection products using form No. 01/BVTV issued together with this Circular;

A certified true copy or a copy (compare with the original) of Certificate of Business registration (for the first time) or documentary evidence for legal status;

A copy of the Testing permit of drug samples or Chemical safety data sheet of drug samples for testing;

A Draft of study of plant protection products applying for import (regarding import for study)

b) Import of chemical standards

An application form for Permit for import of plant protection products using form No. 01/BVTV issued together with this Circular;

A certified true copy or copy (compare with the original) of Certificate of Business registration (for the first time) or documentary evidence for legal status of organizations or individuals applying for import of chemical standards;

c) Import of drugs used for foreign project of investment in Vietnam, drugs used as samples, products displayed in trade fairs, exhibitions and used in special cases as prescribed in the Decision of the Minister of Agriculture and Rural development.

An application form for Permit for import of plant protection products using form No. 01/BVTV issued together with this Circular;

A certified true copy or a copy (compare with the original) of Certificate of Business registration (for the first time) or Investment certificate (for the first time) or documentary evidence for legal status of organizations or individuals applying for import;

A certified true copy of import contract;

A certified true copy of CFS in the exporting country regarding import of plant protection products whose active ingredients are not included in the List of plant protection products permitted to use in Vietnam.

d) Import of fumigation drugs, active ingredients having acute toxicity in group I, II according to GHS of classification.

An application form for Permit for import of plant protection products using form No. 01/BVTV issued together with this Circular;

A certified true copy or a copy (compare with the original) of Certificate of Business registration (for the first time) or Investment certificate (for the first time).

A copy of Certificate of eligibility for processing of articles subject to plant quarantine using fumigation method issued by Plant Protection Department (for the first time) applied to import of fumigation drugs.

dd) Application for Phytosanitary certificate for import:

An application form for Phytosanitary certificate for import using form No. 04/BVTV issued together with this Circular;

A copy of commercial contract;

A copy of Certificate of Business Registration of the organization or individual.

2. Verification of application and issuance of Permit for import of plant protection products

Plant Protection Department shall verify the application for the Permit for import of plant protection products within 05 working days, or the application for Phytosanitary certificate for import within 15 working days from the date of receipt as prescribed.

a) If the application is satisfactory, the Permit for import of plant protection products (using form 02/BVTV issued together with this Circular), Phytosanitary certificate for import (using form 05/BVTV issued together with this Circular) shall be granted.

b) If the application is unsatisfactory, they shall notify organizations or individuals of completion of the application as prescribed.

c) In case the application is rejected, the Plant Protection Department shall provide explanation for the organizations or individuals in writing.

3. Validity of the Permit/Certificate:

The Permit for import of plant protection products; or the Phytosanitary certificate for import shall be valid for entire consignment stated in the Permit/Certificate and depending on every drug or item provided that the validity does not exceed 01 year from the date of issue. The Permit for import of methyl bromide is only valid within the year of issue.

4. Agency in charge:

Plant Protection Department shall grant the Permit for import of plant protection products; the Phytosanitary certificate for import

- Address: 149 Ho Duc Di, Dong Da, Ha Noi
- Phone number: (04) 3533 0361; Fax: (04) 35333056.
- Email: p.cchc@fpt.vn; cchc.bvtv@mard.gov.vn

Section 7. IMPORT OF LIVESTOCK OR POULTRY FEEDS

Article 25. Import of livestock or poultry feeds

1. When any organization or individual imports livestock and poultry feeds is permitted to sell them in Vietnam, they shall follow customs procedures and conduct quality inspection as prescribed in Chapter III of Circular No. 66/2011/TT-BNNPTNT dated October 10, 2011 on guidance on the Government's Decree No. 08/2010/ND-CP dated February 05th 2010 on the management of animal feeds.

2. When any organization or individual imports livestock and poultry feeds is not permitted to sell in Vietnam, they must obtain the Approval of livestock and poultry feeds permitted to sell in Vietnam issued by the Department of Livestock production and conduct the quality inspection as prescribed in Chapter III of Circular No. 66/2011/TT-BNNPTNT. The quality shall be recognized according to one of two methods below:

- a) Recognition of quality through verification of application.
- b) Recognition of quality through testing (regarding new kinds of animal feeds) as prescribed in Clause 7 Article 3 and Clause 1 Article 12 of the Government's Decree No. 08/2010/ND-CP and Chapter IV of Circular No. 66/2011/TT-BNNPTNT.

