

THE MINISTRY OF INDUSTRY AND TRADE**CIRCULAR No. 08/2008/TT-BCT OF JUNE 18, 2008, GUIDING THE EXPORT OF MINERALS**

Pursuant to the Government's Decree No. 189/2007/ND-CP of December 27, 2007, defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

Pursuant to the Government's Decree No. 12/2006/ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding international goods trading and goods trading agency, processing and transit with foreign parties;

Pursuant to the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding the implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals;

The Ministry of Industry and Trade guides the export of minerals as follows:

I. OBJECTS OF APPLICATION

Minerals specified in this Circular are solid minerals, including metal minerals, non-metal minerals and industrial minerals.

Petroleum oil, natural gas, natural hydrate, mineral water, natural thermal water, minerals used as construction materials and minerals used as raw materials for cement production are not governed by this Circular.

II. INTERPRETATION OF TERMS

In this Circular, the terms below are construed

as follows:

1. *VILAS standards* are standards set by the Vietnam Laboratory Accreditation Scheme. Laboratories meeting VILAS standards are those having the quality management system under ISO/IEC 17025, equivalent to TCVN ISO/IEC 17025:2001. VILAS certificates shall be granted by the Bureau of Accreditation under the Directorate for Standards and Quality.

2. *State agencies competent to grant mineral mining or processing licenses* include the Ministry of Industry (before November 11, 2002), the Ministry of Natural Resources and Environment (from November 11, 2002), or People's Committees of provinces or centrally run cities (below referred to as provincial-level People's Committees).

3. *Processing* means a process of removing impurities and increasing the content of useful mineral element(s) in crude minerals in order to acquire mineral products with specifications, standards and content meeting the requirements of the subsequent deep processing (refined ores); or a process of processing crude minerals or refined ores (not yet into metal products, alloys or chemical compounds) to meet specifications and use requirements through the application of one or more of the following methods:

- Hand sorting.
- Washing; grinding-sieving for classification based on granule size.
- Gravity sorting; magnetic sorting; electrical sorting; chemical sorting.
- Other mechanical or thermological methods (such as removing rim rock, sawing- cutting, breaking-grinding, drying, agglomerating, caking, etc.)

II. PROVISIONS ON THE EXPORT OF MINERALS

1. Domestically mined minerals may be exported only if they simultaneously satisfy the following requirements:

a/ Being extracted from mines or mine spots not planned for domestic deep processing as specified in Appendix 1 to this Circular.

b/ Having been processed up to quality standards and meeting the conditions specified in Appendix 2 to this Circular. The quality standards of minerals for which a certain percentage of metal is required must be certified by laboratories meeting VILAS standards.

Minerals listed in column 2 of Appendix 1 and Appendix 2 which are extracted from mines or mine spots not listed in column 3 of Appendix 1 and meet the standards and conditions specified in Appendix 2 may be freely exported.

2. Only enterprises may export minerals. Mineral exporters are enterprises set up under law, fully meeting the conditions specified in the Commercial Law regarding goods import, export, processing and trading agency with foreign parties, and satisfying one of the following conditions:

a/ Having valid mineral mining licenses or mineral salvage extraction licenses, granted by competent state agencies.

b/ Having valid mineral processing licenses and contracts on the purchase of minerals for processing, signed with organizations or individuals possessing licenses specified at Point a of this Clause.

c/ Having contracts on the purchase of minerals for export, enclosed with copies of value-added invoices, or contracts on the entrusted export of minerals, signed with organizations or individuals

possessing licenses specified at Points a and b of this Clause.

d/ Having adequate valid documents on the purchase (or auction) of minerals confiscated and sold by competent state agencies.

3. In case of importing minerals for processing and export, exporters must have adequate valid documents proving that exported minerals originate from the import.

4. The export of minerals by temporary import for re-export or processing for foreign traders must comply with the Government's Decree No. 12/2006/ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding international goods trading and goods trading agency, processing and transit with foreign parties.

5. The export of pit coal must comply with the Industry and Trade Ministry's Circular No. 05/2007/TT-BCT of October 22, 2007, guiding the export of coal.

