



## **TECHNICAL REPORT 2**

**The comprehensive list of administrative procedures (in relevant legal acts) related to 28 sectors subject to conditions according to Investment Law 2014 (“conditional sectors”) within the scope and functions of the Ministry of Industry and Trade**

**ACTIVITY CODE: RA-2**

***“Support MOIT in revising legal acts regulating administrative procedures for foreign direct investment”***

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## Background

On 26 November 2014, at the 7<sup>th</sup> meeting, the National Assembly has officially adopted the new Investment Law, which includes 7 Chapters, 76 Articles providing regulations on investment activities inward and outward of Viet Nam. This law comes into effect since 1<sup>st</sup> July 2015, replacing 2005 Investment Law. The new Investment Law has created a more favourable legal framework for investment attraction, a more transparent investment environment and ensured the rights of business entities dealing with investment activities in order to acquire the highest benefits for business and social development.

There is a new step in Investment Law in 2014 on the prescribed conditional business according on the aggregation portfolio of conditional business professions stipulated in the specialized documents in Vietnam legislation system.

The most important change in the Investment Law in 2014 was the creation of transparent legal background to ensure the implementation of constitutional principles of freedom of business investment by citizens in professions that law does not prohibit according to the provisions on prohibited investment businesses and conditional business investment.

In the Investment Law in 2014, the gathering, reviewing and specifying the portfolios of prohibited business investment and conditional business investment under exclusion method (pick off) has contributed to fundamentally innovate the adoption of legal principles, changing from which the investors are only entitled to invest statutory professions to the freedom investment in all the businesses for which This law does not prohibit or conditional businesses.

Based on reviewing of conditional investment businesses stipulated by the current legislation, this Law specifies the portfolio of business investment professions according to principle:

- + Annulling the unreasonable and unclear businesses and business investment condition, that burden compliance costs for investors;
- + Amending some conditions of business investment towards reducing license form, endorsed or approved by the state authorities in order to transfer to the adoption of issuing regulations on standards, conditions for investors to self-register implementation and management agencies conduct the post audits;
- + Updating, name and system of businesses to reflect accurately, transparently conditional investment businesses, that avoid duplication and facilitate the implementation of regulations law on this issue.

Based on the above principles, the portfolio of conditional investment business specified in Annex 4 of the Law includes 267 businesses. Business investment conditions for the 267 branches are stipulated in the laws, ordinances, decrees and treaties to which the Socialist Republic of Vietnam as a member. Ministries, ministerial-level agencies, People's Councils, People's Committees at all levels, agencies, organizations and individuals are not allowed to issue regulations on business investment conditions. Business investment conditions have to be specified in accordance with the above objectives and ensuring publicity, transparency, objectivity, saving time and compliant costs of investors.

Conditional investment business and business investment conditions must be posted on the portal national enterprise registration.

## **Comprehensive description of the Ministry of Industry and Trade**

One of the new important point specified in the Investment Law in 2014 is the unified regulation of conditional investment businesses in Article 7 of the Law on Investment includes 267 branches of conditional business investment. Conditional business and investment portfolio have been reviewed, built under the direction of abolition of some businesses of unnecessary conditional investment and trading or unknown state's target. At the same time, repeal or amend and supplement the business conditions which are unreasonable, unclear, burdensome compliance costs for investors. For that achievement is the entry of the ministries and agencies in the review and catalogue statistics to unify the conditional business line.

Serving for the amendment, supplement or promulgate conditional unified portfolio of business , the Ministries basing on function, its task perform the review, statistical economic sectors conditional business sector ministries management. On that basis, the MOIT with the state management function of industry and commerce, including the sectors and fields of mechanical engineering, metallurgy, electricity, new energy, renewable energy, oil and gas, chemical quality, industrial explosives, industrial, mining and mineral processing, consumer industry, food industry and other processing industries, trade and domestic market; import, export and border trade, foreign market development, market management, trade promotion, e-commerce, service trade and international economic integration, competition management, application safeguard measures, anti-dumping, anti-subsidy, protection of consumer rights ... has reviewed statistics and on the list of conditional business; conditional Investment group business; Specialized documents and corresponding administrative procedures of trade and industry.

Accordingly, with respect to conditional business, the Ministry of Industry and Trade is currently manage 28 business of conditional business investment, meaning organizations and individuals who want to do business in these occupations must meet these conditions, specific requirements stem from the requirement to ensure the defence, national security and order, social security, social morality, public health

The management of specific occupations is being done by MOIT under the form of management by administrative procedures (licensing, certification ...) or rules of business conditions in the specialized documents attached Scope of Industry and Trade. Therefore, there are business conditions stipulated by the respective administrative procedure, however there are category management through specific conditions without the need for regulation of administrative procedures. That is evidenced, in 28 businesses with conditions under the management of the Ministry of Industry and Trade have careers corresponding administrative procedures associated with these trades only prescribed conditions without administrative procedures.

In relation to business conditions MOIT now manage 28 businesses of business conditions, 205 administrative procedures prescribed eligibility requirements when performing.

### **1. Trading of petrol and oil**

For the petroleum business, the legal documents have regulate 10 group of investment business conditions, with a total of 17 administrative procedures involved, as follows:

### ***1.1. Conditions on petrol and oil production***

These conditions are specified in Article 10 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading, Ministry of industry and trade no administrative procedures in the sectors of business investment conditions.

### ***1.2. Conditions for petrol and oil importers and exporters***

These conditions are specified in Article 7 of Decree No. 83/2014 / ND-CP dated September 3, 2014 on petrol and oil trading. For these conditions, MOIT stipulates 5 corresponding administrative procedure include: Grant the license of petrol and oil import or export; Grant a supplemented, modified petrol and oil import and export license; Re-grant the license of petrol and oil import or export; Registration for petrol and oil export; Assign a minimum petrol and oil import quota.

#### **1.2.1. Procedures for grant the license of petrol and oil import**

##### ***a) Process of granting:***

- The trader shall submit one (1) dossier set to the Ministry of Industry and Trade;
- In case the dossier is incomplete or invalid, within seven (7) working days after receiving the trader's dossier, the Ministry of Industry and Trade shall request in writing the trader to supplement it;
- Within thirty (30) working days after receiving a valid dossier, the Ministry of Industry and Trade shall consider and examine the dossier and grant a petrol and oil import or export license according to Form No. 2 in the Appendix to this Decree to the trader. In case of refusal, it shall issue a written reply clearly stating the reason.