Article 26. Application, agencies granting Permit for import of livestock or poultry feeds

1. Application for quality recognition of imported livestock or poultry feeds:

a) Application:

An application form for quality recognition of imported animal feeds (using the form No. 06/CN issued together with this Circular);

A Certificate of free sale or equivalent documents on imported animal feeds issued by the competent agency of the country of origin as prescribed in the Decision No. 10/2010/QĐ-TTg dated February 10, 2010 of the Prime Minister on Certificate of free sale pertaining to exported and imported products or goods;

A report on product information provided by the manufacturer includes: name of materials, quality norms and animal feed safety, use, instructions for use;

Labels of products;

A report on standards of organizations or individuals applying for recognition of quality; secondary label of products in Vietnamese as prescribed;

A report on test results of quality norms and animal feed safety of manufacturer obtaining one of following certificates: GMP, HACCP, ISO and equivalent certificates. If the manufacturer does not obtain one of following certificates: GMP, HACCP, ISO or equivalent certificates, the report on test results must be issued by laboratories appointed by the competent agency of the country of origin or by laboratories recognized by international or regional organizations or appointed or recognized by the Department of Livestock production.

A copy of Certificate of Business Registration or Certificate of investment of the organizations or individuals applying for recognition of quality (for the first time);

A letter of attorney of manufacturer granted to the organizations or individuals applying.

b) The application shall contain the originals or the certified true copies enclosed with Vietnamese translations certified by the organization or the importer. If the originals are not in English, the Vietnamese translations must be authenticated.

c) Within 03 working days from the date on which the application for recognition of quality is received, the Department of Livestock production must verify the application and notify the organization or individual of completion of application in writing. If the application covering more than 10 products, the deadline for verification of application is 05 working days.

If the application is satisfactory and the products meet all requirements pertaining to quality, within 12 working days, the Department of Livestock production shall issue Approval for animal feeds permitted to sell in Vietnam (using the form in Appendix 4A issued together with the Circular No. 50/2014/TT-BNNPTNT) according to the approval issued by the Minister of Agriculture and Rural development. If the application covering more than 10 products, the deadline

for verification of each application in excess shall be 01 working days in addition. In case the Department of Livestock Production does not issue the Approval, they shall provide explanation in writing.

2. Import of livestock or poultry feeds not permitted for sale in Vietnam for display in the trade fairs, exhibitions, analysis samples in laboratories:

a) Application for import for display in trade fairs, exhibitions:

An application form for import using the form No.07/CN issued together with this Circular;

A certification of organization or participation in trade fairs or exhibitions in Vietnam (the original).

b) Application for import of animal feeds used as analysis samples in laboratories shall contain:

An application form for import for analysis samples in laboratories using the form No.07/CN issued together with this Circular;

A copy of the Agreement on use of analysis services between a domestic laboratory and a laboratory, an enterprise and agency in charge of animal feeds of the country of origin, in which the imported products are non-commercial as commitments.

c) Within 05 working days from the receipt of satisfactory application, the Department of Livestock Production shall consider granting the import permit (using the form No.09/CN issued together with this Circular). In case the application is rejected, the Department of Livestock Production shall provide explanation in writing.

3. Application for recognition of quality of imported livestock or poultry feeds:

An application form for recognition of quality (03 copies) (using the form No.10/CN issued together with this Circular);

Copies certified by the importer of the documents below: Sale contract, Packing list, Invoice, Certificate of Analysis, report on applied standards of the importer; Approval for animal feeds to sell in Vietnam; a copy of document on exemption from quality inspection issued by the Department of Livestock Production for a certain period and implementation of simplifying inspection regime (if any).

4. Agency in charge: the Department of Livestock production

- Receiving body: "Single window" department - Office of Vietnam administration of forestry

Address: No.16 Thuy Khue - Tay Ho - Hanoi

- Phone number: (04) 3734 5443; Fax: (04) 37345444.

- Email: cn@mard.gov.vn

Section 8. IMPORT OF FERTILIZERS

Article 27. Import of fertilizers

1. Import with permits

The importer of the following fertilizers must obtain a Permit:

a) Fertilizer for testing;

b) Fertilizer for sports stadiums, recreational parks;

c) Fertilizer for foreign-invested companies used for production within the premises of the company; used for foreign projects in Vietnam, used as gifts or samples;

d) Fertilizer displayed in trade fairs or exhibitions;

dd) Fertilizer or materials used for manufacture of fertilizers included in the List of fertilizers subject to declaration of conformity;

e) Fertilizer for scientific research.

