

THE MINISTRY OF FINANCE

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.201/2012/TT-BTC

Hanoi, November 16, 2012

CIRCULAR

**GUIDING TAX POLICY FOR AGRICULTURAL PRODUCTS WHICH HAVE NOT YET PROCESSED,
WITH INVESTMENT SUPPORT OF VIETNAMESE PARTY, PLANTED IN CAMBODIA AND
IMPORTED INTO VIETNAM**

Pursuant to the Law on export and import tax, of June 14, 2005; the Law on Value-added tax of June 03, 2008 and documents guiding implementation thereof;

Pursuant to the Government's Decree No. 118/2008/ND-CP, of November 27, 2008 defining the functions, tasks, powers and organizational structure of the Ministry of Finance;

In furtherance of opinion of the Prime Minister at the official dispatch No. 6576/VPCP-KTTH, of August 24, 2012 of the Office of Government;

At the proposal of director of the Tax Policy Department,

The Minister of Finance promulgates Circular guiding tax policy for agricultural products which have not yet processed, with investment support of Vietnamese party, planted in Cambodia and imported into Vietnam.

Article 1. Subjects of application

1. Agricultural products not yet processed in the list specified in Annex I promulgated together with this Circular supported for investment, planted by Vietnamese enterprises, business households, individuals (in forms as follows: funding capital, directly planting or investing in money, kind) in provinces of Cambodia adjacent to border of Vietnam in the list specified in Annex II promulgated together with this Circular, imported to do as raw materials for goods manufacture in Vietnam will be exempted import tax and not subject to added value tax.

2. Cases of only buying products or investing in provinces of Cambodia not adjacent to border of Vietnam are not subject to apply this Circular.

Article 2. Procedures for import tax exemption

1. Procedures for import tax exemption to enterprises

Vietnamese enterprises importing goods being subjects exempted import tax specified in this Circular must have sufficient dossiers specified as follows:

- a) Official dispatch requesting for import tax exemption of enterprise, in which states specifically quantity, kinds, value of import goods: Submit 01 original;
- b) Written confirmation of investment permission of a competent agency in Cambodia where enterprise invest: Submit 01 copy enclosed 01 translation in Vietnamese with stamp and confirmation of enterprise;
- c) Contract or agreement signed with Cambodian party on investment support, planting and receiving agricultural products, in which clearly states amounts, goods invested in each field and in correlation with quantity, kinds, value of each kind of agricultural product shall be harvested. Upon doing procedures for agricultural products import, enterprise must submit copy and present original of contract or agreement signed with Cambodian party on investment support, planting and receiving agricultural products as above to customs agencies (where unit doing procedures of goods import) for comparison: Submit 01 copy;
- d) Documents relating to investment support, planting agricultural products in provinces of Cambodia adjacent to border of Vietnam (if any).

Based on the dossier above-mentioned, customs agencies (where units imports goods) examine, compare with actual imported goods to handle for import tax exemption for each import batch, and confirm “free duty goods” on declarations of import goods.

2. Procedures for import tax exemption to business households, individuals

The Vietnamese business households, individuals before importing goods subject to be exempted import tax specified in this Circular must register list of import goods exempted tax (in according to Form 01 in Annex III promulgated together with this Circular) at customs sub-departments managing border gates in provinces adjacent to border of Vietnam - Cambodia specified in Annex II promulgated together with this Circular. Upon importing goods, implement fully dossiers specified as follows:

- a) Official dispatch requesting for import tax exemption of business household, or individual, in which states specifically quantity, kinds, value of import goods: Submit 01 original;
- b) The reconciliation monitoring slip (01 copy) for each business household, individual formulated under each year, being issued by customs agencies of border gate (in according to Form 03 specified in Annex V promulgated together with this Circular) under the annually-announced list of business households, individuals invested, planted in provinces of Cambodia adjacent to border of Vietnam of provincial People’s Committees where business households, individuals resident.

Customs agencies (where business households, individuals import goods), based on dossiers above-mentioned and list of business households, individuals supporting investment, planting in provinces of Cambodia adjacent to border of Vietnam being annually announced by provincial People’s Committees where business households, individuals resident, examine, compare with the actual imported goods to handle for import tax exemption for each import batch, and confirm “free duty goods” on declarations of import goods.

Article 3. Handling of violation

In case enterprises, business households, individuals importing goods have been handled for import tax exemption, if detecting goods not subject to be exempted import tax, they will be retrospectively collected and sanctioned as prescribed by law.

Article 4. Implementation provisions

1. This Circular takes effect on December 31, 2012.
2. This Circular replaces Circular No. 61/2006/TT-BTC, of June 29, 2006 and Circular No. 16/2011/TT-BTC, of February 09, 2011 of the Ministry of Finance on amending and supplementing the Circular No. 61/2006/TT-BTC, of June 29, 2006 of the Ministry of Finance guiding tax policy for agricultural products which have not yet processed, planted in Cambodia with investment support of Vietnamese party and imported into Vietnam.
3. People’s Committee of provinces adjacent to border of Vietnam – Cambodia in Annex II promulgated together with this Circular shall announce in writing annual list of business households, individuals investing, planting agricultural products in provinces of Cambodia adjacent to border of Vietnam (according to criteria stated in Form 04 in Annex VI enclosed with this Circular) on website of provincial People’s Committees and send the written announcement to the General Department of Customs, provincial Customs Departments and Customs Sub-Departments managing border gate in provinces adjacent to border of Vietnam- Cambodia specified in Annex II promulgated together with this Circular. If in year there are changes on criteria stated in the written have been announced, it should timely promulgates an adjusting written for conformity.
4. Quarterly, not later than on the 10th of first month of proceeding quarter, Customs Departments in their operation localities having border gates in provinces adjacent to border of Vietnam-Cambodia in Annex II promulgated together with this Circular shall make report including contents such as name of enterprises, business households, individuals, quantity, kinds, value of items exempted tax which have been registered and implemented tax exemption to the General Department of Customs.

5. In the course of implementation, any arising problems should be reported to the Ministry of Finance for consideration and settlement.

**FOR THE MINISTER OF FINANCE
DEPUTY MINISTER**

Vu Thi Mai