##### ***b) Method:***

- Via Post.
- Direct submission to MOIT

##### ***c) Component of dossiers:***

Dossiers of application for petrol and oil import or export license for a new license, a dossier must comprise:

- An application for a petrol and oil import or export license, made according to Form No. 1 in the Appendix to this Decree;
- A copy of the enterprise registration certificate;
- A list of physical and technical foundations for petrol and oil trading as specified in Clauses 2, 3 and 4, Article 7 of this Decree, enclosed with supporting documents;
- A list of petrol and oil retail stations under the trader's ownership or co-ownership and a list of general agents and agents in the trader's petrol and oil distribution system as prescribed in Clause 5, Article 7 of this Decree, enclosed with supporting documents.

### 1.2.2. Registration for petrol and oil export

#### a) *Process:*

- A trader shall send by post a registration application for petrol and oil export to the Ministry of Industry and Trade, made according to form No. 4 provided in the Appendix to Circular No 38/2014/TT-BCT

- Within seven (7) working days after receiving such application, the Ministry of Industry and Trade shall issue a written approval of petrol and oil export or state in writing the reason for its disapproval of petrol and oil export.

#### b) *Method:* Via post

#### c) *Component of dossiers:* registration application for petrol and oil export

### 1.2.3. Assign a minimum petrol and oil import quota

#### a) *Process:*

- A petrol and oil import and export trader shall send one (1) set of dossier for registration of a minimum petrol and oil import quota for the subsequent year under Article 34 of Decree No. 83/2014/ND-CP to the Ministry of Industry and Trade before November 15 of the current year.

- Within thirty (30) working days after receiving the trader's dossier, the Ministry of Industry and Trade shall, based on the total demand for petrol and oil for domestic sale and the total quantity of petrol and oil for domestic production and processing, assign a minimum petrol and oil import quota to each enterprise, depending on types of petrol and oil.

- If refusing to assign a minimum petrol and oil import quota to the trader, the Ministry of Industry and Trade shall issue a written reply clearly stating the reason.

- If wishing to adjust the minimum petrol and oil import quota, the trader shall send a written request for adjustment to the Ministry of Industry and Trade before September 30 every year.

#### b) *Method:*

- Via Post.

- Direct submission to MOIT.

#### c) *Component of dossiers:*

- A written request, clearly stating petrol and oil volume and category registered for allocation of minimum import quota;

- A report on petrol and oil importation in the year

### **1.3. Conditions on petrol and oil general agents**

These conditions are specified in Article 16 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading. For these conditions, MOIT stipulates 6 corresponding administrative procedure including: Grant of a certificate of eligibility of petrol and oil general agent ((for traders having petrol and oil distribution networks in two or more

provinces and centrally run cities); Grant supplemented, modified of a certificate of eligibility of petrol and oil general agent (for traders having petrol and oil distribution networks in two or more provinces and centrally run cities); Re-grant of a certificate of eligibility of petrol and oil general agent (for traders having petrol and oil distribution networks in two or more provinces and centrally run cities); Grant of a certificate of eligibility of petrol and oil general agent; Grant supplemented, modified of a certificate of eligibility of petrol and oil general agent; Re-grant of a certificate of eligibility of petrol and oil general agent.

Order and procedures for these administrative procedures:

1.3.1. Group of granting the certificate of eligibility of petrol and oil general agent ((for traders having petrol and oil distribution networks in two or more provinces and centrally run cities))

a) *Process:*

- A trader shall submit one (1) dossier set to the competent agency;
- When a dossier is incomplete or invalid, within seven (7) working days after receiving such dossier, the competent agency shall make a written request for the trader to supplement the dossier;
- Within thirty (30) working days after receiving a valid dossier, the competent agency shall examine and appraise the dossier and grant a certificate of eligibility to act as a petrol and oil general agent according to Form No. 8 provided in the Appendix to this Decree to the applicant. In case of refusal, it shall issue a written reply clearly stating the reason.

b) *Method:*

- Via post;
- Direct submission to MOIT.

c) *Component of dossiers:*

Dossiers of application for certificates of eligibility to act as petrol and oil general agents for a new certificate, a dossier must comprise:

- An application for a certificate of eligibility to act as a petrol and oil general agent, made according to Form No. 7 provided in the Appendix to this Decree;
- A copy of the enterprise registration certificate;
- Copies of training certificates of managers and trading staff under Clause 5, Article 16 of this Decree;
- A list of physical and technical facilities to serve petrol and oil trading under Clauses 2 and 3, Article 16 of this Decree, enclosed with documents proving these facilities;
- A list of the trader's petrol and oil distribution system under Clause 4, Article 16 of this Decree, enclosed with documents proving this system.
- The trader's original written certification of supply of petrol and oil to the general agent which is valid for at least one (1) year, clearly stating petrol and oil categories.



#### ***1.4. Conditions on petrol and oil retail agents***

These conditions are specified in Article 19 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading. For these conditions, MOIT stipulates 3 corresponding administrative procedure include: Grant of a certificate of eligibility of petrol and oil retail agent; Grant supplemented, modified of a certificate of eligibility of petrol and oil retail agent.; Re grant of a certificate of eligibility of petrol and oil retail agent.

*Order and procedures to implement the administrative procedure as follows:*

##### *a) Process:*

- A trader shall submit one (1) dossier set to the competent agency;
- When a dossier is incomplete or invalid, within seven (7) working days after receiving such dossier, the competent agency shall make a written request for the trader to supplement the dossier;
- Within thirty (30) working days after receiving a valid dossier, the competent agency shall examine and appraise the dossier and grant a certificate of eligibility to act as a petrol and oil retail agent according to Form No. 10 provided in the Appendix to this Decree to the applicant. In case of refusal, it shall issue a written reply clearly stating the reason.

##### *b) Method:*

- Via Post;
- Direct submission.

