

LAW
On Foreign Trade Management

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Law on Foreign Trade Management.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law prescribes measures to manage foreign trade and develop foreign trade activities; and settlement of disputes about application of foreign trade management measures.

Article 2. Subjects of application

1. State management agencies.
2. Traders engaged in foreign trade activities.
3. Other related domestic and foreign organizations and individuals.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Foreign trade activities* means activities of international goods purchase and sale which are carried out in the forms of export and import; temporary import for re-export; temporary export for re-import; border-gate transfer; and transit, and other activities related to international goods purchase and sale in accordance with law as well as treaties to which the Socialist Republic of Vietnam is a contracting party.
2. *Technical measures* means measures applied to exports and imports in accordance with the laws on product and goods quality, standards and technical regulations, food safety, and measurement.
3. *Quarantine measures* include measures of quarantine of animals and animal products, quarantine of plants, and border health quarantine as prescribed in the laws on plant protection and quarantine, animal health, and prevention and control of infectious diseases.
4. *Exclusive customs area* means a given geographical area in the Vietnamese territory which is established under Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party. In this area, goods trading and exchange with the outside territory and foreign countries are regarded as export and import activities.
5. *Foreign trader without presence in Vietnam* means a foreign trader that conducts no investment or business activities in Vietnam in the forms prescribed in the investment law, commercial law or law on enterprises, and has no representative office or branch in Vietnam as prescribed in the commercial law or law on enterprises.

Article 4. Principles of state management of foreign trade

1. The State shall manage foreign trade in accordance with Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.
2. Assurance of transparency, publicity, fairness and simplified administrative procedures; guarantee of lawful rights and interests of the State and traders of all economic sectors; promotion of the development of domestic production and export in association with management of import.
3. Full compliance with the principles of most favored nation treatment and national treatment in foreign trade activities in accordance with Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 5. The right to freedom of export and import business

1. The right to freedom of export and import business of Vietnamese traders other than foreign-invested economic organizations is prescribed as follows:

a/ Traders may conduct export and import business and carry out other related activities regardless of their registered business sectors or trades, except the goods on the List of goods banned from export or import and goods suspended from export or import;

b/ When exporting or importing goods under permits or prescribed conditions, traders must satisfy the requirements on permits or conditions;

c/ Branches of Vietnamese traders may carry out foreign trade activities as authorized by these traders.

2. The right to freedom of export and import business of Vietnamese traders that are foreign-invested economic organizations or Vietnam-based branches of foreign traders is prescribed as follows:

a/ Traders may exercise the right to export or the right to import in accordance with this Law and treaties to which the Socialist Republic of Vietnam is a contracting party: The Ministry of Industry and Trade shall announce the List of goods and the roadmap for exercise of the right to export or the right to import these goods in accordance with treaties to which the Socialist Republic of Vietnam is a contracting party;

b/ Traders may exercise the right to export through purchasing goods in Vietnam for export abroad by undersigning exports declarations in order to carry out and take responsibility for export-related procedures. The right to export does not cover the right to organize a network to purchase goods in Vietnam for export;

c/ Traders may exercise the right to import goods from abroad into Vietnam for sale to traders that have the right to distribute such goods in Vietnam by undersigning imports declarations in order to carry out and take responsibility for import-related procedures. The right to import does not cover the right to organize or participate in a network to distribute goods in Vietnam.

3. Foreign traders without presence in Vietnam and other related organizations and individuals of the countries and territories (below collectively referred to as countries) that are members of the World Trade Organization and countries that have concluded bilateral agreements with Vietnam have the right to export and the right to import as prescribed in the Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

4. Exports and imports shall be prescribed and publicized in detail corresponding to their classification on Vietnam's Exports and Imports Classification Nomenclature in accordance with the customs law.

5. The Government shall detail Points b and c, Clause 2, and Clause 3, of this Article.

Article 6. Responsibility for state management of foreign trade

1. The Government shall perform the unified state management of foreign trade.

2. The Ministry of Industry and Trade shall act as the focal point to assist the Government in performing the state management of foreign trade and has the following tasks and powers:

a/ To submit to competent state agencies for approval and promulgation strategies, plans and policies on management and development of foreign trade activities, development of regional and world markets, and economic integration in each period; to decide on the implementation of a number of management measures in accordance with this Law;

b/ To promulgate or submit to competent state agencies for promulgation legal documents on foreign trade management;

c/ To guide, disseminate, organize the implementation of, and examine and evaluate legal documents on and measures of foreign trade management in accordance with law;

- d/ To provide information relating to foreign trade activities and foreign trade management in accordance with the law on access to information;
- dd/ To manage the operation of foreign trade-promotion organizations in Vietnam;
- e/ To provide operational instructions for trade representations under overseas representative missions of the Socialist Republic of Vietnam (below referred to as trade representations);
- g/ To assist the Government and Prime Minister in negotiating, concluding, and coordinating the implementation of, treaties in the field of foreign trade; to conduct negotiations on opening of export markets, deal with barriers to exports within its competence, and conduct general supervision of the implementation of treaties by partners;
- h/ To advise the Government on the settlement of disputes about application of foreign trade management measures;
- i/ To conduct inspection and examination, settle complaints and denunciations, and handle violations of the law on foreign trade management according to its competence;
- k/ To take technical measures within the ambit of its tasks and powers in accordance with law.

3. Within the ambit of their tasks and powers, ministries and ministerial-level agencies have the following responsibilities:

- a/ To assume the prime responsibility for, and coordinate in, negotiating treaties and supervising the implementation of commitments by partners, and deal with barriers to exports within the ambit of their competence; to manage foreign trade and develop foreign trade activities in accordance with law; to report and share information on foreign trade activities and foreign trade management;
- b/ The Ministry of Finance shall assume the prime responsibility for, and coordinate with related agencies in, formulating and submitting to competent authorities for promulgation, and guide and examine the implementation of, legal documents on taxes, charges and fees for exports and imports; coordinate with related ministries, ministerial-level agencies, organizations and individuals in formulating laws and policies concerning foreign trade management in accordance with this Law and other relevant laws; and direct customs offices to conduct examination and supervision and compile statistics of exports and imports in accordance with the customs law;
- c/ The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, organizations and individuals in, proposing, formulating, and organizing the implementation of, animal and plant quarantine and food safety measures and foreign trade development measures within the ambit of their tasks and powers in accordance with law;
- d/ The Ministry of Health shall assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, organizations and individuals in, proposing, formulating, and organizing the implementation of, border health quarantine and food safety measures and foreign trade development measures within the ambit of their tasks and powers in accordance with law;
- dd/ The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, organizations and individuals in, proposing, formulating, and organizing the implementation of, technical measures within the ambit of their tasks and powers in accordance with law.

4. Within the ambit of their tasks and powers, provincial-level administrations have the following responsibilities:

- a/ To perform the state management of foreign trade in their localities in accordance with this Law and as decentralized by the Government, Prime Minister, ministries or ministerial-level agencies;
- b/ To assume the prime responsibility for, and coordinate with related organizations and individuals in, proposing foreign trade development schemes and projects in their localities;
- c/ To direct their attached specialized agencies to conduct inspection and examination and handle violations committed in the state management of foreign trade in their localities;
- d/ To maintain, update, and provide information for, information systems on export and import management and trade promotion;
- dd/ To make or direct their attached specialized agencies to make periodical and extraordinary reports serving the state management of foreign trade in their localities.

Article 7. Prohibited acts in foreign trade management

1. Abusing positions or powers to commit acts against the law on foreign trade management, obstruct lawful export and import business activities, or infringe upon the right to freedom of export or import business of traders prescribed in Article 5 of this Law.
2. Applying foreign trade management measures *ultra vires* or in contravention of the prescribed order and procedures.
3. Illegally disclosing confidential information of traders.
4. Exporting or importing goods banned or suspended from export or import, except in the cases specified in Clause 2, Article 10, and Clause 1, Article 14, of this Law; goods subject to export or import permits or conditions without any permit or fully satisfying the prescribed conditions; goods not through designated border gates; goods without undergoing customs procedures or goods with fraudulent quantity, volume, category or origin declaration upon customs clearance; or goods having no stamp as prescribed by law.
5. Exporting or importing goods in violation of Clauses 2 and 3, Article 5 of this Law.
6. Falsifying or forging papers relating to foreign trade management activities.

Chapter II
ADMINISTRATIVE MEASURES
Section 1
BAN ON EXPORT OR IMPORT, SUSPENSION FROM EXPORT OR IMPORT
Sub-section 1
BAN ON EXPORT OR IMPORT

Article 8. Export or import ban measure

1. Ban on export is a measure whereby a competent state agency decides not to permit the bringing of goods from the inland into an exclusive customs area or out of the Vietnamese territory.
2. Ban on import is a measure whereby a competent state agency decides not to permit the bringing of goods from an exclusive customs area into the inland or from abroad into the Vietnamese territory.

Article 9. Application of the export or import ban measure

1. Export ban shall be imposed when goods fall into one of the following cases:
 - a/ The goods are related to national defense and security and not yet permitted by a competent state agency for export;
 - b/ For the purpose of protection of national relics, antiques or treasures under the law on cultural heritages;
 - c/ As prescribed by a treaty to which the Socialist Republic of Vietnam is a contracting party.
2. Import ban shall be imposed when goods fall into one of the following cases:
 - a/ The goods are related to national defense and security and not yet permitted by a competent state agency for import;
 - b/ The goods are harmful to the health and safety of consumers;
 - c/ The goods adversely affect social order and safety, social morality or fine customs and habits;
 - d/ The goods are harmful to the environment or biodiversity, or are at high risk of carrying harmful organisms, threatening food security, production or export of Vietnam, or infringing upon intellectual property rights;
 - dd/ As prescribed by a treaty to which the Socialist Republic of Vietnam is a contracting party.

Article 10. List of goods banned from export or import

1. The Government shall promulgate the List of goods banned from export or import.
2. The Prime Minister shall decide to permit the export or import of the goods specified in Clause 1 of this Article for special purposes, warranty, analysis, testing, specific research, health care, manufacture of pharmaceuticals or protection of national defense and security.
3. The export or import of goods on the List of goods banned from export or import from or into exclusive customs areas must comply with Section 8 of this Chapter.

Sub-section 2
SUSPENSION FROM EXPORT OR IMPORT

Article 11. Export or import suspension measure

1. Suspension from export is a measure whereby a competent state agency decides not to permit the bringing of goods from the inland into an exclusive customs area or out of the Vietnamese territory for a certain period.
2. Suspension from import is a measure whereby a competent state agency decides not to permit the bringing of goods from an exclusive customs area into the inland or from abroad into the Vietnamese territory for a certain period.