2. Import without permits:

The importer of the following fertilizers is exempt from a Permit:

a) Fertilizers included in the List of fertilizers permitted to produce, trade and use in Vietnam issued by the Ministry of Agriculture and Rural Development from August 9, 2008 to November 27, 2013.

b) Fertilizers included in the List of fertilizers subject to declaration of conformity issued by the Ministry of Agriculture and Rural Development and the Ministry of Industry and Trade.

Article 28. Application, agencies granting permit for import of fertilizers

1. Application:

- a) Application form for import of fertilizers using the form No.05/TT issued together with this Circular;
- b) Technical declaration form using the form No.06/TT issued together with this Circular;
- c) A copy of Certificate of Enterprise registration or Certificate of Business Registration (with regard to registration) or Certificate of investment (with regard to foreign-invested companies); identity card or passport (with regard to individuals); a certified true copy or a copy (compare with the original) of the Approval for investment programs or projects of competent agency (with regard to foreign project in Vietnam) or program/project approved by the enterprise as prescribed in regulations of law.
- d) A foreign report on component, content of nutrition, use, instructions for use, indication enclosed with their Vietnamese translations with certified signature and stamp of the translation agency or the importer;
- dd) With regard to import of fertilizers prescribed in Point a, b, c Clause 1 Article 27 of this Circular: apart from documents or materials prescribed in Point a, b, c, d of this Clause, the trader must additionally submit a certified true copy or a copy (compare with the original) of Certificate of Free Sale issued by the exporting country or Certificate of standard conformity or Certification of product not included in the List of chemicals banned from use in the exporting country or the Patent regarding imported fertilizers for testing enclosed with their Vietnamese translations certified by the translation agency or the importer;
- e) Import of fertilizers prescribed in Point d Clause 1 Article 27 of this Circular: apart from documents or materials mentioned in Point a, b, c, d of this Clause, the trader must additionally submit the Certification or Letter of invitation for participation in trade fairs or exhibitions in Vietnam.

2. Deadline for completion of the application: within 03 months from the date on which the initial application is received. If the trader fails to complete the application by the deadline, he is required to apply a new application.

3. Agency in charge: Department of Crop Production

- Receiving body: "Single window" department - Office of Department of Crop Production.
- Address: No.02 Ngoc Ha Street, Ba Dinh District, Hanoi
- Phone number: (04) 3823 4651; Fax: (04) 37344967.
- Email: vanphongctt@gmail.com

Section 9. EXPORT OR IMPORT OF GENETIC RESOURCES OF PLANTS FOR SCIENTIFIC AND TECHNICAL STUDY AND EXCHANGE

Article 29. General provisions of export or import of genetic resources of plants

- 1. Exporters of genetic resources of plants included in the List of genetic resources of precious and rare plants for international exchange in special cases and the List of genetic resources of precious and rare plants restricted from international exchange as prescribed in the Ministry of Agriculture and Rural Development's regulations must obtain a written approval of the Minister of Agriculture and Rural Development.
- 2. Exporters or importers of genetic resources of plants not included in the List No.1 and the List No.2 prescribed in Clause 1 of this Article, the List of precious and rare plant varieties banned from export and the List of plant varieties permitted to product or trade as prescribed in regulations of the Ministry of Agriculture and Rural Development must obtain a permit issued by the Department of Crop production.

Article 30. Application, agencies granting Permit to export or import genetic resources of plants for scientific and technical study and exchange

1. Application:

- a) An application form for export/import of genetic resources of plants using the form No.07/TT issued together with this Circular;
- b) A report on information about genetic resources of plants registering for export/import using the form No.08/TT issued together with this Circular;
- c) A copy and a translation borne by the stamp of exporter or importer of: the project for cooperation in study; research contract, memorandum of understanding included with foreign partners pertaining to export/import of genetic resources of plants for cooperation in science and technology.

2. Deadline for application processing:

a) 10 working days from the day on which the satisfactory application regarding regulations in Clause 1 Article 29 of this Circular;

b) 05 working days from the day on which the satisfactory application regarding regulations in Clause 2 Article 29 of this Circular;

3. Deadline for completion of the application: within 03 months from the date on which the initial application is received. If the trader fails to complete the application by the deadline, he is required to apply a new application.

