

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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DECREE

**PRESCRIBING THE CONTROL OF THE IMPORT, EXPORT AND TRANSIT
THROUGH VIETNAM'S TERRITORY OF NARCOTICS, PRE-SUBSTANCES,
ADDICTIVE DRUGS AND PSYCHOTROPIC MEDICINES**

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;
Pursuant to the December 9, 2000 Law on Drug Prevention and Combat;
At the proposals of the Minister of Public Security, the Minister of Health and the
Minister of Industry,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.-

1. This Decree details and guides the control of activities of importing, exporting and transiting through Vietnam's territory narcotics, pre-substances, addictive drugs and psychotropic medicines.
2. The control of activities of importing, exporting and transiting through Vietnam's territory narcotics, pre-substances, addictive drugs and psychotropic medicines for defense and security purposes shall not be governed by this Decree.

Article 2.- The competent agencies shall, within the scope of their tasks and powers, have to coordinate with one another in tightly controlling activities of importing, exporting and transiting through Vietnam's territory narcotics, pre-substances, addictive drugs and psychotropic medicines.

Article 3.-

1. The Ministry of Public Security shall have to assume the prime responsibility and coordinate with the ministries, ministerial-level agencies and agencies attached to the Government in performing the uniform State management over the control of the import, export and transit through Vietnam's territory of narcotics, pre-substances, addictive drugs and psychotropic medicines, which covers:

a/ Synthesizing and reporting to the Prime Minister the results of control of the import, export and transit through Vietnam's territory of narcotics, pre-substances, addictive drugs and psychotropic medicines;

b/ Guiding the ministries, branches and provincial/municipal People's Committees in formulating and realizing plans on controlling the import, export and transit through Vietnam's territory of narcotics, pre-substances, addictive drugs and psychotropic medicines within the domains and localities under their respective localities.

2. Agencies and organizations carrying out activities of importing, exporting and transiting through Vietnam's territory narcotics, pre-substances, addictive drugs and psychotropic medicines shall have to abide by the provisions of the Law on Drug Prevention and Combat, this Decree and other relevant legal documents; and be subject to the inspection and control by competent agencies as prescribed by law.

Chapter II

CONTROL OF THE IMPORT/EXPORT OF NARCOTICS, PRE-SUBSTANCES, ADDICTIVE DRUGS AND PSYCHOTROPIC MEDICINES

Article 4.- Only the following agencies and organizations are allowed to import and/or export narcotics, pre-substances, addictive drugs and psychotropic medicines (hereinafter referred to as the import/export):

1. Enterprises which are allowed by the Ministry of Health to import and/or export them for medical use, analysis, test and scientific research.
2. Enterprises which are allowed by the Ministry of Industry to import and/or export pre-substances for use in production domains.
3. Units under the People's Police which are designated by the Ministry of Public Security to import and/or export them for use in combating crimes.

Article 5.-

1. The Ministry of Health shall specify the order and procedures for licensing the import/export thereof for medical use, analysis, test and scientific research.
2. The Ministry of Industry shall specify the order and procedures for licensing the import/export of pre-substances for use in the production domains.
3. The Ministry of Public Security shall specify the order and procedures for licensing the import/export thereof for use in combating crimes.

Article 6.-

1. A dossier of application for the import/export thereof includes:

a/ The written import/export permit of the country having the export goods or import goods;

b/ The application for the import/export permits, made according to form uniformly set by the Ministry of Health, the Ministry of Industry and the Ministry of Public Security. The application must cover the following contents: the names and addresses of the importing/exporting organizations; the import/export purposes; the names and addresses of producers, the appellations, quantity and contents of narcotics, pre-substances, addictive drugs or psychotropic medicines to be imported/exported; the means and conditions to ensure transport safety; time and names of the border gates where the import/export goods shall be transported through.

2. If the above-stated documents are made in foreign languages, they must be translated into Vietnamese, with the certification of the lawfulness of the translation.

3. Within 15 working days after receiving the valid applications and dossiers, the Minister of Health, the Minister of Industry and the Minister of Public Security shall decide whether or not to grant import/export permits. The permits must clearly state the names and addresses of organizations allowed to carry out the import/export; the appellations, contents and quantity of narcotics, pre-substances, addictive drugs and psychotropic medicines; the time limits for the import/export; the names of the border-gates where the import/export goods shall be transported through. In cases of refusal to grant permits, they must notify the reasons therefor in writing.

Article 7.- The import/export permits shall be granted for each importation/exportation and be valid within the time limits inscribed therein. For cases where upon the expiry of the time limits inscribed in the permits, the import/export has not yet been carried out, the licensing agencies may extend these permits. The Ministry of Health, the Ministry of Industry and the Ministry of Public Security shall, within the scope of their tasks and powers, guide the implementation of this provision.