Article 12. Application of the export or import suspension measure

1. Export or import suspension shall be applied when goods fall into one of the following cases:

a/ They are subject to emergency control in foreign trade management as prescribed in Chapter V of this Law;

b/ They fall into the case specified in Article 9 of this Law but are not yet included in the List of goods banned from export or import.

2. The export or import suspension measure shall be abolished when the suspension period expires or the goods no longer fall into the cases referred to in Clause 1 of this Article.

Article 13. Competence to apply the export or import suspension measure

1. The Minister of Industry and Trade shall decide on suspension from export or import after consulting or at the proposal of related ministries and ministerial-level agencies and take responsibility for his/her decision, unless otherwise prescribed by the law on animal health or plant protection and quarantine.

2. The Ministry of Industry and Trade shall notify related international economic organizations and countries according to agreed procedures of its decision on export or import suspension prescribed in Clause 1 of this Article.

Article 14. Exceptions

1. The Minister of Industry and Trade shall decide to permit the export or import of goods against which decisions on export or import suspension have been issued for special purposes, warranty, analysis, testing, specific research, health care, manufacture of pharmaceuticals or protection of national defense and security after consulting or at the proposal of related ministries and ministerial-level agencies, unless otherwise prescribed by the law on animal health or plant protection and quarantine.

2. The export or import of goods against which decisions on export or import suspension have been issued from or into an exclusive customs area must comply with Section 8 of this Chapter.

Section 2

RESTRICTION ON EXPORT OR IMPORT

Sub-section 1

GENERAL PROVISIONS

Article 15. Export or import restriction measure

1. Restriction on export is a measure a competent state agency decides to apply to limit the quantity, volume or value of a certain exported goods, border gates of export, or the right of traders to export the goods.

2. Restriction on import is a measure a competent state agency decides to apply to limit the quantity, volume or value of a certain imported goods, border gates of import, or the right of traders to import the goods.

Article 16. Exceptions

1. The export or import of goods restricted from export or import prescribed in this Section for non-commercial purposes must comply with relevant laws.

2. The export or import of goods restricted from export or import prescribed in this Section from or into an exclusive customs area must comply with Section 8 of this Chapter.

Sub-section 2

EXPORT OR IMPORT QUOTAS

Article 17. Export or import quota measure

1. Export quota is a measure a competent state agency decides to apply to limit the quantity, volume or value of a certain goods exported out of the Vietnamese territory.

2. Import quota is a measure a competent state agency decides to apply to limit the quantity, volume or value of a certain goods imported into the Vietnamese territory.

Article 18. Application of export or import quotas

1. Export or import quota shall be applied when goods fall into one of the following cases:

a/ As prescribed by a treaty to which the Socialist Republic of Vietnam is a contracting party;

b/ For ensuring the macro-balance and economic growth in each period;

c/ When the importing country apply an import quota against Vietnamese exports.

2. The application of export or import quota must ensure publicity and transparency in the quantity, volume and value of the goods concerned; and ensure publicity, transparency and objectivity in the method of allocating export or import quotas.

Article 19. Competence to apply export or import quotas

1. The Minister of Industry and Trade shall assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, other agencies and organizations in, deciding on the application of export or import quotas.

2. The Ministry of Industry and Trade shall announce goods against which export or import quotas are to be applied.

Sub-section 3
TARIFF QUOTAS

Article 20. Export or import tariff quota measure

1. Export tariff quota is a measure applied by a competent state agency to impose a specific tariff rate on the quantity, volume or value of a certain exported goods.

2. Import tariff quota is a measure applied by a competent state agency to impose a tariff rate more preferential than the over-quota tariff rate on the quantity, volume or value of a certain imported goods.

Article 21. Application of export or import tariff quotas

1. Export or import tariff quotas shall be applied under treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Import tariff quotas shall not be applied to the quantity, volume or value of goods used for production and processing of exports.

3. The application of export or import tariff quota must ensure publicity and transparency in the quantity, volume or value of the goods concerned, and ensure publicity, transparency and objectivity in the method of allocating export or import tariff quotas.

Article 22. Competence to apply tariff quotas

1. Ministers and heads of ministerial-level agencies shall decide on tariff quotas for goods under their management.

2. The Ministry of Industry and Trade shall announce the application of tariff quotas and decide on methods of allocating tariff quotas.

Sub-section 4
DESIGNATION OF BORDER GATES OF EXPORT OR IMPORT

Article 23. Measure of designating border gates of export or import

Designating border gates of export or import is a measure applied by a competent state agency to decide on border gates for export or import of a certain goods.

Article 24. Application of the measure of designating border gates of export or import

1. The application of the measure of designating border gates of export or import aims to manage and control the quality of exports or imports, combat illegal transshipment and trade fraud, and protect the prestige of Vietnamese exports as suitable to physical and technical infrastructure conditions of each border gate, and ensure national defense and security.

2. The application of the measure of designating border gates of export or import must ensure publicity, transparency and fairness in and facilitate export and import activities.

3. Traders may choose of their own free will a border gate of export or import among the designated ones.

Article 25. Competence to apply the measure of designating border gates of export or import

1. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with related state management agencies in, deciding on and announcing goods and border gates for their export or import and implementation roadmaps.

2. A decision on application of the measure of designating border gates of export or import shall be publicized in the mass media at least 45 days before it takes effect.

Sub-section 5

DESIGNATION OF EXPORT OR IMPORT TRADERS

Article 26. Measure of designating export or import traders

Designating export or import traders is a measure applied by a competent state agency to decide on export or import traders for certain types of goods.

Article 27. Application of the measure of designating export or import traders

1. The measure of designating export or import traders shall be applied when goods fall into one of the following cases:

a/ As prescribed by a treaty to which the Socialist Republic of Vietnam is a contracting party;

b/ The goods are under state monopoly in commercial activities as prescribed by the commercial law;

c/ The goods are under emergency control in foreign trade management as prescribed in Chapter V of this Law.

2. The application of the measure of designating export or import traders must ensure publicity and transparency; and guarantee the rights and interests of the State and lawful rights and interests of designated traders.

Article 28. Competence to apply the measure of designating export or import traders

1. The Government shall promulgate the List of goods and conditions for designation of export and import traders; and assign ministries and ministerial-level agencies to manage the goods on the List.

2. Ministers and heads of ministerial-level agencies referred to in Clause 1 of this Article shall designate export or import traders for goods under their respective management and examine and inspect these designated traders in foreign trade activities.

Section 3

EXPORT OR IMPORT PERMIT- OR CONDITION-BASED MANAGEMENT

Article 29. Export or import permit- or condition-based management measure

1. Export or import permit-based management (below referred to as permit-based management) is a measure applied by a competent state agency to grant export or import permits to or other forms of equivalent legal validity to traders for exporting or importing goods.

2. Export or import condition-based management (below referred to as condition-based management) is a measure applied by a competent state agency to set conditions on business entity, type, quantity, volume, physical and technical foundations, equipment and geographical area which traders must satisfy for carrying out export or import activities without having to apply for an export or import permit.

Article 30. Application of the permit- or condition-based management measure

1. The condition-based management measure shall be applied only in necessary cases for the reason of ensuring social order and safety, social morality, community well-being, fine customs and habits, or environmental protection.

2. The application of the permit- or condition-based management measure must ensure publicity and transparency and save time and cost for state management agencies and traders.

3. The application of the permit- or condition-based management measure must comply with treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 31. Competence to apply the permit- or condition-based management measure

1. The Government shall promulgate the List of goods subject to export or import permits or conditions; the method and scope of management by ministries and ministerial-level agencies for these goods; and the order and procedures for grant of export or import permits.

2. Ministries and ministerial-level agencies shall publicize the List of goods subject to export or import permits or conditions referred to in Clause 1 of this Article and announce export or import conditions for these goods.

Section 4

CERTIFICATION OF ORIGIN OF GOODS

Article 32. Measure of certifying the origin of goods

1. Documents certifying the origin of goods include:

a/ Certificates of origin in written form or another form of equivalent legal validity, granted by competent agencies or organizations to traders;

b/ Documents on self-certification of origin issued by traders under Clause 2, Article 34 of this Law.

2. The Government shall prescribe in detail the origin of goods and certification of the origin of goods.

Article 33. Application of the measure of certifying the origin of goods

The measure of certifying the origin of goods shall be applied in the following cases:

1. Export or import traders wish to enjoy tariff preferences under treaties to which the Socialist Republic of Vietnam is a contracting party;

2. Certificates of origin are required by law upon export or import of goods;

3. Certificates of origin are granted by a competent state agency at the request of traders or self-certificates of origin are issued by traders themselves for the cases other than those specified in Clauses 1 and 2 of this Article.

Article 34. Competence to apply the measure of certifying the origin of goods

1. The Minister of Industry and Trade shall grant or may authorize other organizations to grant certificates of origin.

2. The Minister of Industry and Trade shall give written approvals for traders to self-certify the origin of exports.

Article 35. Examination of the origin of goods

1. The Ministry of Industry and Trade shall examine, and guide the examination of, the grant of certificates of origin and traders' self-certification of the origin of exports.

2. The Ministry of Finance shall direct customs offices to examine the origin of exports and imports upon customs clearance in accordance with the customs law.

Section 5

CERTIFICATION OF FREE SALE

Article 36. Certificates of free sale

1. Certificate of free sale is a written certification issued by a competent authority of the exporting country to the trader exporting a goods to certify that such goods is permitted for free sale in that country.

2. Certificates of free sale include certificates of specific types or bearing all contents of a certificate of free sale and written certifications with similar contents.

Article 37. Application of the measure of certification of free sale

The measure of certification of free sale shall be applied in the following cases:

1. Certificates of free sale are required by law;
2. It is requested by export or import traders in cases other than those specified in Clause 1 of this Article.

Article 38. Competence to apply the measure of certification of free sale

The Government shall promulgate the List of goods required to have certificates of free sale and prescribe the competence, order and procedures for grant of certificates of free sale.

Section 6

OTHER MEASURES TO MANAGE FOREIGN TRADE ACTIVITIES

Sub-section 1

TEMPORARY IMPORT FOR RE-EXPORT, TEMPORARY EXPORT FOR RE-IMPORT, AND BORDER-GATE TRANSFER

Article 39. Temporary import for re-export business

1. The purchase of goods from a country and their import into the Vietnamese territory or from an exclusive customs area and their bringing into the inland then sale to another country or exclusive customs area by traders is prescribed as follows:

a/ For goods on the List of goods banned from export or import; goods suspended from export or import; goods not yet permitted for circulation or use in Vietnam; or goods subject to management based on export quota, import quota, tariff quota, or export or import permit, traders must possess a temporary import for re-export business license;

b/ For goods subject to conditional temporary import for re-export, traders must satisfy the prescribed conditions;

c/ For goods other than those specified at Points a and b of this Clause and in Article 40 of this Law, traders are only required to carry out procedures at the border-gate customs office.