4. Agency in charge: Department of Crop Production

- Receiving body: "Single window" department – Office of Department of Crop production

- Address: No.02 Ngoc Ha Street, Ba Dinh District, Hanoi

- Phone number: (04) 3823 4651; Fax: (04) 37344967.

- Email: vanphongcctt@gmail.com

- Website: www.cuctrongtrot.gov.vn.

Section 10. EXPORT OR IMPORT OF AQUATIC PRODUCTS

Article 31. Export of aquatic animals

1. Bans from export:

The aquatic animals included in the List of aquatic animals banned from export in the Appendix 1 issued together with this Circular shall be banned from export, except for cases prescribed in Clause 3 of this Article.

2. Export without permits:

a) When exporting the aquatic animals included in the List of aquatic animals banned from export in the Appendix 1 issued together with this Circular, the trader shall follow customs procedures. Any aquatic animal under management of CITES management authority shall comply with regulations of Vietnam CITES management authority.

b) When exporting the aquatic animals included in the List of aquatic animals exported subject to requirements in the Appendix 2 issued together with this Circular, the trader shall follow customs procedures. Any aquatic animal under management of CITES management authority shall comply with regulations of Vietnam CITES management authority.

3. Export with permits:

The trader may export the aquatic animals included in the List of aquatic animals banned from export prescribed in Appendix 1 issued together with this Circular in some cases to abide by International treaties to which Vietnam has signed or acceded. Procedures for issuance of permit shall comply with regulations in Clause 4 and Clause 5 of this Article and Article 6 of this Circular. Any aquatic animal under management of CITES management authority shall comply with regulations of Vietnam CITES management authority.

4. Application for export permit:

a) An application form for export using the form No.01/TS issued together with this Circular;

b) The international treaties to which Vietnam has signed or acceded (a copy with the original for comparison regarding direct submit; or a certified true copy regarding submit by post) and an authenticated Vietnamese translation.

5. Aquatic animal export permit No.02/TS issued together with this Circular;

6. Agency in charge: Directorate of Fisheries

a) Receiving body: "Single window" department – Directorate of Fisheries

b) Address: No.10 Nguyen Cong Hoan, Ba Dinh District, Hanoi

c) Phone number: (043) 7245370; Fax: (043) 7245120.

Article 32. Import of aquatic breeds

1. Export without permits:

a) When importing the aquatic breeds included in the List of aquatic breeds permitted to produce or trade issued by the Ministry of Agriculture and Rural Development (Ordinary import list) or written certification of new aquatic breeds, the trader shall follow customs procedures and conduct quality inspection as prescribed in Circular No. 26/2013/TT-BNNPTNT dated May 22, 2013 of the Ministry of Agriculture and Rural Development on management of aquatic breeds.

b) When importing the aquatic breeds included in the List of imported aquatic breeds subject to requirements as prescribed in Appendix 3 issued together with this Circular if they meet all requirements prescribed in this Appendix, the trader shall follow customs procedures and conduct quality inspection as prescribed in Circular No. 26/2013/TT-BNNPTNT dated May 22, 2013 of the Ministry of Agriculture and Rural Development on management of aquatic breeds.

2. Import with permits:

When importing the aquatic breeds not included in the List of aquatic breeds permitted to produce or trade issued by the Ministry of Agriculture and Rural Development (Ordinary import list) or the List of imported aquatic breeds subject to requirements prescribed in Appendix 3 issued together with this Circular or not recognized by any certification, they must be permitted for testing, study, or present in trade fairs or exhibitions by the Directorate of Fisheries. Procedures for permit shall comply with regulations of Clause 3, Clause 4, Clause 6, Clause 7 and Clause 8 of this Article and Article 6 of this Circular.

3. Application for import of aquatic breeds for testing:

- a) An application form for import using the form No.03/TS issued together with this Circular;
- b) A copy of Certificate of Business Registration or Certificate of investment or Certificate of enterprise registration or Decision on functions and tasks pertaining to study of aquaculture of public service agencies (for the first application);
- c) A photo or a drawing of aquatic breeds registering for import enclosed with their trade names and scientific names;
- d) A description of biological characteristics, economic efficiency of the aquatic breeds applying for import;
- dd) A copy of the permit for testing or a draft of the testing for aquatic breeds approved by Directorate of Fisheries.