##### *c) Component of dossiers:*

- Dossiers of application for certificates of eligibility to act as petrol and oil retail agents for a new certificate, a dossier must comprise:
- An application for a certificate of eligibility to act as a petrol and oil retail agent, made according to Form No. 9 provided in the Appendix to this Decree;
- A copy of the enterprise registration certificate;
- Copies of training certificates of managers and trading staff under Clause 3, Article 19 of this Decree;
- A list of physical and technical facilities to serve petrol and oil trading under Clause 2, Article 19 of this Decree, enclosed with documents proving these facilities;
- The trader's original written certification of supply of petrol and oil to the agent which is valid for at least one (1) year, clearly stating petrol and oil categories

#### ***1.5. Conditions on petrol and oil retail stations***

These conditions are specified in Article 24 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading. For these conditions, MOIT stipulates 3 corresponding administrative procedure include: Grant of a certificate of eligibility of petrol and oil retail agents stations; Grant supplemented, modified of a certificate of eligibility of petrol and oil retail agent stations; Re-grant of a certificate of eligibility of petrol and oil retail agent stations

*a) Process of execution:*

- A trader shall submit one (1) dossier set to the provincial-level Industry and Trade Department;
- When a dossier is incomplete or invalid, within seven (7) working days after receiving such dossier, the provincial-level Industry and Trade Department shall make a written request for the trader to supplement the dossier;
- Within twenty (20) working days after receiving a valid dossier, the provincial-level Industry and Trade Department shall examine and appraise the dossier and grant a certificate of eligibility of petrol and oil retail station according to Form No. 4 provided in the Appendix to this Decree to the applicant. In case of refusal, it shall issue a written reply clearly stating the reason.

*b) Method:*

- Via Post;
- Direct submission

*c) Component of dossiers:*

- Dossiers of application for certificates of petrol and oil retail stations for a new certificate, a dossier must comprise:
- An application for a certificate of eligibility of a petrol and oil retail station, made according to Form No. 3 provided in the Appendix to this Decree;
- A copy of the enterprise registration certificate of the trader owning the petrol and oil retail station;
- A list of equipment of the petrol and oil retail station under Clause 3, Article 24 of this Decree, enclosed with documents proving the lawful construction of the station;
- Copies of training certificates or equivalent papers of managers and trading staff of the station under Clause 4, Article 24 of this Decree

***1.6. Conditions on provision of services to lease ports and depots for receiving petrol and oil***

These conditions are specified in Article 27 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading, but the decree does not stipulate administrative procedures in terms of group of investment and business.

***1.7. Conditions on provision of petrol and oil transport services***

These conditions are specified in Article 28 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading, but the decree does not stipulate administrative procedures in terms of group of investment and business.

***1.8. Conditions on Petrol and oil processing***

These conditions are specified in Article 12 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading, but the decree does not stipulate administrative procedures in terms of this group.

### ***1.9. Conditions on petrol and oil distributors***

These conditions are specified in Article 13 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading, but the decree does not stipulate administrative procedures in terms of this group.

### ***1.10. Conditions on petrol and oil retail franchisees***

These conditions are specified in Article 22 of Decree No. 83/2014 / ND-CP of September 3, 2014 of the Government on petrol and oil trading, but the decree does not stipulate administrative procedures in terms of this group.

## **2. Trading of liquefied petroleum gas**

For these sectors, the legal documents have regulated 13 groups of conditions, with a total of 6 administrative procedures involved, as follows:

### ***2.1. Conditions on LPG production or processing***

Conditions on LPG production or processing prescribed in Article 10 of Decree No. 107/2009 / ND-CP of November 26, 2009 on trading of liquefied petroleum gas and Circular No. 12/2010 / TT-BKHCN 30th 7 2010 guiding quality and measurement management of liquefied petroleum gas trading, MOIT has not prescribed administrative procedure for this group.

***2.2. Conditions on LPG bottling stations:*** Conditions on LPG bottling stations prescribed in Article 16 of Decree No.107/2009/ND-CP; Article 2 of Decree No. 118/2011/ND-CP; The Decree No.46/2012/ND-CP dated May 22, 2012; The Circular No.11/2014/TT-BCA dated March 12, 2014 . For this sector of business, Ministry of Industry and Trade has specified 1 administrative procedure is: Grant a certificate of LPG bottling.

*a) Process:*

Within 10 (ten) working days after receiving a complete and valid dossier as specified in this Article, the provincial-level Industry and Trade Department shall examine the dossier and grant a certificate of satisfaction of LPG bottling conditions, made according to a set form (not printed herein).

*b) Method:*

- Via Post;
- Direct submission.

*c) A dossier comprises:*

- An application for a certificate, made according to a set form;
- A certified copy of the business registration certificate, covering the registration for LPG bottling or tank truck filling line;
- A construction permit enclosed with a project or design approved by the competent authority which permits the investment in the construction of a bottling station and its equipment as specified in Clause 3, Article 16 of this Decree.
- A site plan (on A2 or larger paper sheets) showing the locations of tanks and the bottling station, positions for pumping LPG out of tank trucks, storehouses or workshops or filling them

with LPG lanes for trucks, fire alarms and fighting devices, LPG pipelines, electric system, and LPG supply control. Site drawings must clearly display the capacity, positions, sizes and minimum safety distance of tanks as specified in an appendix to this Decree (not printed herein).

### ***2.3. Conditions on automobile LPG-filling stations:***

Conditions on automobile LPG-filling stations prescribed in Article 33 of Decree No.107/2009/NĐ-CP; paragraph 5 Article 2 of Decree No. 118/2011/NĐ-CP; The Decree No.46/2012/NĐ-CP dated May 22, 2012; The Circular No.11/2014/TT-BCA dated March 12, 2014. For this sector of business, Ministry of Industry and Trade has specified 1 administrative procedure is: Grant of certificates of satisfaction of automobile LPG filling conditions

#### *a) Process:*

Within seven (7) working days after receiving a valid dossier, the provincial-level Industry and Trade Department shall consider and evaluate the dossier and grant a certificate of satisfaction of automobile LPG filling conditions to each filling station, made according to the form provided in Appendix VIII to this Decree. In case of refusal, it shall issue a written reply clearly slating the reason for the trader to complete the dossier as required to obtain a certificate.

#### *b) Method*

- Via Post;
- Direct submission.