2. Goods temporarily imported for re-export shall be stored in the Vietnamese territory within a given period only.

3. Goods temporarily imported for re-export must go through customs procedures upon import into the Vietnamese territory and shall be placed under customs inspection and supervision until they are re-exported out of the Vietnamese territory.

4. The sale of goods temporarily imported for re-export in the inland must comply with this Law's provisions on goods import management and other relevant laws.

5. The Government shall detail this Article.

Article 40. Ban on or suspension from temporary import for re-export or border-gate transfer business

1. A ban on temporary import for re-export or border-gate transfer business shall be imposed on:

a/ Goods being hazardous wastes, scraps and garbage;

b/ Goods banned from temporary import for re-export business or border-gate transfer under a treaty to which the Socialist Republic of Vietnam is a contracting party;

c/ Second-hand consumer goods prone to trade fraud;

d/ Goods at high risk of causing environmental pollution or epidemics or affecting human health or life.

2. The Government shall promulgate a detailed List of goods banned from temporary import for re-export or border-gate transfer business.

3. In order to prevent environmental pollution or epidemics, adverse impacts on human health or life, illegal transshipment, or trade fraud risks, the Minister of Industry and Trade shall decide on and publicize goods suspended from temporary import for re-export or border-gate transfer business.

Article 41. Other forms of temporary import for re-export

1. Except the case of temporary import for re-export business specified in Article 39 of this Law, traders may temporarily import into Vietnam goods outside the List of goods banned from export or import; or goods not suspended from export or import under contracts signed with foreign partners for the purpose of warranty, maintenance, lease or borrowing or other purposes for a given period then export these goods out of the Vietnamese territory.

2. Procedures for temporary import for re-export are prescribed as follows:

a/ For goods not yet permitted for circulation or use in Vietnam or goods subject to management based on export quota, import quota, tariff quota, or export or import permit traders must possess a permit for temporary import for re-export;

b/ For goods other than those specified at Point a of this Clause, traders are only required to carry out temporary import for re-export procedures at the customs office.

3. The time limit for temporary import for re-export shall be agreed upon by traders and partners and registered with customs offices where temporary import procedures are carried out.

4. The sale of goods temporarily imported for re-export in the inland must comply with this Law's provisions on goods import management and other relevant laws.

5. The Government shall detail this Article.

Article 42. Temporary export for re-import of goods

1. Traders may temporarily export goods for re-import for the purpose of warranty, maintenance, repair, production, construction, lease, borrowing, display or exhibition or another purpose under contracts signed with foreign partners.

2. Temporary export for re-import procedures are prescribed as follows:

a/ For goods on the List of goods banned from export or import; goods suspended from export or import; or goods subject to management based on export quota, import quota, tariff quota or export or import permit, traders must possess a permit for temporary export for re-import;

b/ For goods other than those specified at Point a of this Clause, traders are only required to carry out temporary export for re-import procedures at the customs office.

3. The time limit for temporary export for re-import shall be agreed upon by traders and partners and registered with customs offices where temporary export procedures are carried out.

4. The overseas sale of goods temporarily exported for re-import must comply with this Law's provisions on goods export management and other relevant laws.

5. The Government shall detail this Article.

Article 43. Border-gate transfer of goods

1. Traders that wish to conduct border-gate transfer business involving goods on the List of goods banned from export or import; goods suspended from export or import; goods not yet permitted for circulation or use in Vietnam; or goods subject to management based on export quota, import quota, tariff quota or export or import permit must obtain a permit for border-gate transfer of goods, unless the goods are transferred not via Vietnamese border gates.

2. Traders are only required to carry out border-gate transfer procedures at border-gate customs offices for the goods other than those specified in Clause 1 of this Article.

3. Goods transferred via Vietnamese border gates shall be placed under customs supervision until they are actually exported out of the Vietnamese territory.

4. The Government shall detail this Article.

Sub-section 2

TRANSIT OF GOODS

Article 44. Permission for transit of goods

1. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with the Ministry of Public Security and Ministry of National Defense in, reporting to the Prime Minister for consideration and permission the transit of goods being weapons, explosive materials, explosives precursors and supporting tools.
2. The Minister of Industry and Trade shall license the transit of goods on the List of goods banned from export or import; goods suspended from export or import; or goods banned from trading as prescribed by law.
3. Goods other than those specified in Clauses 1 and 2 of this Article may be transited through the Vietnamese territory and are only required to go through customs procedures at the first border gate of import and last border gate of export in accordance with the customs law.
4. The Government shall prescribe the order and procedures for licensing the transit of goods referred to in Clauses 1 and 2 of this Article.

Article 45. Principles of management of goods transit activities

1. All goods in transit imported shall be exported.
2. When using the goods transit service, transiting goods by themselves through the Vietnamese territory or hiring foreign traders to transit goods through the Vietnamese territory, foreign organizations or individuals shall comply with the commercial law, treaties to which the Socialist Republic of Vietnam is a contracting party, and Vietnamese laws on exit and entry and transport.
3. Goods transit by air must comply with aviation treaties to which the Socialist Republic of Vietnam is a contracting party.
4. Goods in transit through the Vietnamese territory shall be placed under customs supervision throughout the period they are transited through, enter and leave the Vietnamese territory via the designated border gates.
5. The sale of goods in transit in the inland must comply with this Law's provisions on goods export and import management and other relevant laws.

Article 46. Border gates and routes for goods transit

1. Pursuant to treaties to which the Socialist Republic of Vietnam is a contracting party, the Minister of Transport shall prescribe routes for transportation of goods in transit.
2. Goods may only be transited via international border gates and along routes in the Vietnamese territory referred to in Clause 1 of this Article.
3. In the transit period, any change of routes for goods transportation shall be reported to the Minister of Transport for permission.

Article 47. Transit period

1. The period during which goods are permitted for transit through the Vietnamese territory is 30 days at most from the date of completion of customs procedures at the border gate of import, except cases in which this period is extended; the goods are warehoused in Vietnam or damaged or lost; or vehicles transporting the goods are broken down during the transit.
2. For goods which are warehoused in Vietnam or damaged or lost or when vehicles transporting goods in transit are broken down in the transit period and more time is needed for such storage or repair of breakdowns or remediation of losses, the transit period may be extended as necessary for finishing such work with the approval of the customs office where transit procedures are carried out. For the goods in transit specified in Clauses 1 and 2, Article 44 of this Law, the extension of their transit period is subject to the Minister of Industry and Trade's permission.
3. During the period of storage or repair of breakdowns or remediation of losses specified in Clause 2 of this Article, goods in transit and their vehicles shall still be placed under customs supervision.

Sub-section 3

GOODS PURCHASE AND SALE AGENTS FOR FOREIGN TRADERS

Article 48. Management of activities of goods purchase and sale agents for foreign traders

1. Traders may act as lawful goods purchase and sale agents for foreign traders, except goods on the List of goods banned from export or import or goods suspended from import.

2. Traders that choose to receive agency remuneration in cash shall comply with the law on foreign exchange. If traders choose to receive agency remuneration in goods, such goods must be outside the List of goods banned from export or import or must not be suspended from export or import. If choosing to receive agency remuneration in goods on the List of goods subject to export or import permits, traders shall obtain permission from a competent state agency.

3. Goods purchase and sale agents for foreign traders shall carry out goods export or import procedures and perform tax and other financial obligations in accordance with law.

Article 49. Management of the hiring of foreign traders to act as overseas goods purchase and sale agents

Traders may hire foreign traders to act as overseas goods purchase and sale agents for goods outside the List of goods banned from export or import or goods suspended from export.

Sub-section 4

EXPORT OR IMPORT ENTRUSTMENT AND ENTRUSTMENT UNDERTAKING

Article 50. Management of activities of export or import entrustment and entrustment undertaking

1. Traders may entrust the export or import of goods outside the List of goods banned from export or import or goods not suspended from export or import.

2. For goods subject to export or import permits or conditions, the entrusting party or entrusted party must possess such a permit or satisfy such conditions before signing an entrustment or entrustment undertaking contract, unless otherwise prescribed by law.

3. A party that is not a trader may, based on the lawfully signed contract, entrust the export or import of goods, except goods on the List of goods banned from export or import or goods suspended from export or import.

Sub-section 5

PROCESSING OF GOODS FOR FOREIGN TRADERS AND ORDERING OF OVERSEAS PROCESSING OF GOODS

Article 51. Management of the processing of goods for foreign traders

1. Traders may lawfully process goods for foreign traders, except goods on the List of goods banned from export or import or goods suspended from export or import.

2. For goods subject to export or import permits, traders may only sign processing contracts after obtaining such a permit from the Minister of Industry and Trade according to the order and procedures prescribed by the Government.

3. The Prime Minister may decide to permit traders to process goods on the List of goods banned from export or import or goods suspended from export or import for foreign traders for overseas consumption.

Article 52. Management of the ordering of overseas processing of goods

1. Traders may order the overseas processing of goods that are lawfully circulated.

2. The export of machinery, equipment, materials, auxiliary materials and supplies for processing and the import of processed products must comply with this Law's provisions on export and import management and other relevant laws.

3. Traders shall perform tax obligations when importing processed products for domestic sale in accordance with tax laws.

Section 7

FOREIGN TRADE ACTIVITIES WITH BORDERING COUNTRIES

Article 53. Management of foreign trade activities with bordering countries

1. Foreign trade activities with countries bordering on Vietnam in border areas (below referred to as border trade activities) are subject to special management measures prescribed in:

a/ Regulations on goods, quantity of goods, duty-free limits, places and methods for goods purchase and sale or exchange activities of border residents;

b/ Regulations on goods, place, methods and support for goods purchase and sale or exchange activities of traders already agreed upon under treaties between the Socialist Republic of Vietnam and bordering countries.

2. Principles of management of border trade activities:

a/ The State shall further support and promote the autonomy and self-responsibility of administrations of bordering localities in organizing and managing, border trade activities in order to facilitate the purchase and sale or exchange of goods by traders and border residents;

b/ Persons, vehicles and goods involved in border trade activities are subject to inspection, examination and control by competent state agencies in accordance with law;

c/ Violations of the commercial law and other relevant laws shall be promptly prevented and strictly handled.

3. Border trade activities are subject to some special management policies regarding geographical area, goods, charge, fee and method of payment as prescribed by law.

4. The Government shall detail this Article.

Article 54. Mechanisms for administering border trade activities at mainland border gates

1. Border trade activities shall be carried out via international border gates or main border gates. Border trade activities carried out via other border gates or border crossings must satisfy the prescribed conditions and are subject to supervision and management by competent state agencies under treaties to which the Socialist Republic of Vietnam is a contracting party and relevant laws.