Article 8.-

1. The import/export permits shall be addressed to the applying agencies or organizations, the border-gate customs Sub-Departments which carry out customs procedures for the import/export goods, the Ministry of Finance and the Ministry of Public Security for monitoring and management.

2. The Customs Sub-Departments where exist import/export goods shall have to carry out customs procedures and implement the regime of inspection and supervision of import/export goods in strict accordance with law provisions. If detecting that the import/export goods are incompatible with the contents of the permits, the border-gate Customs Sub-Department shall suspend import/export procedures, make records thereon and settle the cases according to their competence, and immediately notify concerned agencies thereof.

Article 9.-

1. The Ministry of Health, the Ministry of Industry and the Ministry of Public Security shall specify subjects and conditions for the delivery, reception, storage and transport of import/export goods for medical use, analysis, test, scientific research, production and combat against crimes.

2. The recipients of import/export goods must have necessary papers, be answerable for the quality, quantity and category of these substances in the course of transportation and fully hand them over to competent persons. The recipients of import/export goods shall have to check and compare the concentration, contents, quantity, quality, bale number and use duration. The deliverers and the recipients shall have to sign and inscribe their full names in the vouchers and dossiers accompanied the import/export goods.

3. In the course of transportation, the import/export goods must be packed and sealed; the packing must be clearly inscribed with the places of import/export, appellations and quantity, and accompanied by dossiers. In all circumstances, trunks, cases and boxes used for packing import/export goods must be accompanied with packing slips, clearly stating

the substances' appellations, concentration, contents (if any), quantity, date of packing and names of packers.

4. Means used for transportation of import/export goods must meet all prescribed conditions so as to create favorable conditions for the customs offices and police offices to perform the control and management thereof when necessary.

5. The Ministry of Health, the Ministry of Industry and the Ministry of Public Security shall, within the ambit of their tasks and powers, guide the implementation of the provisions of this Article.

Article 10.-

1. The importing/exporting agencies and organizations and the Customs Sub-Departments of the border-gates where the import/export goods are transported through shall have to open books according to set forms and compile dossiers to monitor the quantity of imported/exported goods and quantity of goods brought in and out of warehouses according to regulations of the Ministry of Health, the Ministry of Industry, the Ministry of Public Security and the Ministry of Finance. The import/export goods ex-warehousing and warehousing bills must not be inscribed with goods of other categories. The import/export books and vouchers must be kept for a duration prescribed by the Ministry of Health, the Ministry of Industry and the Ministry of Public Security.

2. The importing/exporting agencies and organizations and the Customs Sub-Departments of the border-gates where the import/export goods are transported through shall have to implement the regime of preservation, reporting and statistics prescribed by the Ministry of Health, the Ministry of Industry, the Ministry of Public Security and the Ministry of Finance, and within 10 working days after the import/export is completed, have to report the results to the licensing agencies and the Ministry of Public Security for monitoring. Upon the expiry of the book- and voucher-keeping duration, the units' heads shall have to set up councils for destruction of these books and vouchers and have to make records thereon. In all circumstances, when detecting any mistakes or losses concerning these substances, the importing/exporting agencies and organizations shall have to immediately notify the licensing agencies thereof.

Article 11.- For cases of violating the regulations on control of import/export activities, the Minister of Health, the Minister of Industry and the Minister of Public Security may, depending on the nature and seriousness of the violations, decide to withdraw the import/export permits already granted, suspend the import/export and handle the violators and the import/export goods according to their competence or transfer the cases to competent authorities for handling according to law provisions.

Chapter III

CONTROL OF THE TRANSIT THROUGH VIETNAM'S TERRITORY OF NARCOTICS, PRE-SUBSTANCES, ADDICTIVE DRUGS AND PSYCHOTROPIC MEDICINES

Article 12.- Organizations which need to transport narcotics, pre-substances, addictive drugs and psychotropic medicines in transit through Vietnam's territory (hereinafter referred to as the transit transportation) shall have to send the applications and dossiers applying therefor, enclosed with the permits of the transit goods-exporting and -

importing countries to the Vietnamese Ministry of Public Security for the latter to consider and carry out procedures for permit granting.

Article 13.-

1. A dossier of application for the transit shall include:

a/ The export permits of the exporting country;

b/ The import permits of the importing country;

c/ The transit permits of countries which the import or export goods have been transported through before Vietnam (for cases of transit through many countries);

d/ The application for transit, made according to form set by the Vietnamese Public Security Ministry. The application must cover the following contents:

- The names and addresses of the organizations conducting the transit transportation;

- The time and reasons for the transit;

- The names and addresses of the producers, the appellations, chemical formula, quantity and concentration of narcotics, pre-substances, addictive drugs and psychotropic medicines, enclosed with samples;

- The transport means, itineraries and conditions for transport safety.

2. If the above-stated documents are made in foreign languages, they must be translated into Vietnamese with the certification of the lawfulness of the translation.