#### *c) A dossier comprises:*

- An application for a certificate, made by the LPG supply station owner according to a set form.
- A certified copy of the business registration certificate, covering the registration for sale of LPG through pipelines;
- Documents showing the location of the LPG supply station under planning and evidencing the legality of construction investment and the project or design approved by a competent authority as specified in Clause 1, Article 37 of Decree No.107/2009/NĐ-CP;
- Certified copies of:
  - + A certificate of satisfaction of fire prevention and fighting conditions and a certificate of satisfaction of security and order conditions granted by competent police offices specified in Clause 3, Article 37 of Decree No.107/2009/NĐ-CP;
  - + A slip of results of inspection of measuring devices specified in Clause 2. Article 37 of Decree No.107/2009/NĐ-CP;
  - + A slip of results of inspection of equipment of an LPG supply station subject to stringent safety requirements specified in Clause 3. Article 37 of Decree No.107/2009/NĐ-CP;
  - + Training certificates of employees of the LPG supply station who have been professionally trained under Clause 3, Article 6 of Decree No.107/2009/NĐ-CP;

#### **2.4. Conditions on LPG supply stations:**

Conditions on LPG supply stations prescribed in Article 37 of Decree No.107/2009/NĐ-CP; paragraph 5 Article 2 of Decree No. 118/2011/NĐ-CP; The Decree No.46/2012/NĐ-CP dated May 22, 2012; The Circular No.11/2014/TT-BCA dated March 12, 2014. For this sector of business, Ministry of Industry and Trade has specified 1 administrative procedure is: Grant of certificates of satisfaction of LPG supply station conditions

##### *a) Process:*

Within 7 (seven) working days after receiving a valid dossier, the provincial-level Industry and Trade Department shall examine the dossier and grant a certificate of satisfaction of LPG supply conditions, made according to a set form (not printed herein) and valid for 5 (five) years from the date of grant. Upon the expiration of the validity term of the certificate, the trader shall carry out prescribed procedures for certification for the subsequent period. In case of refusal to grant a certificate, the provincial-level Industry and Trade Department shall reply in writing, clearly stating the reason, for the applicant to complete its dossier as required for obtaining a certificate

##### *b) Method:*

- Via Post;
- Direct submission;

##### *c) A dossier comprises:*

- An application for a certificate, made by the LPG supply station owner according to a set form
- A certified copy of the business registration certificate, covering the registration for sale of LPG through pipelines;
- Documents showing the location of the LPG supply station under planning and evidencing the legality of construction investment and the project or design approved by a competent authority as specified in Clause 1, Article 37 of Decree No.107/2009/NĐ-CP;
- Certified copies of:
  - + A certificate of satisfaction of fire prevention and fighting conditions and a certificate of satisfaction of security and order conditions granted by competent police offices specified in Clause 3, Article 37 of Decree No.107/2009/NĐ-CP;
  - + A slip of results of inspection of measuring devices specified in Clause 2. Article 37 of Decree No.107/2009/NĐ-CP;
  - + A slip of results of inspection of equipment of an LPG supply station subject to stringent safety requirements specified in Clause 3. Article 37 of Decree No.107/2009/NĐ-CP;
  - + Training certificates of employees of the LPG supply station who have been professionally trained under Clause 3, Article 6 of Decree No.107/2009/NĐ-CP.

#### **2.5. Conditions on bottled LPG-selling stores:**

Conditions on bottled LPG-selling stores prescribed in Article 29 of Decree No.107/2009/NĐ-CP; Article 2 of Decree No. 118/2011/NĐ-CP; The Decree No.46/2012/NĐ-CP dated May 22, 2012; The Circular No.11/2014/TT-BCA dated March 12, 2014. For this sector of business, Ministry of Industry and Trade has specified 1 administrative procedure: Grant of certificates of satisfaction of trading conditions to bottled LPG-selling stores

*a) Process:*

Within 7 (seven) working days after receiving a valid dossier, the provincial-level Industry and Trade Department shall examine the dossier and grant a certificate of satisfaction of LPG trading conditions, made according to a set form (not printed herein) and valid for 5 (five) years from the date of grant, to each bottled LPG-selling store. Upon the expiration of the validity term of the certificate, the trader shall carry out the prescribed procedures for certification for the subsequent period. In case of refusal to grant a certificate, the provincial-level Industry and Trade Department shall reply in writing, clearly stating the reason, for the applicant to complete its dossier as required for obtaining a certificate.

*b) Method:*

- + Via Post;
- + Direct submission

*c) A dossier comprises:*

- An application for a certificate, made by the bottled LPG-selling store owner according to a set form;
- A certified copy of the business registration certificate of the bottled LPG-selling store owner;
- Certified copies of the certificate of satisfaction of fire prevention and fighting conditions and the certificate of satisfaction of security and order conditions granted by competent police offices under Paragraph 3. Article 29 of Decree No.107/2009/NĐ-CP;
- Certified copies of professional training certificates of employees of the bottled LPG-selling store as specified in Paragraph 3, Article 6 of Decree No.107/2009/NĐ-CP.

***2.6. Conditions on LPG export or import***

Conditions on LPG export or import prescribed in Article 7 of Decree No.107/2009/NĐ-CP, MOIT has not regulated administrative procedure for this sector.

***2.7. Conditions on grade-I LPG distributors***

Conditions on grade-I LPG distributors prescribed in Article 13 of Decree No.107/2009/NĐ-CP, MOIT has not regulated administrative procedure for this sector.

***2.8. Conditions on an LPG-trading general agent***

Conditions on an LPG-trading general agent prescribed in Article 23 of Decree No.107/2009/NĐ-CP, MOIT has not regulated administrative procedure for this sector.

## **2.9. Conditions on an LPG-trading agent**

Conditions on an LPG-trading agent prescribed in Article 26 of Decree No.107/2009/NĐ-CP; Article 2 of Decree No. 118/2011/NĐ-CP; The Decree No.46/2012/NĐ-CP dated May 22, 2012; The Circular No.11/2014/TT-BCA dated March 12, 2014. MOIT has not regulated administrative procedure for this sector.

## **2.10. Conditions on a provider of services of leasing storehouses and ports for LPG exportation or importation**

Conditions on a provider of services of leasing storehouses and ports for LPG exportation or importation prescribed in Article 41 of Decree No.107/2009/NĐ-CP, MOIT has not regulated administrative procedure for this sector.