2. Provincial-level People's Committees of bordering localities shall decide on and publicize the List of other border gates and border crossings referred to in Clause 1 of this Article via which border trade activities are permitted to be carried out. In case exported or imported goods are congested at the above border gates or border crossings, provincial-level People's Committees of bordering localities may, based on technical infrastructure conditions in such border gates or border crossings, prioritize the export of fresh and live food or perishable agricultural products or suspend the export or import of goods until the congestion is relieved.

3. The management of the export or import of goods at mainland border gates shall be performed in a uniform and synchronous manner with close coordination among related agencies and simplified administrative procedures.

4. The Government shall detail this Article.

Article 55. Policies on management and development of trade support activities at mainland border gates

1. Ministries, ministerial-level agencies and local administrations shall manage and develop the following trade support activities at mainland border gates:

a/ Support for the performance of administrative procedures under relevant laws;

b/ Support for building trade logistics capacity, covering goods forwarding and transportation, goods processing, packing and packaging and goods handling, interpretation, security and other activities;

c/ Financial and monetary activities including money exchange, deposit and payment;

d/ Support for enhancing accessibility to and entry into markets of bordering countries; counseling, brokerage, purchase and sale agency, export or import entrustment, border-gate transfer, advertising, fair and exhibition;

dd/ Support in terms of technical infrastructure, including roads, electricity, water, border marketplaces, showrooms, storehouses, storing yards, electronic weigh stations, and fire prevention and fighting;

e/ Other trade support activities in border-gate areas as prescribed by law.

2. The Government shall adopt policies to encourage traders of all economic sectors to invest in, develop and organize trade support activities in border-gate areas referred to in Clause 1 of this Article.

Section 8

MANAGEMENT OF GOODS IN EXCLUSIVE CUSTOMS AREAS

Article 56. Application of exports management measures in exclusive customs areas

1. Foreign trade management measures applied goods brought abroad from the inland shall be applied to goods brought abroad from exclusive customs areas.

2. No foreign trade management measures shall be applied to goods brought from the inland into exclusive customs areas.

3. Exports management measures shall be applied only once to exclusive customs areas.

4. The goods referred to in Clause 2 of this Article are subject to customs supervision in accordance with the customs law and other relevant laws.

Article 57. Application of imports management measures to exclusive customs areas

1. Foreign trade management measures applied to goods brought from abroad into the Vietnamese territory shall be applied to goods brought from exclusive customs areas into the inland.

2. No foreign trade management measures, except ban on import, suspension from import and quarantine, shall be applied to goods brought from abroad into exclusive customs areas.

3. Imports management measures shall be applied only once to exclusive customs areas.

4. The goods referred to in Clause 2 of this Article are subject to customs supervision in accordance with the customs law and other relevant laws.

Article 58. Application of measures to manage goods purchase and sale between exclusive customs areas

1. No foreign trade measures shall be applied to goods purchased and sold or transported between exclusive customs areas within the Vietnamese territory.

2. The transportation of goods among exclusive customs areas is subject to customs supervision in accordance with the customs law and other relevant laws.

Article 59. Exceptions

When necessary, in order to prevent trade fraud and illegal transportation, the Prime Minister shall permit the application or non-application of one or more than one foreign trade measure to the goods referred to in Articles 56, 57 and 58 of this Law.

Chapter III

TECHNICAL AND QUARANTINE MEASURES

Section 1

APPLICATION OF TECHNICAL AND QUARANTINE MEASURES

Article 60. Objectives and principles of application of technical and quarantine measures

1. The application of technical and quarantine measures aims to meet quality requirements; protect safety and human health; protect animals, plants, the environment and biodiversity; prevent and control the spread of epidemics and infectious diseases; and ensure national security and interests.

2. The application of technical and quarantine measures must adhere to the following principles:

a/ Ensuring publicity, transparency, non-discrimination, and avoidance of unnecessary barriers to foreign trade activities, especially to exports;

b/ Applying risk management methods when conditions permit so as to meet management requirements and conform with treaties to which the Socialist Republic of Vietnam is a contracting party;

c/ Complying with other principles as prescribed by the laws on product and goods quality, standards and technical regulations, food safety, measurement, plant protection and quarantine, animal health, and prevention and control of infectious diseases.

Article 61. Application of technical measures to exports and imports

1. Exports and imports must be goods having their applicable standards declared and affixed with labels in accordance with law.

2. Imports on the List of likely unsafe goods and products are subject to management measures under relevant technical regulations as well as to management measures prescribed by the laws on product and goods quality and standards and technical regulations.

3. Imports being processed or pre-packed food; food additives; food processing aids; or food packaging tools and materials used as food containers for which technical regulations have been issued must comply with Clause 2 of this Article.

4. Imports being processed or packed food; food additives; food processing aids; or food packaging tools and materials used as food containers for which technical regulations have not yet been issued must be those which have been declared to conform with food safety regulations and have their regulation conformity declarations registered with competent state agencies.

5. Exports or imports being functional food, micronutrient-fortified food, genetically modified food, or irradiated food must have certificates of free sale or health certificates as prescribed by law.

6. Imports being measurement equipment used to quantify goods and services in purchase and sale, payment, safety assurance, protection of community well-being or environmental protection or in inspection, examination, judicial assessment and other public-service activities shall be controlled in accordance with the law on measurement.

7. The order and procedures for application of technical measures to exports and imports must comply with the laws on product and goods quality, standards and technical regulations, food safety, and measurement.

Article 62. Application of quarantine measures to animals and animal products

1. Goods being animals or animal products subject to quarantine before being exported, imported, temporarily imported for re-export, temporarily exported for re-import, transferred from/to border gates, consigned into bonded warehouses, or transited via the Vietnamese territory shall be quarantined in accordance with the law on animal health.

2. The contents, order and procedures for quarantine of animals or animal products before being exported, imported, temporarily imported for re-export, temporarily exported for re-import, transferred from/to border gates, consigned into bonded warehouses, or transited via the Vietnamese territory must comply with the law on animal health.

Article 63. Application of plant quarantine measures

1. Goods being objects subject to plant quarantine before being exported, imported, temporarily imported for re-export, temporarily exported for re-import, transferred from/to border gates, consigned into bonded warehouses, or transited via the

Vietnamese territory shall be quarantined in accordance with the law on plant protection and quarantine.

2. Goods being plant varieties outside the List of plant varieties permitted for production and trading in Vietnam or useful organisms used in plant protection in Vietnam shall be quarantined after being imported in isolated areas for plant quarantine.

3. The contents, order and procedures for quarantine of plants exported, imported, temporarily imported for re-export, temporarily exported for re-import, transferred from/to border gates, consigned into bonded warehouses, or transited via the Vietnamese territory must comply with the law on plant protection and quarantine.

Article 64. Application of border health quarantine measures

1. Goods subject to border health quarantine before being exported, imported or transited via the Vietnamese territory shall be quarantined in accordance with the law on prevention and control of infectious diseases.

2. The contents, order and procedures for border health quarantine must comply with the law on prevention and control of infectious diseases.

Section 2

APPLICATION OF THE EXAMINATION MEASURE TO EXPORTS AND IMPORTS

Article 65. Exports and imports subject to examination

1. Exports and imports subject to examination include:

a/ Goods subject to technical or quarantine measures referred to in Articles 61, 62, 63 and 64 of this Law;

b/ Goods with the latent possibility of being unsafe or goods likely to be unsafe as warned by international, regional or foreign organizations;

c/ Goods detected by competent agencies to be unsatisfactory and subject to stricter examination in accordance with law.

2. The goods referred to in Clause 1 of this Article shall be examined according to the principles prescribed in Clause 2, Article 60 of this Law and by agencies or organizations designated by competent state agencies.

3. Ministers and heads of ministerial-level agencies shall, within the ambit of their tasks and powers, promulgate the List of goods subject to examination referred to in Clause 1 of this Article.

Article 66. Examining agencies or organizations

1. Ministries, ministerial-level agencies or provincial-level People's Committees shall organize examination in the fields and geographical areas as assigned or decentralized under law.

2. Ministries, ministerial-level agencies or provincial-level People's Committees defined in Clause 1 of this Article shall publicize names and addresses of agencies or organizations in charge of specialized examination in the fields and geographical areas under their management.

3. The order and procedures for examination shall be announced in a public and transparent manner by examining agencies or organizations.

Chapter IV

TRADE REMEDIES

Section 1

GENERAL PROVISIONS

Article 67. Trade remedies

1. Trade remedies include anti-dumping, countervailing and safeguard measures which the Minister of Industry and Trade decides to apply to imports into Vietnam on a case-by-case basis.

2. The Government shall prescribe in detail methods of determining injury to a domestic industry; combat of the shirking of trade remedies; grounds for launching,

and the order, procedures, time limit, contents, and grounds for termination of, investigations of trade remedy cases (below referred to as investigation); application and review of trade remedies; identification of subsidies and countervailing measures; responsibilities of related agencies to coordinate with one another in the investigation process; and handling of trade remedies applied against Vietnamese exports.

3. The Minister of Industry and Trade shall prescribe in detail related parties in investigation cases, the provision, collection and confidentiality of information and documents; spoken and written languages used in the investigation process; management of the import of goods under investigation for application of trade remedies; and cases of exemption from trade remedies.

Article 68. Principles of application of trade remedies

1. Trade remedies shall be applied within a scope or to an extent as necessary and reasonable and within a given period with a view to protecting, preventing, or limiting injury to, a domestic industry.

2. Trade remedies shall only be applied after an investigation has been conducted in a transparent, fair and lawful manner, and based on the investigation conclusions.

3. Decisions on investigation and application of trade remedies shall be publicly announced.

4. If the official duty rate of a trade remedy is higher than the provisional one, the duty difference shall not be collected.

5. If the official duty rate of a trade remedy is lower than the provisional one, the duty difference shall be refunded.

6. In case the Minister of Industry and Trade decides not to apply an official trade remedy, the collected provisional duty or the amount deposited to secure payment of provisional duty shall be refunded.

Article 69. Injury to a domestic industry

1. A domestic industry means a group of manufacturers of similar goods within the Vietnamese territory or their representatives that manufacture goods making up a major percentage in the total output of domestically manufactured goods of such industry. A domestic manufacturer that directly imports goods under investigation or has relations with exporters or importers of goods under investigation might not be considered a domestic manufacturer.

Similar goods are goods that have all properties resembling those of the goods under investigation. If such goods are not available, similar goods are goods that have many basic properties resembling those of the goods under investigation.

2. Injury to a domestic industry shall be determined as follows:

a/ Material injury to a domestic industry is a situation in which a domestic industry experiences a material decline or retarded growth in its production and business;

b/ Threat of material injury to a domestic industry is an immediate, clear and provable possibility of causing material injury to a domestic industry;

c/ Impediment to the formation of a domestic industry is a situation that leads to difficulties to the formation of a domestic industry;

d/ Serious injury to a domestic industry is a situation in which a domestic industry experiences an overall decline in its production and business activities;

dd/ Threat of serious injury to a domestic industry is an immediate, clear and provable possibility of causing serious injury to a domestic industry.