IV. REPORTING ON THE EXPORT OF MINERALS

1. Mineral exporters shall report the results of export of minerals and be held responsible for the accuracy and truthfulness of reported data and information.

2. A report on the export of minerals has the following details:

a/ Kinds, volumes and export turnover of minerals.

b/ The origin of exported minerals; the observance of regulations on the export of minerals.

3. Reporting on the export of minerals is specified as follows:

a/ Reports on the export of minerals shall be

made biannually and annually. Biannual period is counted from January 1 to June 30 of the year of reporting. Annual period is counted from January 1 to the end of December 31 of the year of reporting.

b/ Mineral exporters shall, apart from observing the reporting requirements specified at Point a of this Clause, make extraordinary reports on the export of minerals upon request of concerned state management agencies to meet management requirements.

4. The time limit for sending a report on the export of minerals is stipulated as follows:

a/ Reports made by mineral exporters under Clause 2 of this Section must be sent within 5 (five) days after the reporting time limit specified at Point a, Clause 3 of this Section to provincial-level People's Committees of localities where minerals are exported.

b/ Provincial-level People's Committees shall direct functional agencies to make reports reviewing the export of minerals under their management and to send them to the Ministry of Industry and Trade within 15 (fifteen) days after the reporting time limit specified at Point a, Clause 3 of this Section.

V. HANDLING OF VIOLATIONS

1. All acts of violating the provisions on the export of minerals specified in this Circular shall, depending on their severity, be sanctioned under the Government's Decree No. 06/2008/ND-CP of January 16, 2008, on the sanctioning of administrative violations in commercial activities, and relevant legal documents.

Exporters of minerals of illegal origin shall be sanctioned under Item 3, Clause 4, Article 1 of the Government's Decree No. 77/2007/ND-

CP of July 29, 2007, amending and supplementing a number of articles of the Government's Decree No. 150/ND-CP of July 29, 2004, on the sanctioning of administrative violations in the mineral domain.

2. State cadres and civil servants who abuse their positions or powers to violate the provisions of this Circular shall, depending on the severity and acts of violations, be disciplined, administratively handled or examined for penal liability according to law.

VI. ORGANIZATION OF IMPLEMENTATION

1. This Circular takes effect 15 days after its publication in "CONG BAO" and replaces Circular No. 02/2006/TT-BCN of April 14, 2006, of the Ministry of Industry (now the Ministry of Industry and Trade), guiding the export of minerals, Circular No. 09/2006/TT-BCN of November 28, 2006, of the Ministry of Industry (now the Ministry of Industry and Trade), amending and supplementing the list, quality standards of, and conditions for exported minerals attached to Circular No. 02/2006/TT-BCN of April 14, 2006, of the Ministry of Industry (now the Ministry of Industry and Trade), guiding the export of minerals.

2. The export of minerals used as construction materials and minerals used as raw materials for cement production must comply with a guiding circular of the Ministry of Construction. Pending the issuance of this circular, the export of minerals used as construction materials and minerals used as raw materials for cement production provisionally continues to comply with Circular No. 02/2006/TT-BCN of April 14, 2006, of the Ministry of Industry (now the Ministry of Industry

and Trade), guiding the export of minerals.

3. For processed minerals which, for objective reasons, are not up to the quality standards specified in Appendix 2 to this Circular, or exported minerals which are not yet specified in Appendix 2, mineral exporters shall report them to provincial-level People's Committees for inspection and certification and request the Ministry of Industry and Trade to provide guidance.

4. Based on the actual situation of mineral mining and processing and the domestic demand for mineral use, the Ministry of Industry and Trade shall consider and adjust and/or supplement Appendices 1 and 2, when necessary.

5. When detecting violations of the provisions on the export of minerals, provincial-level People's Committees of localities where minerals are exported shall direct functional agencies to inspect, rectify and handle them in time.

6. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with concerned ministries, branches and localities in, regularly inspecting the observance of provisions on the export of minerals in this Circular and relevant provisions of law.