4. Application for import of aquatic breeds for study:

Apart from documents prescribed in Point a, Point b, Point c, and Point d Clause 3 of this Article, a draft of aquatic breed study approved by the competent agency is additionally required.

5. Application for import of aquatic breeds for display in trade fairs or exhibitions:

Apart from documents prescribed in Point a, Point b, Point c and Point d Clause 3 of this Article, a documentary evidence for participation in the trade fairs or exhibitions in Vietnam and a plan for aquatic breeds after being used for the trade fairs or exhibitions shall be additionally required.

6. An import permit using the form No.04/ASSET issued together with this Circular.

7. Validity of permit: The maximum validity of the permit is 01 year from the date of issue and it shall be stated in the import permit.

8. Agency in charge: Directorate of Fisheries

- a) Receiving body: "Single window" department – Directorate of Fisheries
- b) Address: No.10 - Nguyen Cong Hoan - Ba Dinh - Hanoi.
- c) Phone number: 043 7245370. Fax: 043 724 5120.

Article 33. Import of live aquatic animals used for food

1. Import without permits:

When importing the live aquatic animals used for food included in the List of live aquatic animals used for food permitted for ordinary import (Appendix 5 issued together with this Circular), the trader shall follow customs procedures at the customs authority.

2. Import with permits:

When the trader imports the aquatic animals used for food not included in the List prescribed in Clause 1 of this Article, Directorate of Fisheries shall conduct risk assessment (applied to initial imported consignment) and consider granting permit and approve the Plan for management and observation of imported goods.

3. Application for import permit (01 set), including:

- a) An application form for import permit using the form No.03/TS issued together with this Circular.
- b) A copy of Certificate of Business Registration or Certificate of investment (for the first time);

- c) A copy or a drawing of description of aquatic animals applying for import permit enclosed with their trade names and scientific names;
- d) A description of biological characteristics of the aquatic animals applying for import permit using the form No.05/TS issued together with this Circular;
- dd) A certificate of origin of the aquatic animals applying for import permit issued by the competent agency of the exporting country. The certificate shall be in form of a copy (compare with its original) if the application is sent directly; or in form of a certified true copy if the application is sent by post and enclosed with 01 notarized Vietnamese translation;
- g) A plan for management and observation of live aquatic animals when they are imported, transported, stored, processed and consumed using the form No.06/ASSETS issued together with this Circular.

4. Procedures:

- a) The trader shall send an application for import of live aquatic animals to Directorate of Fisheries as prescribed in Clause 3 of this Article.
- b) If the application is sent directly, Directorate of Fisheries shall receive the application and request the trader to complete the application as soon as the application is received if it is unsatisfactory. If the application is sent by post, within 03 working days from the date on which the application is received, Directorate of Fisheries shall send a notification of completion of the application (if any).
- c) If the application is satisfactory as prescribed, regarding the aquatic animals not undergone risk assessment, within 12 working days, Directorate of Fisheries shall establish a Risk assessment council and conduct the risk assessment. The council shall give conclusions and recommendations of risk management applied to live aquatic animals which unable to become predators, abuse or threatened abuse, eligible for food imports.
- d) Within 03 working days, from the date on which the Risk assessment council, Directorate of Fisheries shall consider granting the import permit (using the form No.04/TS issued together with this Circular) and approve the Plan for management and observation of consignment infestation regarding aquatic breeds that do not pose any risk or is eligible for import used for food (using the form No.06/TS issued together with this Circular).
- dd) With regard to the proceeding import of live aquatic animals used for food granted risk assessment that do not pose any risk or are eligible for import used for food, within 03 working days from the date on which the completed application is received as prescribed in Clause 3 of this Article, Directorate of Fisheries shall consider approving the Plan for management and observation of consignment of live aquatic animals and granting import permit.

The trader shall be permitted for import of live aquatic animal used for food right after receiving the import permit issued by Directorate of Fisheries.

- e) If the application is rejected, Directorate of Fisheries shall provide explanation in writing for the trader.
- g) Directorate of Fisheries shall update and issue the List of live assets undergone risk assessment and announce on website of Directorate of Fisheries and send a report to the Ministry of Agriculture and Rural Development.
- h) Directorate of Fisheries shall issue the import permit and the plan for management and observation of live aquatic animal consignment imported for use as food to the trader registering for import and send them to the aquaculture management authority of the local government where the import consignment is located.