Article 70. Order and procedures for investigation of trade remedy cases

1. Organizations or individuals representing a domestic industry may submit a dossier of request for application of trade remedies if seeing that goods are dumped or subsidized upon import or are excessively imported, thus causing injury to that domestic industry.

2. Within 45 days from the date of issuance of a notice of a valid dossier, based on the proposal of the trade remedy investigation body (below referred to as the investigation body), the Minister of Industry and Trade shall issue a decision to launch or not to launch an investigation. In special cases, this time limit may be extended once for no more than 30 days.

3. The time limit for investigation is prescribed as follows:

a/ An investigation for application of anti-dumping or countervailing measures may last up to 12 months from the date of issuance of an investigation decision. In special cases, the Minister of Industry and Trade may extend this time limit, provided the total investigation period must not exceed 18 months;

b/ An investigation for application of safeguard measures will last up to 9 months from the date of issuance of an investigation decision. In special cases, the Minister of Industry and Trade may extend this time limit, provided the total investigation period must not exceed 12 months.

4. Consultation in the investigation process is prescribed as follows:

a/ Related parties in an investigation case are entitled to present in writing information and opinions relating to such case to the investigation body;

b/ The investigation body shall provide consultation opportunities for related parties when receiving the latter's written request under Point a of this Clause;

c/ Before announcing its final conclusion, the investigation body may hold a public consultation for related parties to present information and opinions relating to the investigation case.

5. The notification responsibility is prescribed as follows:

a/ Within 15 days from the date the Minister of Industry and Trade issues a decision to launch an anti-dumping or countervailing investigation, the investigation body shall notify the investigation to the government of the country of the related manufacturer/exporter and other related parties;

b/ The investigation body shall publicly announce its initial investigation conclusion, final investigation conclusion, approval of commitments and termination of investigation to related parties in an investigation case;

c/ The investigation body shall perform other notification obligations under treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 71. Termination of investigation of trade remedy cases

The Minister of Industry and Trade shall decide to terminate investigation in the following cases:

1. An organization or individual that submits a dossier of request for application of trade remedies voluntarily withdraws such dossier;

2. The investigation body's initial conclusion states that no injury is caused or no threat of injury is affected to a domestic industry or there is no impediment to the formation of a domestic industry;

3. The investigation body's final conclusion states one of the following contents:

a/ The imported goods under investigation are neither dumped nor subsidized or such goods are not excessively imported;

b/ No injury is caused to a domestic industry as prescribed in Clause 2, Article 69 of this Law;

c/ There is no causal relationship between the import of goods which are claimed to be dumped or subsidized or excessively imported and the extent of injury or threat of injury to a domestic industry or the impediment to the formation of a domestic industry;

4. The investigation body has reached agreement with the competent authority of the country having the goods claimed to be subsidized upon import into the Vietnamese territory on removal of the subsidy.

Article 72. Combat of the shirking of trade remedies

1. Shirking a trade remedy means an act aiming to shirk part or the whole of the obligation to comply with a trade remedy currently in force with regard to the goods subject to this remedy upon import into the Vietnamese territory.
2. A trade remedy currently in force may be expanded in case the investigation body identifies an act of shirking a trade remedy.
3. The investigation body may launch an investigation against an act of shirking a trade remedy at the request of the representative of a domestic industry or based on information it has acquired.
4. Based on the investigation body's conclusion, the Minister of Industry and Trade shall issue a decision to apply measures to combat the shirking of trade remedies for investigated goods or their components imported from related countries.

Article 73. The investigation body

1. The investigation body shall be formed by the Government as part of the organizational structure of the Ministry of Industry and Trade.
2. The investigation body has the following tasks and powers:
 - a/ To receive dossiers of request for investigation for application of trade remedies and notify whether or not they are valid or request their supplementation;
 - b/ To propose the Minister of Industry and Trade to issue a decision to launch or not to launch an investigation for application of trade remedies;
 - c/ To organize investigations for application of trade remedies and against acts of shirking trade remedies;
 - d/ To propose the Minister of Industry and Trade to issue a decision to apply trade remedies; to apply measures to combat the shirking of trade remedies; to change trade remedies based on investigation conclusions or review conclusions;
 - dd/ To review trade remedies;
 - e/ To propose the Minister of Industry and Trade to terminate investigation or terminate the application of trade remedies;
 - g/ To assume the prime responsibility for participating in the settlement of disputes at bilateral and multilateral mechanisms in the investigation for application of trade remedies against imports into Vietnam and Vietnamese exports;
 - h/ To assume the prime responsibility for assisting and responding to cases in which Vietnamese exports are investigated for application of trade remedies;
 - i/ To assume the prime responsibility for working out plans on, and negotiating compensations in cases of investigation for application of safeguard measures against imports into the Vietnamese territory;
 - k/ To inspect and examine the implementation of trade remedies by organizations and individuals involved in the investigation and application of trade remedies;
 - l/ Other tasks and powers as prescribed by law.
3. The head of the investigation body shall be appointed, relieved from office or dismissed by the Minister of Industry and Trade and shall direct this body to perform the tasks and exercise the powers defined in Clause 2 of this Article.
4. The Minister of Industry and Trade shall define the tasks, powers and organizational structure of the investigation body.

Article 74. Related parties in investigation cases

1. Related parties in an investigation case include:
 - a/ Overseas organizations and individuals that manufacture and export goods under investigation into the Vietnamese territory;
 - b/ Organizations and individuals that import goods under investigation;
 - c/ Foreign associations with a majority of their members being organizations and individuals that manufacture and export goods under investigation;

- d/ The government and competent authorities of the country that exports goods under investigation;
- dd/ Organizations or individuals that submit a dossier of request for application of trade remedies;
- e/ Domestic organizations or individuals that manufacture similar goods;
- g/ Domestic associations with a majority of their members being organizations or members that manufacture similar goods;
- h/ Other organizations and individuals that have lawful rights and interests related to the investigation case or can assist in the investigation process or representative organizations that protect consumer interests.

2. Organizations and individuals shall register with and obtain approval from the investigation body in order to become related parties in an investigation case.

3. Related parties in an investigation case may have access to information and documents provided by other related parties to the investigation body, except information and documents prescribed in Clause 2, Article 75 of this Law.

Article 75. Provision and collection of information and documents and confidentiality in the investigation of trade remedy cases

1. Related parties in an investigation case shall provide necessary information and documents at the request of the investigation body.

2. In the investigation process, the investigation body and persons entitled to access information and documents relating to the investigation case shall keep such information and documents confidential at the request of information and document providers.

3. When necessary, the investigation body may solicit an expert assessment or examine and verify the authenticity of information and documents provided by related parties or collect additional information and documents necessary for the settlement of a trade remedy case. The investigation body may conduct on-site investigations, including overseas investigations.

4. In case the to-be-investigated party does not allow the investigation body to access or refuses to provide information and documents that are important to the investigation, the investigation body may use information and documents provided by related parties or collected by itself or available information and documents to make investigation conclusions.

Article 76. Handling of cases in which Vietnamese exports are investigated for application of or applied with trade remedies

1. In case a Vietnamese trader is investigated for application or applied with a trade remedy by the importing country, the Ministry of Industry and Trade shall, at the proposal of the related line association and trader, assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies and competent state management agencies in, carrying out within the ambit of their respective tasks and powers the following activities to assist the trader:

a/ Providing information relating to the case;

b/ Exchanging information with the importing country that is conducting an investigation or applying a trade remedy against Vietnamese exports;

c/ Initiating a lawsuit against the importing country when detecting a violation of the relevant treaty to which the Socialist Republic of Vietnam is a contracting party;

dd/ Carrying out other support activities in accordance with law.

2. In case a Vietnamese trader is investigated for application of countervailing measures by the importing country, the Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies and provincial-level People's Committees in, working out a plan for

coordination with the foreign investigation body in accordance with the relevant treaty to which the Socialist Republic of Vietnam is a contracting party.

3. In case a Vietnamese trader is investigated for application of safeguard measures by the importing country, the Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, organizations and individuals in, working out a plan on claim for compensation or retaliation in accordance with the relevant treaty to which the Socialist Republic of Vietnam is a contracting party.

Section 2

ANTI-DUMPING AGAINST IMPORTS INTO VIETNAM

Article 77. Anti-dumping measures

1. Anti-dumping measures against goods imported into Vietnam (below referred to as anti-dumping measures) are measures which are applied in case the imported goods are identified as being dumped into Vietnam, causing material injury or threatening to cause material injury to a domestic industry or impeding the formation of a domestic industry.

2. Goods shall be identified as being dumped when they are imported into Vietnam at prices lower than the comparable normal prices of similar goods sold in the exporting country or in a third country under normal trade conditions or at prices determined by the investigation body by the self-calculation method.

3. Anti-dumping measures include:

a/ Imposition of anti-dumping duties;

b/ Commitment on measures to eliminate dumping by the organization or individual manufacturing and exporting the goods requested to be applied with anti-dumping measures with the Vietnamese investigation body or with domestic manufacturers when so approved by the investigation body.

Article 78. Conditions for application of anti-dumping measures

1. Anti-dumping measures shall be applied to imports when the following conditions are fully met:

a/ Imports into Vietnam are dumped with a specified dumping margin, except the case referred to in Clause 2 of this Article;

b/ A domestic industry suffers material injury or is threatened to suffer material injury or its formation is impeded;

c/ There exists a causal relationship between the import of dumped goods prescribed at Point a of this Clause and the injury caused to a domestic industry referred to at Point b of this Clause.

2. No anti-dumping measures shall be applied to imports with a dumping margin not exceeding 2% of their export prices to Vietnam.

3. If the volume or quantity of imports originating from a country does not exceed 3% of the total volume or quantity of similar imports into Vietnam and the aggregate volume or quantity of goods originating from countries that satisfy the above condition does not exceed 7% of the total volume or quantity of similar imports into Vietnam, these countries will be excluded from the scope of application of anti-dumping measures.

Article 79. Grounds for launching investigations for application of anti-dumping measures

1. An investigation for application of anti-dumping measures shall be launched when organizations or individuals representing a domestic industry submit a dossier of request for application of these measures.

2. Organizations or individuals that submit a dossier of request for application of anti-dumping measures shall be regarded as representing a domestic industry when all the following conditions are fully met:

a/ The total volume or quantity of similar goods manufactured by the domestic manufacturers that submit the dossier and domestic manufacturers that support the request for application of anti-dumping measures is larger than the total volume or quantity of similar goods manufactured by the domestic manufacturers that oppose such request;

b/ The total volume or quantity of similar goods manufactured by the domestic manufacturers that submit the dossier and domestic manufacturers that support the request for application of anti-dumping measures accounts for at least 25% of the total volume or quantity of similar goods manufactured by the domestic industry concerned.