## **2.11. Conditions on a provider of LPG transport services**

Conditions on a provider of LPG transport services prescribed in Article 41 of Decree No.107/2009/NĐ-CP; Articles 4, 11, 18, 19 of Decree No.104/2009/ND-CP, Article 1 of Circular No.14/2011/TT-BKHCH, MOIT has not regulated administrative procedure for this sector.

## **2.12. Conditions on LPG bottle producing or repairing units:**

Conditions on LPG bottle producing or repairing units prescribed paragraph 1 (c) Article 56 of Decree No. 107/2009/ND-CP; Article 47 of Circular No 41/2011/TT-BCT; Ministry of Industry and Trade has specified 1 administrative procedure: Grant certificates of satisfaction of specified conditions to LPG bottle producing or repairing units

### **a) Process:**

- The establishment producing, repairing LPG-containing bottle submits directly or sends via post a dossier applying for grant of certificate of eligibility of producing, repairing LPG-containing bottles to the Ministry of Industry and Trade (the Department of technical safety and industrial environment).
- The Department of technical safety and industrial environment checks validity and sufficiency of dossier. If dossier is not valid, sufficient, within 05 (five) working days, notifying in writing to the establishment for completion of dossier.
- Within 07 (seven) working days, from the day of receiving a valid dossier, the Department of technical safety and industrial environment consider, appraise and submit to the Ministry of Industry and Trade for grant of certificate of eligibility of producing, repairing LPG-containing bottles in according to form in Annex 7 enclosed with this Circular.
- The certificate of eligibility of producing, repairing LPG-containing bottles has effect within 05 years as from the day of granting. Before the expired time of certificate (01 month), establishments producing, repairing LPG-containing bottles must send to the Ministry of Industry and Trade an application for grant of certificate of eligibility for the next time limit.

### **b) Method:**

- Direct submission;
- Via post.

c) *A dossier comprises:*

- An application for grant of certificate of eligibility made in according to form prescribed in Annex 6 of this Circular.
- Copy of Certificate of Business registration or Decision on establishment of unit.
- List of technical officers, operators of the testing equipment, pressure welders.
- Copies of certificate on profession and safety coaching of technical officers, operators of the testing equipment, pressure welders.
- List of equipment servicing for testing bottles containing LPG.
- List of process and regulations on safety of manufacturing the LPG-containing bottles.
- The process of manufacturing a typical LPG-containing bottle (including calculation of durability).
- The process of testing quality of bottle after manufacturing

**2.13. Conditions on LPG bottle testing:**

Conditions on LPG bottle testing prescribed Article 56 of Decree No. 107/2009/ND-CP; Article 43 of Circular No 41/2011/TT-BCT; Ministry of Industry and Trade has specified 1 administrative procedure: Granting certificates of satisfaction of specified conditions to LPG bottle inspection stations.

a) *Process:*

- The establishment having LPG-bottle testing station submits directly or sends via post a dossier applying for grant of certificate of eligibility of LPG-bottle testing to the Ministry of Industry and Trade (the Department of technical safety and industrial environment).
- The Department of technical safety and industrial environment checks validity and sufficiency of dossier. If dossier is not valid, sufficient, within 05 (five) working days, notifying in writing to the establishment for completion of dossier.
- Within 07 (seven) working days, from the day of receiving a valid dossier, the Department of technical safety and industrial environment considers, appraises and submits to the Ministry of Industry and Trade for grant of certificate of eligibility of LPG-bottle testing in according to form in Annex 5 enclosed with this Circular.
- The certificate of eligibility of LPG-bottle testing is granted for each testing station and has effect for 02 (two) years as from the day of granting. Before the expired time of certificate (01 month), establishment having the testing station sends a dossier to the Ministry of Industry and Trade for application for grant of certificate of eligibility for the next time limit.

b) *Method*

- Direct submission;
- Via post.



c) *A dossier comprises:*

- An application for grant of certificate of eligibility of LPG-bottle testing station made in according to form prescribed in Annex 4 of this Circular.
- Copy of Certificate of Business registration or Decision on establishment of unit.
- List of cadres, workers of the bottle testing station, decisions on assigning tasks.
- Copies of certificates of profession, safety training, fire prevention and fighting training of cadres and workers of the bottle testing station.
- List of equipment servicing for testing bottles.
- List of process of operation and regulations on safety of testing equipment.
- The process of testing bottles of testing station, regulations on safety of testing station.

### **3. Providing commercial assessment services**

For these sectors, the legal documents have regulated 1 group of conditions, with a total of 2 administrative procedures involved, as follows: Registering professional stamps of commercial assessment; registering changes in professional stamps of commercial assessment.

Conditions for providing commercial assessment services prescribed Section 6 of the Law Commercial 2005; Article 9, Section 3 Chapter II of Decree No.20/2006/ND-CP; Paragraph 1, Article 4 of Decree No.120/2011/ND-CP.

a) *Process:*

- The agency for registration of stamps and seals for commercial appraisal service businesses is the Services of Industry and Trade.
- Within three working days since receipt of the documentation, the registration agency shall be responsible for making written notice to businesses asking for supplements and completion of the documentation;
- Within seven working days since receipt of eligible documentation as stipulated in Clause 1 of this Article, the registration agency shall be responsible for entering stamps and seals used by appraisal service businesses into the register and make written notifications to businesses.

b) *Documents:*

- One (01) original of the application form for stamps and seals according to the form shown in the Appendix enclosed herewith;
- One (01) copy of Enterprise registration certificate or Investment certificate in the following cases:
  - + An authenticated copy must be included in case documentation is submitted directly or by post;
  - + A copy should be enclosed with the original for comparison in case documentation is submitted directly;
- Samples or designs of stamps and seals registered by businesses

#### **4. Trading of industrial explosive materials**

Conditions on trading of industrial explosive materials prescribed in Ordinance No. 16/2011/UBTVQH12 of June 30, 2011, on management and use of weapons, explosives and supporting tools and Ordinance No 07/2013/UBTVQH13; Decree No.39/2009/ND-CP; Decree No.54/2012/ND-CP. That sector has administrative procedures as follows: Certificate of eligibility for producing industrial explosive materials; Grant a modified certificate of eligibility for producing industrial explosive materials; Re-Grant a modified certificate of eligibility for producing industrial explosive materials; License for trading in industrial explosive materials; Grant a modified License for trading in industrial explosive materials; Re-grant License for trading in industrial explosive materials; License for using industrial explosive materials; Grant a modified License for using industrial explosive materials; Re-grant License for using industrial explosive materials