5. Validity of permit: The import permit for live aquatic animals used for food shall be valid for the entire consignment and its validity shall be stated in the permit according to every breed of live aquatic animals provided that it does not exceed 01 year from the date of issue.

6. Agency in charge: Directorate of Fisheries

- a) Receiving body: "Single window" department – Directorate of Fisheries
- b) Address: No.10 - Nguyen Cong Hoan - Ba Dinh - Hanoi.
- c) Phone number: 043 7245370. Fax: 043 724 5120.

Article 34. Import of products for environmental remediation used for production of commercial aquaculture products; materials used in manufacture of products for environmental remediation used in aquaculture (hereinafter referred to as products for environmental remediation in aquaculture)

1. Import without permits:

- a) When importing the products for environmental remediation in aquaculture included in the List of products for environmental remediation permitted to sell in Vietnam or obtained Certificate of free sale in Vietnam, the trader shall

follow the procedures at the Customs Department and conduct quality inspection as prescribed in regulations in force of the Ministry of Agriculture and Rural Development. If the products are not included in any List of products for environmental remediation permitted to sell in Vietnam, the trader shall apply for the Certificate of free sale before importing.

b) When importing the products for environmental remediation prescribed in Appendix 4 issued together with this Circular which meet all requirements mentioned in this Appendix, the trader may only follow the customs procedures and conduct quality inspection as prescribed in regulations in force of the Ministry of Agriculture and Rural Development.

2. Import with permits: The products for environmental remediation in aquaculture not included in the Appendix 4 issued together with this Circular or not included in the List of products for environmental remediation permitted to sell in Vietnam or not obtained any Certificate of free sale in Vietnam (import for testing, study, display in trade fairs, exhibitions, or analysis sample in laboratories). Procedures for issuance of permit shall comply with regulations in Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8 and Clause 9 of this Article and Article 6 of this Circular.

3. Application for import of products for environmental remediation for study:

a) An application form for import permit using the form No.07/TS issued together with this Circular.

b) An original or a certified true copy of the Certificate of Free sale issued by the competent agency of the manufacturer;

c) A copy of Certificate of Business Registration or Certificate of investment or Certificate of Business registration or the Decision on functions and tasks related to aquaculture applied to public service agencies (for the first time);

d) An original or a certified true copy of the Certificate of quality issued by manufacturer which obtain GMP certificate or an independent agency of manufacturing country;

dd) A copy of the permit for testing or a draft of the testing approved by Directorate of Fisheries.

4. Application for import of products for environmental remediation for study:

Apart from documents prescribed in Point a, Point b, Point c, and Point d Clause 3 of this Article, an original or a certified true copy of the approved draft of shall be additionally required.

5. Application for import for display in trade fairs or exhibitions:

Apart from documents prescribed in Point b, Point d Clause 3 of this Article, the following documents shall be required:

a) An application form for import using the form No.08/TS issued together with this Circular.

b) An original or a certified true copy of Documentary evidence or Certificate of organization or participation in trade fairs or exhibition in Vietnam;

c) A copy of product information provided by the manufacturer, including: names of materials, quality norms and safety, use, instructions for use, labels of products;

d) A plan for products after using to display in trade fairs or exhibitions.

6. Application for import for analysis samples in laboratories

Apart from documents prescribed in Point b, Point d Clause 3 of this Article, the following documents shall be required:

a) An application form for import using the form No.09/TS issued together with this Circular.

b) An original or a certified true copy of the Agreement of use of analysis services between a domestic laboratory and laboratory or an enterprise or an agency of country of origin; which the imported products are non-commercial as commitment;

c) A copy of product information provided by the manufacturer, including: names of materials, quality norms and safety, use, instructions for use, labels of products;

The documents in form of originals or certified true copies prescribed in Clause 3, 4, 5 and 6 of this Article may be replaced with the copies (compare with their originals).

7. An import permit using the form No.10/TS issued together with this Circular.

8. Validity of permit: The permit shall be valid for up to 01 year from the date of issue and it shall be stated in the import permit.