3. The Minister of Industry and Trade shall decide to launch an investigation when having conspicuous evidence that the import of dumped goods causes material injury or threatens to cause material injury to a domestic industry or impedes the formation of a domestic industry.

Article 80. Contents of investigation for application of anti-dumping measures

1. Determination of dumped imports into Vietnam and dumping margin covers:

a/ Determination of normal prices;

b/ Determination of export prices;

c/ Fair comparison between normal prices and export prices and determination of the specific dumping margin of the to-be-investigated goods for every organization or individual manufacturing and exporting these goods (below referred to as manufacturer/exporter).

2. Identification of material injury or threat of causing material injury to a domestic industry or identification of the impediment to the formation of a domestic industry.

3. Determination of the causal relationship between the import of the dumped goods and material injury or threat of causing material injury to a domestic industry or the impediment to the formation of a domestic industry.

4. Identification of socio-economic impacts of anti-dumping measures.

Article 81. Application of anti-dumping measures

1. The application of provisional anti-dumping duties shall be decided by the Minister of Industry and Trade based on the initial conclusion of the investigation body. Provisional anti-dumping duty rates must not exceed the dumping margin stated in the initial conclusion.

The time limit for imposition of provisional anti-dumping duties is 120 days from the effective date of the decision on imposition of provisional anti-dumping duties. At the request of exporters of similar goods into Vietnam, the Minister of Industry and Trade may extend this time limit for not more than 60 days.

2. The application of the measure of commitment is prescribed as follows:

a/ After the initial conclusion is made and before the investigation finishes, the manufacturer/exporter of the investigated goods may make a commitment with the investigation body that it/he/she will voluntarily adjust the selling prices or limit the volume or quantity of the investigated goods exported to Vietnam;

b/ The investigation body may accept or reject the commitment or request adjustment of the commitment after consulting organizations or individuals representing the domestic industry concerned.

3. The imposition of anti-dumping duties is prescribed as follows:

a/ If no commitment is made under Clause 2 of this Article, after finishing the investigation, the investigation body shall announce its final conclusion on the investigation contents specified in Article 80 of this Law. The investigation body's final conclusion and major grounds for making such conclusion shall be notified via an appropriate means to related parties in the investigation case;

b/ Based on the investigation body's final conclusion, the Minister of Industry and Trade shall issue a decision to impose or not to impose anti-dumping duties;
c/ Anti-dumping duty rates must not exceed the dumping margin stated in the final conclusion;

d/ The time limit for imposition of anti-dumping duties is 5 years from the effective date of the decision on imposition of anti-dumping duties, except the case of extension specified in Clause 2, Article 82 of this Law.

4. The imposition of retrospective anti-dumping duties is prescribed as follows:

a/ In case the investigation body's final conclusion affirms that there is material injury or a threat of causing material injury to a domestic industry, the Minister of Industry and Trade may decide to impose retrospective anti-dumping duties;

b/ Retrospective anti-dumping duties shall be imposed on goods imported within 90 days before the imposition of provisional anti-dumping duties if the imports are concluded as being dumped; the volume or quantity of dumped imports into Vietnam sees an unusual increase in the period from the time of commencement of the investigation to the time of imposition of provisional anti-dumping duties, causing hardly remediable injury to a domestic industry.

Article 82. Review of the application of anti-dumping measures

1. A review at the request of related parties in an investigation case is prescribed as follows:

a/ After 1 year from the date of issuance of a decision on application of anti-dumping measures, the Minister of Industry and Trade may decide to review the application of these measures at the request of one or more than one related party in the investigated case and after considering the evidence provided by the requester;

b/ The performance of review-related procedures must not impede the application of anti-dumping measures currently in force;

c/ The time limit for a review prescribed in this Clause is 6 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

2. Sunset review is prescribed as follows:

a/ One year before the expiration of the time limit for application of anti-dumping measures, the Minister of Industry and Trade shall issue a decision to conduct sunset review of such application;

b/ The review aims to assess the necessity, reasonability and socio-economic impacts of the continued application of anti-dumping measures;

c/ Based on the investigation body's review result, the Minister of Industry and Trade shall issue a decision to extend or not to extend the time limit for application of anti-dumping measures;

d/ The time limit for sunset review is 9 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

3. Review for foreign manufacturers/exporters that export goods under investigation to the Vietnamese territory after the initial phase of investigation (below referred to as new exporters) is prescribed as follows:

a/ A new exporter may submit a dossier requesting the investigation body to conduct a review and determine a separate anti-dumping duty rate;

b/ Based on the investigation body's review result, the Minister of Industry and Trade shall issue a decision to apply a separate anti-dumping duty rate to the reviewed new exporter;

c/ The time limit for review for a new exporter is 3 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

4. Review of the range of goods subject to anti-dumping measures is prescribed as follows:

a/ Related parties in an investigation case may request the investigation body to review the range of goods subject to anti-dumping measures;

b/ A dossier of request for review must include evidence and information proving that the application of anti-dumping measures to all the goods is inappropriate;

c/ Based on the investigation body's review conclusion, the Minister of Industry and Trade shall decide to adjust the range of goods subject to anti-dumping measures;

d/ The time limit for review of the range of goods subject to anti-dumping measures is 6 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

Section 3

COUNTERVAILING AGAINST IMPORTS INTO VIETNAM

Article 83. Countervailing measures

1. Countervailing measures against imports into Vietnam (below referred to as countervailing measures) are measures which are applied in case subsidized imports into Vietnam cause material injury or threaten to cause material injury to a domestic industry or impede the formation of a domestic industry.

2. Countervailing measures include:

a/ Imposition of countervailing duties;

b/ Commitment made by an organization or individual or the government of the manufacturing/exporting country with a competent Vietnamese state agency on voluntary termination of subsidies, reduction of subsidy levels, or commitment to adjust export prices;

c/ Other countervailing measures.

Article 84. Subsidies

Subsidy means a contribution made in the following forms by the government or any public organization of the country having imports into Vietnam which brings benefits to the subsidy-receiving organization or individual:

1. The Government actually transfers funds directly to the organization or individual or directly undertakes indebtedness for the latter;

2. The Government ignores or does not collect the amounts which the organization or individual is obliged to pay to the Government;

3. The Government provides the organization or individual with assets, goods or services other than common infrastructure facilities;

4. The Government purchases assets, goods or services from the organization or individual at prices higher than market prices;

5. The Government sells assets, goods or services to the organization or individual at prices lower than market prices;

6. The Government contributes funds to a financing facility; entrusts, assigns or directs and requests a private organization to perform one or more than one activity specified in Clauses 1 thru 5 of this Article which normally belongs to its functions and is actually not different from its routine activities;

7. Any form of support in terms of income or price;

8. Any other form of subsidy other than those referred to in Clauses 1 thru 7 of this Article, which has been determined on the principles of fairness, reasonability, and non-violation of treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 85. Subsidies likely to be subject to countervailing measures

The following subsidies are likely to be subject to countervailing measures, unless otherwise provided by treaties to which the Socialist Republic of Vietnam is a contracting party:

1. Subsidies based on export results;
2. Subsidies aiming to prioritize the use of home-made goods over imports;
3. Subsidies referred to in Article 84 of this Law which nullify or affect the interests which Vietnam is directly or indirectly entitled to under treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 86. Conditions for application of countervailing measures

1. Countervailing measures shall be applied to imports when all the following conditions are fully satisfied:
 - a/ The goods are identified as being subsidized under Articles 84 and 85 of this Law with specific subsidy levels, except the case specified in Clause 2 of this Article;
 - b/ A domestic industry suffers material injury or is threatened to suffer material injury or its formation is impeded;
 - c/ There exists a causal relationship between the import of subsidized goods specified at Point a of this Clause and the injury caused to a domestic industry referred to at Point b of this Clause.
2. Countervailing measures shall not be applied to manufacturers/exporters in developed countries that have a subsidy not exceeding 1% of the price of exports to Vietnam, manufacturers/exporters in developing countries that have a subsidy not exceeding 2% of the price of exports to Vietnam, and manufacturers/exporters in underdeveloped countries that have a subsidy not exceeding 3% of the price of exports to Vietnam.
3. In case the volume or quantity of imports originating from a developing country does not exceed 4% of the total volume or quantity of similar imports into Vietnam and the aggregate volume or quantity of goods originating from developing countries that satisfy the above condition does not exceed 9% of the total volume or quantity of similar imports into Vietnam, these countries will be excluded from the scope of application of countervailing measures.

Article 87. Grounds for launching investigations for application of countervailing measures

1. An investigation for application of countervailing measures shall be launched when organizations or individuals representing a domestic industry submits a dossier of request for application of these measures.
2. Organizations or individuals that submit a dossier of request for application of countervailing measures shall be regarded as representing a domestic industry when all the following conditions are fully satisfied:
 - a/ The total volume or quantity of similar goods of the domestic manufacturers that submit the dossier and domestic manufacturers that support the request for application of countervailing measures is larger than the total volume or quantity of similar goods of the domestic manufacturers that oppose such request;
 - b/ The total volume or quantity of similar goods of the domestic manufacturers that submit the dossier and domestic manufacturers that support the request for application of countervailing measures accounts for at least 25% of the total volume or quantity of similar goods manufactured by the domestic industry concerned.
3. The Minister of Industry and Trade shall decide to launch an investigation when having conspicuous evidence that the import of subsidized goods causes material injury or threatens to cause material injury to a domestic industry or impedes the formation of a domestic industry.

Article 88. Contents of investigation for application of countervailing measures

1. Determination of subsidized imports into Vietnam and subsidy levels covers:
 - a/ Determination of the value of subsidies;
 - b/ Determination of export prices;
 - c/ Determination of specific subsidy levels for each foreign manufacturer/exporter.

2. Identification of material injury or the threat of material injury to a domestic industry or identification of the impediment to the formation of a domestic industry covers:
 - a/ Determination of the volume or quantity of subsidized imports and their impacts on the prices of similar goods in the domestic market;
 - b/ Identification of impacts of subsidized imports on a domestic industry.
3. Determination of the causal relationship between the import of subsidized goods and the material injury or threat of material injury to a domestic industry or impediment to the formation of a domestic industry.
4. Identification of socio-economic impacts of countervailing measures.

Article 89. Application of countervailing measures

1. The imposition of provisional countervailing duties shall be decided by the Minister of Industry and Trade based on the initial conclusion of the investigation body. Provisional countervailing duty rates must not exceed the subsidy levels stated in the initial conclusion.