3. Within 15 working days as from the date of receiving the valid applications and dossiers, the Minister of Public Security shall have to decide whether or not to grant permit for the transit through Vietnam's territory. The permits must clearly state the names and addresses of organizations licensed to conduct the transit transportation; the appellations, concentration and quantity of narcotics, pre-substances, addictive drugs and psychotropic medicines; the time limits for the transit; and the names of the border-gates where the transit goods shall be transported through. In cases of refusal to grant permits, it must notify the reasons therefor in writing.

Article 14.-

1. The Ministry of Public Security shall specify and guide the operation of units assisting the Minister of Public Security in receiving dossiers and considering the granting and withdrawal of permits for transit through Vietnam's territory.

2. Basing himself/herself on each specific case, the Minister of Public Security shall decide on the time, itineraries and border-gates where the transit goods are allowed to be transported through.

3. A permit for transit through Vietnam's territory shall be valid for a single transit within the time limit inscribed therein. In cases where upon the expiry of the time limit inscribed in the permit, the transit has not yet been carried out, the licensing agency may extend such permit.

Article 15.- Agencies and organizations conducting the transit transportation through Vietnam's territory shall have to carry out the procedures therefor, be subject to the

control of Vietnamese customs agencies and other competent agencies and pay all expenses for the transit according to law provisions.

Article 16.-

1. The permits for the transit through Vietnam's territory shall be sent to applying organizations, the Customs Sub-Departments of the border-gates where the transit goods shall be transported through, the provincial/municipal Public Security Services, the border-guard units and coast-guard units where the transit goods shall be transported through.

2. After receiving the transit permits of the Minister of Public Security, the border-gate Customs Sub-Departments which carry out the transit procedures, the provincial/municipal Public Security Services, the border-guard units and coast-guard units which manage the transit routes shall have to arrange cadres and means to strictly control, ensuring that the transit is carried out strictly according to routes and contents inscribed in the permits. In cases where the transit goods are in large volumes or in necessary cases, the licensing agencies may request the People's Police, border-guard, coast-guard and customs forces to escort the transit goods out of Vietnam's territory.

3. While in transit, the transit goods must be packed and sealed; their packing must be inscribed with the places of export or import, the appellations, quantity, concentration and contents (if any), date of packing, and be accompanied with dossiers.

Article 17.- The Customs Sub-Departments of the border-gates where the transit goods are transported through shall have to carry out all procedures and implement the regime of customs inspection and supervision prescribed by law for transit goods. If the duration for completion of customs procedures is prolonged, the transit goods must be deposited in the customs offices' warehouses as prescribed. In cases where in the course of transportation, the customs seals or the original conditions of the transit goods alter due to incidents, the Customs Sub-Departments of the border-gates where the transit goods are transported out of Vietnam's territory shall suspend the customs procedures, make records thereon and immediately notify the concerned agencies thereof.

Article 18.-

1. The Ministry of Public Security shall assume the prime responsibility and coordinate with the Ministry of Finance, the Ministry of Defense and the concerned agencies in arranging cadres so as to strictly control the transit according to the itineraries inscribed in the permits.

2. When the transit goods are transported out of the geographical areas under their respective management, the concerned agencies and units assigned the tasks of controlling the transit shall have to exchange information with the concerned agencies and units in the localities where the transit goods shall be transported through for the latter to continue controlling them strictly.

Article 19.- For cases of violating the regulations on transit transportation, the Minister of Public Security shall, depending on the nature and seriousness of these violations, decide to withdraw transit permits already granted, handle the violators and transit goods according to his/her competence or transfer the cases to functional agencies for handling according to law provisions.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 20.-

1. Agencies, organizations and individuals that record achievements in controlling the import, export and transit through Vietnam's territory of narcotics, pre-substances, addictive drugs and psychotropic medicines shall be commended and/or rewarded according to law provisions.
2. Agencies, organizations and individuals that violate the provisions of this Decree shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability.

Article 21.- Funding for the control of the import, export and transit through Vietnam's territory of narcotics, pre-substances, addictive drugs and psychotropic medicines shall be apportioned by the State budget within the annual budget estimates of specialized managing agencies.

Article 22.-

1. The Ministry of Trade shall have to review agreements on control of the import, export and transit through Vietnam's territory of narcotics, pre-substances, addictive drugs and psychotropic medicines, already signed with other countries, and propose amendments thereto so as to make them consistent with the Law on Drug Prevention and Combat and this Decree.
2. The Minister of Public Security, the Minister of Health, the Minister of Industry and the Minister of Finance shall, within the scope of their tasks and powers, have to inspect and urge the implementation of this Decree.

Article 23.- This Decree takes effect 15 days after its publication in the Official Gazette. The previous regulations contrary to this Decree are all hereby annulled.

The ministers, the heads of the ministerial-level agencies, the heads of agencies attached to the Government and the presidents of the provincial/municipal People's Committee shall have to implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Phan Van Khai