9. Agency in charge: Directorate of Fisheries

a) Receiving body: "Single window" department –Directorate of Fisheries

b) Address: No.10 - Nguyen Cong Hoan - Ba Dinh -Hanoi.

c) Phone number: 043 7245370. Fax: 043 724 5120.

d) Email: nnts@mard.gov.vn

Article 35. Import of aquatic animal feeds (including mixed food, food supplements and materials used in manufacture of aquatic animal feeds)

1. Import without permits:

When importing the aquatic animal feeds included in the List of aquatic animal feeds permitted to sell in Vietnam or obtained Certificate of free sale in Vietnam, the trader shall follow the customs procedures and conduct quality inspection as prescribed in regulations in force of the Ministry of Agriculture and Rural Development. If the aquatic animal feeds are not included in any List of products for environmental remediation permitted to sell in Vietnam, the trader shall apply for the Certificate of free sale before importing.

2. Import with permits:

The aquatic animal breeds not included in the List of aquatic animal breeds permitted to sell in Vietnam or not obtained any Certificate of free sale in Vietnam (import for testing, study, display in trade fairs, exhibitions, or analysis sample in laboratories). Procedures for issuance of permit shall comply with regulations in Clause 3, Clause 4, Clause 5, Clause 6, and Clause 7 of this Article and Article 6 of this Circular.

3. Application for import of products for environmental remediation for testing:

a) An application form for import using the form No.07/TS issued together with this Circular.

b) An original or a certified true copy of the Certificate of Free sale issued by the competent agency of the manufacturing country;

c) A copy of Certificate of Business Registration or Certificate of investment or Certificate of Enterprise registration or the Decision on functions and tasks related to aquaculture applied to public service agencies (for the first time);

d) A description of characteristics, effectiveness, safety of the products in aquaculture;

dd) A copy of the permit for testing or a draft of the testing approved by Directorate of Fisheries.

4. Application for import for study:

Apart from documents prescribed in Point a, Point b, Point c, and Point d Clause 3 of this Article, an original or a certified true copy of the approved draft of shall be additionally required.

5. Application for import for display in trade fairs or exhibitions:

Apart from documents prescribed in Point b, Point d Clause 3 of this Article, the following documents shall be required:

a) An application form for import using the form No.08/TS issued together with this Circular.

b) An original or a certified true copy of Documentary evidence or Certificate of organization or participation in trade fairs or exhibition in Vietnam;

c) A copy of product information provided by the manufacturer, including: names of materials, quality norms and safety, use, instructions for use, labels of products;

d) A plan for products after using to display in trade fairs or exhibitions.

6. Application for import for analysis samples in laboratories

Apart from documents prescribed in Point b Clause 3 of this Article, the following documents shall be additionally required:

a) An application form for import using the form No.09/TS issued together with this Circular.

b) An original or a certified true copy of the Agreement of use of analysis services between a domestic laboratory and laboratory or an enterprise or an agency of country of origin; which the imported products are non-commercial as commitment;

c) A copy of product information provided by the manufacturer, including: names of materials, quality norms and safety, use, instructions for use, labels of products;

The documents in form of originals or certified true copies prescribed in Clause 3, 4, 5 and 6 of this Article may be replaced with the copies (compare with their originals).

7. An import permit using the form No.10/TS issued together with this Circular.

8. Validity of permit: The permit shall be valid for 01 year from the date of issue and it shall be stated in the import permit.

9. Agency in charge: Directorate of Fisheries

a) Receiving body: "Single window" department – Directorate of Fisheries

b) Address: No.10 - Nguyen Cong Hoan - Ba Dinh - Hanoi.

c) Phone number: 043 7245370. Fax: 043 724 5120.

Chapter III

IMPLEMENTATION

Article 36. Implementation

1. This Circular shall come into force from March 29, 2015.

2. This Circular shall replace the Circular No. 88/2011/TT-BNNPTNT dated December 28, 2011 of the Minister of Agriculture and Rural development on guidance on the Government's Decree No. 12/2006/ND-CP dated January 23, 2006, detailing the implementation of the Law on Trade applicable to international goods trade and the activities of agents, trading, processing, and transiting of goods with foreign partners.

The Appendix 6, Appendix 7, Appendix 8 issued together with the Circular No. 66/2011/TT-BNNPTNT the Government's Decree No. 08/2010/ND-CP dated February 05, 2010 on the management of animal feeds shall be annulled.

3. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Agriculture and Rural development for consideration./.

MINISTER

Cao Duc Phat

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