The time limit for imposition of provisional countervailing duties is 120 days from the effective date of the decision on imposition of provisional countervailing duties. The Minister of Industry and Trade may extend such time limit for not more than 60 days.

2. The application of commitment measures is prescribed as follows:

a/ After the initial conclusion is made and before the investigation finishes, the manufacturer/exporter of investigated goods or the government of the subsidy-providing country may make a commitment with the investigation body that he/she/it will voluntarily terminate the provision of subsidies, reduce subsidy levels, adjust export prices or apply other appropriate measures;

b/ The investigation body may accept or reject the commitment or request adjustment of the commitment after consulting organizations or individuals representing the domestic industry concerned.

3. The imposition of countervailing duties is prescribed as follows:

a/ If no commitment is made under Clause 2 of this Article, after finishing the investigation, the investigation body shall announce its final conclusion on the investigation contents specified in Article 80 of this Law. The investigation body's final conclusion and major grounds for making such conclusion shall be notified via an appropriate means to related parties;

b/ Based on the investigation body's final conclusion, the Minister of Industry and Trade shall issue a decision to impose or not to impose countervailing duties;

c/ Countervailing duty rates must not exceed the subsidy levels stated in the final conclusion;

d/ The time limit for imposition of countervailing duties is 5 years from the effective date of the decision on imposition of countervailing duties, except the case of extension specified in Clause 2, Article 90 of this Law.

4. The imposition of retrospective countervailing duties is prescribed as follows:

a/ In case the investigation body's final conclusion identifies material injury or a threat of material injury to a domestic industry, the Minister of Industry and Trade may decide to impose retrospective countervailing duties;

b/ Retrospective countervailing duties shall be imposed on goods imported within 90 days before the imposition of provisional countervailing duties if these goods are concluded as being subsidized; the volume or quantity of subsidized imports into Vietnam sees an unusual increase in the period from the time of commencement of the investigation to the time of imposition of provisional countervailing duties, causing hardly remediable injury to a domestic industry.

5. The application of other countervailing measures must comply with treaties to which the Socialist Republic of Vietnam is a contracting party or principles of international law.

Article 90. Review of the application of countervailing measures

1. The review at the request of related parties in an investigation case is prescribed as follows:

a/ After 1 year from the date of issuance of a decision on application of countervailing measures, the Minister of Industry and Trade may decide to review the application of these measures at the request of one or more than one related party in the investigation case and after considering the evidence provided by the requester;

b/ The performance of review-related procedures must not impede the application of countervailing measures currently in force;

c/ The time limit for a review prescribed in this Clause is 6 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

2. Sunset review is prescribed as follows:

a/ One year before the expiration of the time limit for application of countervailing measures, the Minister of Industry and Trade shall issue a decision to conduct sunset review of such application;

b/ The review aims to assess the necessity, reasonability and socio-economic impacts of the continued application of countervailing measures;

c/ Based on the investigation body's review result, the Minister of Industry and Trade shall issue a decision to extend or not to extend the time limit for application of countervailing measures;

d/ The time limit for sunset review is 9 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

3. Review for new exporters is prescribed as follows:

a/ A new exporter may submit a dossier requesting the investigation body to conduct a review and determine a separate countervailing duty rate;

b/ Based on the investigation body's review result, the Minister of Industry and Trade shall issue a decision to apply a separate countervailing duty rate to the reviewed new exporter;

c/ The time limit for a review for the new exporter is 3 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

4. Review of the range of goods subject to countervailing measures is prescribed as follows:

a/ Related parties in an investigation case may request the investigation body to review the range of goods subject to countervailing measures;

b/ A dossier of request for review must include evidence and information proving that the application of countervailing measures to all the goods is inappropriate;

c/ Based on the investigation body's review conclusion, the Minister of Industry and Trade shall decide to adjust the range of goods subject to countervailing measures;

d/ The time limit for a review of the range of goods subject to countervailing measures is 6 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

5. Changed-circumstance review is prescribed as follows:

a/ At any time after the official countervailing duties take effect, if one or more than one related party in an investigation case sees a new circumstance causing a material change in the subsidy levels for goods subject to official countervailing duties, leading to no subsidies or negligible subsidies, or no longer causing material injury or a threat of material injury to a domestic industry, or no longer causing an impediment to the formation of a domestic industry, such party may request the investigation body to conduct a changed-circumstance review;

- b/ A dossier of request for review must include evidence and information proving that the application of countervailing measures is no longer appropriate as a result of a changed circumstance;
- c/ Based on the investigation body's review conclusion, the Minister of Industry and Trade shall decide to adjust or terminate countervailing measures;
- d/ The time limit for a changed-circumstance review is 9 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

Section 4

SAFEGUARDS IN THE IMPORT OF FOREIGN GOODS INTO VIETNAM

Article 91. Safeguard measures

1. Safeguard measures in the import of foreign goods into Vietnam (below referred to as safeguard measures) are measures which are applied against goods that are excessively imported into Vietnam, causing serious injury or threatening to cause serious injury to a domestic industry.
2. Safeguard measures include:
 - a/ Imposition of safeguard duties;
 - b/ Application of import quotas;
 - c/ Application of tariff quotas;
 - d/ Grant of import permits;
 - dd/ Other safeguard measures.

Article 92. Conditions for application of safeguard measures

1. Safeguard measures may only be applied to imports when all the following conditions are fully satisfied:
 - a/ The goods are excessively imported with their volume or quantity seeing an absolute or relative increase over the volume or quantity of similar goods manufactured domestically;
 - b/ A domestic industry suffers serious injury or a threat of serious injury;
 - c/ The increase in the volume or quantity of imports referred to at Point a of this Clause is the main cause of the serious injury or threat of serious injury to a domestic industry.
2. In case the volume or quantity of imports originating from a developing country does not exceed 3% of the total volume or quantity of similar goods imported into Vietnam and the aggregate volume or quantity of goods originating from developing countries that satisfy the above condition does not exceed 9% of the total volume or quantity of similar goods imported into Vietnam, these countries will be excluded from the scope of application of safeguard measures.

Article 93. Grounds for launching investigations for application of safeguard measures

1. An investigation for application of safeguard measures shall be launched when domestic manufacturers of similar goods or directly competitive goods which can possibly be accepted by buyers to replace goods subject to safeguard measures for their price advantages and use purpose submit a dossier of request for application of these measures.
2. The dossier contains clear evidence that the goods excessively imported into Vietnam cause serious injury or threaten to cause serious injury to a domestic industry.
3. The Minister of Industry and Trade shall decide to launch an investigation when having clear evidence that the goods excessively imported into Vietnam cause serious injury or threaten to cause serious injury to a domestic industry.

Article 94. Contents of investigation for application of safeguard measures

1. Determination of goods excessively imported into Vietnam and increase levels of imports.
2. Identification of serious injury or the threat of serious injury to a domestic industry.
3. Determination of the causal relationship between the excessive import of goods as prescribed in Clause 1 of this Article and the injury to a domestic industry as prescribed in Clause 2 of this Article.

Article 95. Application of safeguard measures

1. The imposition of provisional safeguard measures shall be decided by the Minister of Industry and Trade based on the initial conclusion of the investigation body before finishing the investigation, if it is deemed that delayed implementation of safeguard measures might cause serious injury or threaten to cause serious injury to a domestic industry and such injury is hardly remediable.

The time limit for application of provisional safeguard measures is 200 days from the effective date of the decision on application of provisional safeguard measures.

2. The application of official safeguard measures is prescribed as follows:

a/ After finishing the investigation, the investigation body shall announce its final conclusion on the investigation contents prescribed in Article 94 of this Law. The investigation body's final conclusion and major grounds for making such conclusion shall be notified via an appropriate means to related parties;

b/ Based on the investigation body's final conclusion, the Minister of Industry and Trade shall issue a decision to apply or not to apply official safeguard measures;

c/ The time limit for application of safeguard measures, including the period of application of provisional safeguard measures, is 4 years, except the case of extension specified in Clause 2, Article 96 of this Law;

d/ The total period for application of safeguard measures, including the period of application of provisional safeguard measures and official safeguard measures and extended period, is 10 years.

Article 96. Review of the application of safeguard measures

1. Interim review is prescribed as follows:

a/ In case the time limit for application of safeguard measures exceeds 3 years, the investigation body shall review safeguard measures before the expiration of half of this time limit for making a conclusion on the continuation, termination or reduction of safeguard measures;

b/ Based on the investigation body's review result, the Minister of Industry and Trade shall issue a decision on the continuation, termination or reduction of safeguard measures;

c/ The time limit for an interim review of the application of safeguard measures is 6 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

2. Sunset review is prescribed as follows:

a/ Before the expiration of the time limit for application of safeguard measures, domestic manufacturers of similar goods or directly competitive goods that wish to have this time limit extended shall submit a dossier of request for extension of the time limit for application of safeguard measures. Such dossier must contain evidence showing that the domestic industry concerned has taken necessary adjustment measures to raise the competitiveness and that the termination of safeguard measures might cause serious injury or threaten to cause serious injury to the domestic industry concerned;

b/ The investigation body may conduct sunset review either at the request for extension of the time limit for application of safeguard measures prescribed at Point a of this Clause or on its own discretion;

c/ Based on the investigation body's review result, the Minister of Industry and Trade shall issue a decision to terminate, or extend the time limit for, application of safeguard measures;

d/ The extent of application of safeguard measures in the extended period must not be higher than that during the previous time limit for application of safeguard measures;

dd/ The time limit for a sunset review is 6 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 6 months.

3. Review of the range of goods subject to safeguard measures is prescribed as follows:

a/ Importers of goods subject to safeguard measures may request the investigation body to review the range of goods subject to safeguard measures;

b/ A dossier of request for review must include evidence and information proving that the application of safeguard measures to all the goods is inappropriate;

c/ Based on the investigation body's review conclusion, the Minister of Industry and Trade shall decide to adjust the range of goods subject to safeguard measures;

d/ The time limit for a review of the range of goods subject to safeguard measures is 6 months from the date of issuance of the review decision and, when necessary, may be extended once for not more than 3 months.

Article 97. Re-application of safeguard measures

1. Safeguard measures already applied to a certain type of goods may be re-applied to such goods as follows:

a/ If safeguard measures have been applied for 4 years or more, including the extended period (if any), they may be re-applied only after a period at least equal to half of the previous application period;

b/ If safeguard measures have been applied for between over 180 days and under 4 years, including the extended period (if any), they may be re-applied only after at least 2 years from the date of termination of these measures;

c/ If safeguard measures have been applied for 180 days or fewer, they may be re-applied only after at least 1 year from the date of commencement of application of such measures provided that these measures have not been applied for more than twice over 5 years before the effective date of re-applied measures.