##### *a) Process*

- The organizations applying for the Certificate, the License may not submit the papers prescribed if the necessary information in such documents are provided and posted on the official websites of the agencies that issued such documents
- Dossier-receiving agencies shall examine dossiers and issue receipts to their submitters. A receipt must indicate the status of the submitted dossier and necessary supplementation and modification, if any.
- Within 05 (five) working days as from fully receiving the valid dossiers prescribed in Clause 1 this Article, competent State agencies are responsible to issue the Certificate, the License to the organizations that apply for the license, or specify the reasons if not.
- Within 03 (five) working days as from fully receiving the valid dossiers prescribed in Clause 2 this Article, competent State agencies are responsible to issue the License to transport industrial explosives to the organizations that apply for the license, or specify the reasons if not.
- Applicants for certificates or licenses shall pay charges and fees in accordance with law. The Ministry of Finance shall prescribe the rates as well as the collection, management and use of charges and fees for the grant of certificates and licenses.
- Contents and validity of certificates and licenses
- A certificate or license contains the following major details:
  - + Name and address of head office of the organization carrying out industrial explosive materials activities;
  - + Location and scope of industrial explosive materials activities;
  - + Type of activity, quantity and categories of industrial explosive materials and explosive pre-substances;
  - + Technical conditions according to security and safety requirements prescribed in this Decree and current standards and regulations;
  - + Obligations of the certificate or license holder.

- The terms of the License to trade industrial explosives, the Certificate of eligibility to produce industrial explosives, explosive precursor substances are not defined. Annually, the agencies that issue the Business license and the Certificate of capability shall cooperate with relevant agencies to inspect the fulfillment of the conditions prescribed in the License, the Certificate with which the organizations that have been issued; impose sanctions against the violations as prescribed by current provisions on sanctions against administrative violations of industrial explosive management.

- The validity term of licenses is prescribed as follows:

+ Within 05 (five) years for the License to use industrial explosives serving mineral extraction.;

+ According to the work duration but not exceeding 2 (two) years for licenses for using industrial explosive materials serving work construction, research, testing, and petroleum operations, and blasting service licenses;

+ According to the period requested in the dossier but not exceeding 3 (three) months for licenses for importing and exporting industrial explosive materials or explosive pre-substances;

+ In accordance with the requested term in the dossier but must not exceed 06 (six) months for the License to transport industrial explosives

+ The Ministry of Industry and Trade shall specify the forms of the Certificate, the License to produce, trade, preserve, use and provide blast services.

- The Ministry of National Defense shall specify the form of the License to transport industrial explosives and the procedures for issuing and suspending the issuance of the License to transport industrial explosives to the units under the management of the Ministry of National Defense.

- The Ministry of Public Security shall specify the form of the License to transport industrial explosives and the procedures for issuing and suspending the issuance of the License to transport industrial explosives to the remaining subjects.

*b) Method:*

- Via post.

- Direct submission.

*c) A dossier of application for a certificate or license comprises:*

- An application for a certificate or license, made according to a set form;

- A copy of the business registration certificate;

- Papers and documents evidencing satisfaction of conditions and requirements specified in Chapter II of this Decree, corresponding to the type of operation for which a certificate or license is applied.

- The Ministry of Industry and Trade shall specify dossiers of documents evidencing satisfaction of conditions and requirements on production, trading, preservation and use and

blasting services for entities defined in Clauses 1 and 2, Article 36 of Decree No.39/2009/ND-CP

- The Ministry of Public Security shall specify dossiers of documents evidencing satisfaction of conditions and requirements on transportation of industrial explosive materials.

- The Ministry of Defense shall specify dossiers of documents evidencing satisfaction of conditions and requirements on use of industrial explosive materials of enterprises under the Ministry of Defense.

## **5. Trading in explosive precursors**

For these sector, the legal documents has regulate 3 group of conditions, with a total of 7 administrative procedures involved, as follows:

### ***5.1. Requirements for trading in explosive precursors***

Conditions for trading in explosive precursors prescribed Article 11 of Decree No.76/2014/ND-CP; Articles 3, 4, and 5 of Circular No.61/2014/TT-BCT. The administrative procedures regulated: Issuing a License for explosive precursor trading; Reissuing a License for explosive precursor trading; Issuing an adjusted License for explosive precursor trading

#### *a) Process:*

- The applicant shall compile an application that consists of the documents mentioned in Clause 1 Article 13, then send it by post or submit it directly to the Ministry of Industry and Trade.

- Within 03 working days from the receipt of the application, the Ministry of Industry and Trade shall notify the applicant of the adequacy and validity of the application, and request the applicant to complete it only once. This 03 days period shall not be included in the time limit for issuing the License prescribed in Point c of this Clause;

- The License shall be issued within 20 working days from the receipt of the satisfactory application as prescribed in Clause 1 of this Article. In particular:

- Within 05 working days, the Ministry of Public Security and the Ministry of National Defence shall offer written opinions about the application.

- Within 13 days, the Ministry of Industry and Trade shall complete the application according to opinions from the Ministry of Public Security and the Ministry of National Defence, and submit it to the Prime Minister for approval. If the application is rejected, the Ministry of Industry and Trade shall make a written response and provide explanation.

#### *b) Method:*

- Via post

- Direct submission

#### *c) A dossier comprises:*

Application documents for the License for explosive precursor trading include:

- An application form using the provided template;

- A copy of the Certificate of Business registration or certificate of investment or Certificate of Business Registration that permits the operations pertaining to chemicals or industrial explosives.
- Documents proving the fulfilment of requirements in Paragraph 3, 4, 5 Article 11 of Decree No.76/2014/ND-CP

## ***5.2. Conditions for producing explosive pre-substances***

- + Issuing a Certificate of eligibility to produce explosive precursors
- + Issuing a adjusted Certificate of eligibility to produce explosive precursors
- + Re-Issuing a Certificate of eligibility to produce explosive precursors

### *a) Process:*

Within 7 (seven) working days after the receipt of a valid dossier, the Safety Techniques and Industrial Environment Department shall examine it and grant a certificate of qualification for IEM or explosive pre-substance production, made according to the form provided in Appendix 1 of Circular No23/2009/TT-BCT. In case of refusal to grant a certificate, the Department shall issue a written reply to the applicant, clearly stating the reason.