7. Valid mineral export contracts signed before the effective date of this Circular may continue to be performed through September 30, 2008.

8. In the course of implementing this Circular, exporters or concerned organizations and individuals shall report in writing arising problems to the Ministry of Industry and Trade for consideration and settlement.

For the Minister of Industry and Trade

Vice Minister

LE DUONG QUANG

Appendix 1

LIST OF MINES PLANNED FOR DOMESTIC DEEP PROCESSING

(Attached to the Industry and Trade Ministry's Circular No. 08/2008/TT-BCT
of June 18, 2008)

No.	Minerals	Names of mines or localities with mines
1	Titanium ore - Refined ilmenite ore (mineral sand and base) - Refined rutile ore - Refined monazite ore - Refined zirconium powder - <i>Recombined ilmenite</i> - Titanium slag	Mines and mine spots in Thai Nguyen, Thanh Hoa, Nghe An, Ha Tinh, Quang Binh, Quang Tri, Thua Thien Hue, Quang Nam, Quang Ngai, Binh Dinh, Phu Yen, Khanh Hoa, Binh Thuan, Ninh Thuan and Ba Ria-Vung Tau provinces
2	Lead-zinc - Refined lead sulfide ore - Refined zinc sulfide ore - Zinc oxide powder	Mines and mine spots in Cao Bang, Bac Kan, Ha Giang, Tuyen Quang, Thai Nguyen, Nghe An and Ha Tinh provinces
3	Copper ore - Refined copper ore	Mines and mine spots in Lao Cai, Cao Bang, Yen Bai, Hoa Binh, Dien Bien, Lai Chau, Son La, Bac Giang and Quang Nam provinces
4	Iron ore - Refined iron ore	Mines and mine spots in Lao Cai (including also refined magnetite ore from copper mines), Yen Bai, Phu Tho, Ha Giang, Tuyen Quang, Cao Bang, Bac Kan, Thai Nguyen, Thanh Hoa, Ha Tinh, Quang Binh, Quang Ngai and Gia Lai provinces
5	Manganese ore - Refined ore	Mines and mine spots in Cao Bang, Bac Kan, Thai Nguyen, Ha Giang, Tuyen Quang and Ha Tinh provinces
6	Bauxite ore - Refined ore	Mines and mine spots in southern Vietnam, and Cao Bang and Lang Son provinces
7	Chromite ore - Refined ore	Mines and mine spots in Thanh Hoa province

8	Wolframite ore - Refined ore	Mines and mine spots in Lao Cai, Cao Bang, Tuyen Quang, Thai Nguyen, Thanh Hoa, Nghe An, Kon Tum and Lam Dong provinces
9	Mica ore - Refined ore	
10	Fluorite ore - Refined ore	
11	White limestone - In clods In powder	
12	Barite ore - Refined barite ore - Barite powder	Mines and mine spots in Lai Chau, Cao Bang, Lang Son, Bac Giang, Tuyen Quang, Thanh Hoa and Nghe An provinces
13	Graphite ore - Refined graphite ore	
14	Pyrite ore - Refined pyrite ore	
15	Rare earth ore - Refined rare earth ore	Mines and mine spots in Lai Chau, Lao Cai and Yen Bai provinces
16	Nickel ore - Nickel refined ore	Mines and mine spots in Son La and Thanh Hoa provinces
17	Talc ore - Talc powder	
18	Quartzite stone	
19	Dolomite ore	Mines and mine ores in Thai Nguyen, Bac Kan, Thanh Hoa and Ha Tinh provinces
20	Diatomite ore	Mines and mine spots in Phu Yen and Lam Dong provinces
21	Apatite ore	Mines and mine spots in Lao Cai province
22	Bentonite	

Appendix 2

LIST, QUALITY STANDARDS OF AND CONDITIONS FOR EXPORTED MINERALS
(Attached to the Industry and Trade Ministry's Circular No. 08/2008/TT-BCT
of June 18, 2008)