2. The order and procedures for investigation for re-application of safeguard measures are the same as those for investigation for application of safeguard measures.

Article 98. Compensation

1. Compensation for injury due to the application of safeguard measures and compensation levels must comply with Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Compensation for injury and compensation levels shall be determined based on results of consultation among related parties.

3. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with related ministries and ministerial-level agencies in, working out a compensation plan, and submit it to the Prime Minister for approval before consulting the party that suffers injury due to application of safeguard measures.

Article 99. Special safeguards

1. Special safeguard is a safeguard measure which the Minister of Industry and Trade decides to apply in case there is an excessive increase in imports into Vietnam as a result of tax reduction according to a roadmap under the relevant treaty to which the Socialist Republic of Vietnam is a contracting party.

2. Special safeguard measures may only be applied to goods originating from specified countries in conformity with treaties to which the Socialist Republic of Vietnam is a contracting party.
3. Investigation for application of special safeguard measures must comply with treaties to which the Socialist Republic of Vietnam is a contracting party.

Chapter V

EMERGENCY CONTROL MEASURES IN FOREIGN TRADE ACTIVITIES

Article 100. Cases of application of emergency control measures to goods

1. Goods from a country, territory or geographical area where a war breaks out or armed conflicts are likely to occur or which is involved in a war or conflict, thus directly or indirectly affecting the national security or interests of Vietnam.
2. Goods from a country, territory or geographical area hit by a natural disaster, an epidemic or environmental incident on which competent Vietnamese agencies have acquired public information or they can prove that such goods pose a serious threat to consumer health.
3. Goods from a country, territory or a geographical area which are affected by technical incidents, mistakes or errors on which competent Vietnamese agencies have acquired public information or they can prove that such goods directly and seriously affect consumer safety and health.
4. Goods from a country, territory or geographical area which seriously affect the environment, ecology or biodiversity of Vietnam on which competent Vietnamese agencies have acquired public information or have scientific grounds to prove such effect.
5. Serious payment imbalance.
6. Other extremely serious cases as prescribed by law.

Article 101. Principles of application of emergency control measures

1. Emergency control measures may only be applied in the cases referred to in Article 100 of this Law.
2. Competent state management agencies shall decide on the application of appropriate administrative measures in accordance with Chapter II of this Law.
3. Competent state management agencies that wish to apply emergency control measures shall assess and choose measures which are least obstructive to foreign trade activities.
4. Emergency control measures shall be removed when the cases referred to in Article 100 of this Law no longer exist or through negotiation.

Article 102. Consultation in case of application of emergency control measures

1. Before or after an emergency control measure is applied or removed, a competent agency applying this measure shall consult trade partners directly affected by this measure in conformity with the relevant treaty to which the Socialist Republic of Vietnam is a contracting party.
2. Related ministers and heads of ministerial-level agencies shall promulgate detailed regulations on consultation in case of application of emergency control measures.

Chapter VI

MEASURES TO DEVELOP FOREIGN TRADE ACTIVITIES

Article 103. General policies on development of foreign trade activities

1. The State shall adopt policies to develop foreign trade activities with the following measures:
 - a/ Credit activities prescribed by the Government in conformity with treaties to which the Socialist Republic of Vietnam is a contracting party;
 - b/ Trade promotion activities aiming to promote foreign trade activities, such as support for the building, protection, development and advertising to foreign markets of brands of domestic products; establishment of trade promotion information

systems and provision of trade promotion information; and trade exchanges among traders for boosting effective export and import activities to serve domestic production or export processing;

c/ Other measures to expand export and import markets.

2. All domestic and foreign business agencies, organizations and individuals may participate in developing foreign trade activities in accordance with law.

3. Measures to develop foreign trade activities must comply with orientations set out in the Prime Minister-issued socio-economic development strategy and foreign trade strategy in each period.

4. Measures to develop foreign trade activities shall be implemented effectively in combination with measures to promote investment and tourism.

Article 104. Special policies on development of foreign trade activities

1. The State shall adopt policies on development of foreign trade activities for home-made products with competitive edge, technological products and necessary input materials for domestic production.

2. The State shall adopt policies to encourage small- and medium-sized enterprises and enterprises in mountainous, border, island, deep-lying, remote and ethnic minority areas and areas with difficult or extremely difficult socio-economic conditions to participate in foreign trade activities.

3. The Government shall detail this Article.

Article 105. Development of foreign trade activities via trade promotion

1. Trade promotion policies in support of foreign trade activities shall be implemented through:

a/ Domestic trade-promotion agencies and organizations;

b/ Overseas trade-promotion organizations;

c/ Vietnam-based foreign trade-promotion organizations;

d/ Overseas representative missions of the Socialist Republic of Vietnam and trade representations.

2. Foreign trade development activities via trade promotion include:

a/ Formulating and implementing national-level programs and activities on trade promotion; building and developing national brands on products and goods as decided by the Prime Minister in order to develop foreign trade activities as suitable to socio-economic development conditions in each period;

b/ Designing and implementing market development activities; building and advertising brands of local products and goods by local administrations in order to develop foreign trade activities as suitable to socio-economic development conditions in each period;

c/ Carrying out activities of trade connection and participation in distribution systems in foreign countries and Vietnam;

d/ Supporting the development and operation of trade and logistics infrastructure facilities serving foreign trade activities;

dd/ Supporting research and development and quality improvement of products and goods;

e/ Training traders to build their capacity in trade promotion and market development activities;

g/ Other activities as prescribed by law.

3. Associations, socio-professional organizations and economic organizations that establish or participate in overseas trade-promotion organizations shall comply with Vietnamese law and laws of host countries.

4. Based on export growth targets decided by the National Assembly in each period, competent state agencies shall allocate funds for trade promotion activities of agencies, organizations and traders in accordance with the law on the state budget.

5. The Government shall detail this Article.

Article 106. Development of foreign trade activities through trade promotion activities of Vietnam-based foreign trade-promotion organizations

1. Foreign trade-promotion organizations and other organizations (below collectively referred to as foreign trade-promotion organizations) may establish their representative offices in Vietnam for carrying out activities related to trade promotion and development of foreign trade activities.

2. A foreign trade-promotion organization may establish its representative offices in Vietnam when satisfying the following conditions:

a/ Being an organization established in accordance with the law of its country;

b/ Having a charter and operation purposes conformable with Vietnamese law or the relevant treaty to which the Socialist Republic of Vietnam is a contracting party.

3. The Government shall promulgate specific regulations on the establishment and management of representative offices of Vietnam-based foreign trade-promotion organizations.

Article 107. Development of foreign trade activities through trade representations

1. Trade representations shall be organized in countries where there is demand for development of foreign trade activities and have the functions of serving the development of Vietnam's foreign trade activities in accordance with law, and assisting in the protection of economic and commercial interests of the country and Vietnamese traders in foreign trade activities.

2. The organization and operation of trade representations must comply with the law on overseas representative missions of the Socialist Republic of Vietnam.

Chapter VII

SETTLEMENT OF DISPUTES ABOUT APPLICATION OF FOREIGN TRADE MANAGEMENT MEASURES

Article 108. Principles of participation by state management agencies in the settlement of disputes about application of foreign trade management measures

1. To only participate in the settlement of disputes about application of foreign trade management measures related to the relations between the Vietnamese and foreign governments under treaties to which the Socialist Republic of Vietnam is a contracting party.

2. To ensure that the rights and interests of Vietnam are promptly and reasonably protected among disputing parties.

3. Disputes over foreign trade between Vietnamese and foreign traders shall be settled by themselves as agreed upon in accordance with Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 109. State management agencies participating in the settlement of disputes about application of foreign trade management measures

1. The Government is the state management agency participating in the settlement of disputes about application of foreign trade management measures. It shall assign ministries or ministerial-level agencies to participate in the settlement of disputes about application of foreign trade management measures.

2. The Ministry of Industry and Trade shall act as the focal point to assist the Government in participating in the settlement of disputes about application of foreign trade management measures.

Article 110. Order and procedures for settlement of disputes in lawsuits initiated by foreign governments

1. When a foreign government initiates a lawsuit against the Vietnamese Government under a treaty to which the Socialist Republic of Vietnam is a contracting party about foreign trade management measures promulgated by the Vietnamese State, the Ministry of Industry and Trade shall act as the focal point and coordinate with other

related ministries, ministerial-level agencies, other agencies and organizations in working out a plan for dispute settlement and submit it to the Prime Minister for approval.

2. Related ministries, ministerial-level agencies, other agencies and organizations shall perform the assigned tasks under the approved dispute settlement plan.

3. The Government shall prescribe in detail the order and procedures for and coordination in the settlement of disputes in lawsuits initiated by foreign governments.

Article 111. Order and procedures for settlement of disputes in lawsuits initiated by the Vietnamese Government

1. When detecting that foreign trade management measures applied by foreign partners affect the rights and interests of Vietnam, or at the proposal of traders or business associations, the Government shall decide to initiate a lawsuit about such measures in accordance with this Law and treaties to which the Socialist Republic of Vietnam is a contracting party.

2. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with related ministries, ministerial-level agencies, other agencies and organizations in, working out plans for dispute settlement and submit them to the Prime Minister for approval.

3. Related ministries, ministerial-level agencies, other agencies and organizations shall perform the assigned tasks under approved dispute settlement plans.

4. The Government shall prescribe in detail the order and procedures for and coordination in the settlement of disputes initiated by the Vietnamese Government.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 112. Effect

1. This Law takes effect on January 1, 2018.

2. Except the cases specified in Article 113 of this Law, the following ordinances will cease to be effective on the effective date of this Law:

a/ Ordinance No. 42/2002/PL-UBTVQH10 on Safeguards in the Import of Foreign Goods into Vietnam;

b/ Ordinance No. 20/2004/PL-UBTVQH11 on Anti-dumping of Imports into Vietnam;

c/ Ordinance No. 22/2004/PL-UBTVQH11 on Measures against Subsidized Imports into Vietnam.

3. To annul Clause 3, Article 28; Clause 3, Article 29; Clause 3, Article 30; and Articles 31, 33, 242, 243, 244, 245, 246 and 247, of Commercial Law No. 36/2005/QH11.

Article 113. Transitional provision

From the effective date of this Law, trade remedy cases of which competent state agencies receive complaint or investigation dossiers before the effective date of this Law will continue to be considered and settled in accordance with Ordinance No. 42/2002/PL-UBTVQH10 on Safeguards in the Import of Foreign Goods into Vietnam, Ordinance No. 20/2004/PL-UBTVQH11 on Anti-dumping of Imports into Vietnam, and Ordinance No. 22/2004/PL-UBTVQH11 on Measures against Subsidized Imports into Vietnam.

This Law was passed on June 12, 2017, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 3rd session.-

*Chairwoman of the National
Assembly*
NGUYEN THI KIM NGAN