### *b) Method:*

- Via post.
- Direct submission.

### *c) A dossier comprises:*

- An application for a certificate of qualification for IEM or explosive pre-substance production, signed by the head of the enterprise. For enterprises under the Ministry of National Defence, a written request of the Ministry of National Defence or the agency assigned by the Ministry of National Defence to manage IEMs is required;
- A valid copy of the enterprise establishment decision issued by a competent agency. A list of the enterprises affiliate organizations (factories, branches and representative offices) and their addresses;
- A valid copy of the business registration certificate;
- A valid copy of the decision approving the investment project on building IEM or explosive pre-substance production facilities according to laws on investment and construction management;
- A valid copy of the written certification of satisfaction of security and order conditions and the certificate of qualification for fire prevention and fighting, granted for IEM production and preservation workshops and facilities;
- A valid copy of the Industry and Trade Ministry's decision recognizing the registration of IEM products and including these products in the list of industrial explosive materials permitted for circulation and use in Vietnam (for IEMs newly produced and used in Vietnam);
- A valid copy of the decision approving the report on assessment of environmental impacts of the IEM or explosive pre-substance facilities.

### ***5.3. Conditions for importing, exporting explosive pre-substances:***

Conditions for importing, exporting explosive pre-substances prescribed in Article 15 of Decree No.76/2014/ND-CP. The procedures of these sector includes: Issuing a License for export or import of explosive precursors

#### *a) Process:*

Within 7 (seven) working days after the receipt of a valid dossier, the Safety Techniques and Industrial Environment Department shall examine it and grant an IEM or explosive pre-substance import or export license, made according to the form provided in Appendix 1 to Circular No.23/2009/TT-BCT. In case of refusal to grant a license, the Department shall issue a written reply to the applicant, clearly stating the reason.

#### *b) Method*

- Via post.
- Direct submission

#### *c) A dossier comprises:*

- An application for an import or export license, signed by the enterprise's leader and clearly stating the demand for and time of the importation or exportation;
- A valid copy of the explosive pre-substance trading license or the certificate of qualification for IEM production (for cases of importing explosive pre-substances for IEM production);
- A report on the quantity of IEMs already imported or exported in the plan year;
- Notarized copies of contracts on the purchase of explosive pre-substances, for explosive pre-substance traders, valid copies of contracts on the sale of explosive pre-substances to customers are required.
- For explosive pre-substance traders that re-export explosive pre-substances, notarized copies of contracts on the purchase of explosive pre-substances from foreign enterprises and contracts on the sale of explosive pre-substances to other foreign enterprises are required.

### **6. Using of industrial explosive materials**

Conditions on Using of industrial explosive materials prescribed in Ordinance No. 16/2011/UBTVQH12 of June 30, 2011, on management and use of weapons, explosives and supporting tools and in Article 21 of Decree No.39/2009/ND-CP;. MOIT has not regulated administrative procedures for that sector.

### **7. Trading on blasting service**

For these sectors, the legal documents have regulated 1 group of conditions, with a total of 3 administrative procedures involved, as follows:

- + Issuing a licenses for blasting service
- + Modification of licenses for blasting service
- + Re-issuing a licenses for blasting service

a) Process

Within 7 (seven) working days after the receipt of a valid dossier, competent agencies defined in Chapter V of Circular No.23/2009/TT-BCT shall examine it and grant an IEM use license or blasting service license, made according to the form provided in Appendix 1 to this Circular. In case of refusal to grant a license, the Department shall issue a written reply to the applicant, clearly stating the reason.

b) Method:

- Via post.
- Direct submission.

c) A dossier comprises:

- An application for a blasting service license, signed by the enterprise's head. For enterprises under the Ministry of National Defense, a written request made by the Ministry of National Defense or the agency assigned by the Ministry of National Defense to manage IEMs is required;
- A valid copy of the establishment decision or the business registration certificate. For foreign-invested petroleum enterprises, the investment certificate is required;
- The written certification of satisfaction of security and order conditions, made by a competent police office;
- The written request for the grant of a blasting service license, made by the provincial-level People's Committee for blasting services defined at Point a. Clause 1, Article 25 of Decree No. 39/2009/ND-CP.

**8. Trading chemical unless chemicals banned under the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction**

For these sector, the legal documents has regulate 06 conditions, with a total of 21 administrative procedures involved, as follows

***8.1. Conditions on production or trading of chemicals subject to conditional production or trading in the industrial sector.***

The conditions of that sector prescribed in Article 15 of Law on Chemicals; in Article 12 of Decree No.108/2008/ND-CP; and the Decree No.26/2011/ND-CP; Articles (17, 18, 19) of Circular No. 28/2010/TT-BCT. MOIT has regulated 06 administrative procedures, includes: Issuing a certificate applicable to producers of chemicals subject to conditional production and trading; Issuing modified and supplemented certificate applicable to producers of chemicals subject to conditional production and trading; Re-Issuing a certificate applicable to producers of chemicals subject to conditional production and trading ; Issuing a certificate applicable to traders of chemicals subject to conditional production and trading; Issuing modified and supplemented certificate applicable to traders of chemicals subject to conditional production and trading ; Re-Issuing a certificate applicable to traders of chemicals subject to conditional production and trading

### 8.1.1. Issuing a certificate applicable to producers of chemicals subject to conditional production and trading

#### *a) Process:*

- A certificate applicant shall send one dossier set to the Industry and Trade Department.
- Within 20 (twenty) days after receiving a complete and valid, the Industry and Trade Department shall examine it and grant a certificate according to the form provided.
- In case of refusal to grant a certificate, the Industry and Trade Department shall give a written reply clearly stating the reason.
- Within 5 (five) days after receiving a dossier which is incomplete or invalid, the Industry and Trade Department shall request in writing the applicant to supplement the dossier.
- Organizations and individuals that are granted certificates shall pay a fee prescribed by the Ministry of Finance.
- A chemical producing or trading establishment that renames itself but does not change its production and trading conditions shall send to the Industry and Trade Department a valid copy of the enterprise-renaming decision and a written request for certificate renewal.