No.	Exported minerals	Content, specifications	Time limits and conditions
1	Titanium ore	$TiO_2 \geq 52\%$	Ores of planned mines may be exported till the end of 2008
	- Refined ilmenite ore (mineral sand)		
	- Refined ilmenite ore (base)	$TiO_2 \geq 48\%$	Ores of planned mines may be exported till the end of 2008
	- Refined rutile ore	$TiO_2 \geq 83\%$	Ores of planned mines may be exported
	- Refined monazite ore	$ReO \geq 57\%$	Ores of planned mines may be exported
	- Zirconium powder	$ZrO_2 \geq 65\%$ Granule size $\leq 75 \mu m$	Ores of planned mines may be exported
	- Recombined ilmenite	$TiO_2 \geq 56\%$ $FeO \leq 11\%$	Ores of planned mines may be exported
2	- Titanium slag	$TiO_2 \geq 85\%$	Ores of planned mines may be exported
	Lead-zinc ore	$Pb \geq 50\%$	Lead sulfide refined ores of planned mines may be exported till the end of 2008
	- Refined lead sulfide ore		
3	- Refined zinc sulfide ore	$Zn \geq 50\%$	
	- Zinc oxide powder	$Zn \geq 60\%$	
4	Copper ore	$Cu \geq 18\%$	
	- Refined copper ore		
5	Iron ore	$Fe \geq 66\%$	
	- Iron ore in granules		
	- Refined magnetite ore	$Fe \geq 60\%$	Sin Quyen-Lao Cai Copper Sorting Factory may export ores till the end of 2008
6	- Other refined iron ores	$Fe \geq 54\%$	
	Manganese ore	$Mn \geq 30\%$	
7	- Refined ore		
	Bauxite ore	$Al_2O_3 \geq 48\%$	Bao Loc mine, Lam Dong province (Southern Base Chemical One-Member Limited Liability Company) may export ores till the end of 2008
8	- Refined ore		
	Chromite ore	$Cr_2O_3 \geq 42\%$	
9	- Refined ore		
	Wolframite ore	$WO_3 \geq 65\%$	

9	Mica ore		
10	Fluorite ore - Refined ore	$\text{CaF}_2 \geq 65\%$	
11	White limestone - In blocks	$\text{CaCO}_3 \geq 98\%$	Under the Construction Ministry's guidance
	- In slabs and other sizes		Under the Construction Ministry's guidance
	- In clods	1-400 mm in size	Limestone of planned mines may be exported
	- In powder	Granule size < 1 mm; whiteness $\geq 90\%$	Limestone of planned mines may be exported
12	Barite ore - Refined barite ore - Barite powder	$\text{BaSO}_4 \geq 70\%$ $\text{BaSO}_4 \geq 89\%$, granule size < 1 mm	
13	Graphite ore - Refined graphite ore	$\text{C} \geq 80\%$	
14	Pyrite ore - Refined pyrite ore	$\text{S} \geq 30\%$	
15	Rare earth ore - Refined rare earth ore	$\text{Tr}_2\text{O}_3 \geq 15\%$	
16	Nickel ore - Refined nickel ore	$\text{N} \geq 9.5\%$	Ores of planned mines may be exported till the end of 2013
17	Talc ore - Talc powder	$\text{SiO}_2 \geq 30\%$, $\text{MgO} > 20\%$	
18	Quartzite ore	$\text{SiO}_2 \geq 85\%$	
19	Dolomite ore	$\text{MgO} \geq 17\%$, $\text{CaO} \geq 34\%$	
20	Diatomite ore	$\text{SiO}_2 \geq 50\%$, $\text{Al}_2\text{O}_3 \geq 13\%$	
21	Apatite ore - Grade-II ores of Lao Cai Apatite Company	$\text{P}_2\text{O}_5 \geq 18-25\%$	Lao Cai Apatite Company may export ores till the end of 2010, with a maximum quantity of 500,000 tons/year
	- Refined ores of unplanned mines	$\text{P}_2\text{O}_5 \geq 18\%$	
22	Bentonite	$\text{SiO}_2 \geq 45\%$, $\text{Al}_2\text{O}_3 \geq 8\%$	

Note: Planned mines are those listed in column 3 of Appendix 1 to this Circular.-