#### *b) Method:*

- Via post;
- Direct submission.

#### *c) A dossier comprises:*

- Legal documents
- + An application for a certificate, made according to the form provided in Appendix 2 to this Circular:
- + A valid copy of the business registration certificate;
- + A valid copy of the decision approving an investment project to build production works under the law on investment and construction management;
- + A valid copy of the decision approving an environmental impact assessment report or the written certification of environmental protection commitment registration enclosed with a scheme. granted by a competent agency;
- + A valid copy of the certificate of satisfaction of fire prevention and lighting conditions or the record of inspection of the assurance of fire prevention and fighting safety, granted by a competent police office.
- Technical documents
- + A list of workshops and warehouses of the producer of hazardous chemicals;
- + A list of labor safety equipment, made according to the form provided in Appendix 3 to Circular No.28/2010/TT-BCT



- Documents on conditions on producers: A list of staff members, made according to the form provided in Appendix 4 to this Circular, including leading and managerial staff, technicians and employees directly engaged in the production, preservation and transportation of hazardous chemicals;

#### 8.1.2. Issuing a certificate applicable to traders of chemicals subject to conditional production and trading

##### *a) Process:*

- A certificate applicant shall send one dossier set to the Industry and Trade Department.
- Within 20 (twenty) days after receiving a complete and valid, the Industry and Trade Department shall examine it and grant a certificate according to the form provided.
- In case of refusal to grant a certificate, the Industry and Trade Department shall give a written reply clearly stating the reason.
- Within 5 (five) days after receiving a dossier which is incomplete or invalid, the Industry and Trade Department shall request in writing the applicant to supplement the dossier.
- Organizations and individuals that are granted certificates shall pay a fee prescribed by the Ministry of Finance.
- A chemical producing or trading establishment that renames itself but does not change its production and trading conditions shall send to the Industry and Trade Department a valid copy of the enterprise-renaming decision and a written request for certificate renewal.

##### *b) Method:*

- Via post;
- Direct submission.

##### *c) A dossier comprises:*

- Legal documents
- + An application for a certificate, made according to the form provided in Appendix 2 to this Circular:
- + A valid copy of the business registration certificate:
- + A valid copy of the certificate of satisfaction of fire prevention and fighting conditions or the record of inspection of the assurance of fire prevention and fighting safety, issued by a competent police office;
- + A written certification of environmental protection commitment registration, issued by a competent agency.
- Technical documents
- + A list of workshops and warehouses of each trader of hazardous chemicals;
- + A list of labor safety equipment, made according to the form provided in Appendix 3 to this Circular:

- + A list of special-use vehicles and a valid copy of the license for transportation of hazardous goods;
- + A list of business places. If the trader has many business places for the same chemical, a separate dossier shall be made for each business place under this Article and a certificate shall be issued for all business places;
- + Chemical safety cards of all hazardous chemicals of the trader.
- Documents on conditions on traders: A list of staff members, made according to the form provided in Appendix 4 to this Circular, including leading and managerial staff, technicians and employees directly engaged in the trading, preservation and transportation of hazardous chemicals;

***8.2. Conditions on Production of and trading in chemicals on the list of those restricted from production and trading.***

The conditions of that sector prescribed in Article 15 of Law on Chemicals; in Article 12 of Decree No.108/2008/ND-CP; and the Decree No.26/2011/ND-CP; Articles (17, 18, 19) of Circular No. 28/2010/TT-BCT. MOIT has regulated 06 administrative procedures, includes: Grant of licenses for production of industrial chemicals restricted from production and trading; Grant of modified and supplemented of licenses for production of industrial chemicals restricted from production and trading; Re-Grant of licenses for production of industrial chemicals restricted from production and trading; Grant of licenses for traders of industrial chemicals restricted from production and trading; Grant of modified and supplemented of licenses for traders of industrial chemicals restricted from production and trading ; Re-Grant of licenses for trading of industrial chemicals restricted from production and trading; Grant of licenses to producers-cum-traders of chemicals restricted from production and trading; Grant of modified and supplemented of licenses to producers-cum-traders of chemicals restricted from production and trading; Re-Grant of licenses to producers-cum-traders of chemicals restricted from production and trading.

**8.2.1. Procedure for Grant of licenses for production of industrial chemicals restricted from production and trading**

*a) Process:*

- A license applicant shall send one dossier set to the Ministry of Industry and Trade (the Chemical Department).
- Within 20 (twenty) days after receiving a complete and valid dossier specified in Article 17.18.19.21) or 21 of this Circular, the Ministry of Industry and Trade (the Chemical Department) shall examine it and grant a license according to the form provided in Appendix 7 to this Circular to the applicant.
- When refusing to grant a license, the Ministry of Industry and Trade (the Chemical Department) shall give a written reply clearly stating the reason.
- Within 5 (five) days after receiving an incomplete or invalid dossier, the Ministry of Industry and Trade (the Chemical Department) shall request in writing the applicant to supplement the dossier.

- Organizations or individuals that are granted licenses shall pay a fee under the Finance Ministry's regulations.
- Chemical producers and traders conducting production and trading activities before the effective date of this Circular without a license shall, if wishing to continue these activities, carry out license application procedures under this Article.
- Producers and traders of chemicals restricted from production and trading that cease production and trading activities or relocate their production and trading places shall report thereon in writing to the Ministry of Industry and Trade (the Chemical Department).

*b) Method:*

- Via post;
- Direct submission

*c) A dossier comprises:*

- Legal documents
  - + An application for a license, made according to the form provided in Appendix 6 to this Circular;
  - + A valid copy of the business registration certificate;
  - + A valid copy of the decision approving an investment project to build production works under the law on investment and construction management;
  - + A valid copy of the decision approving an environmental impact assessment report or the written certification of environmental protection commitment registration enclosed with a scheme, issued by a competent agency;
  - + A valid copy of the certificate of satisfaction of fire prevention and fighting conditions or the record of inspection of the assurance of fire prevention and fighting safety, issued by a competent police office.
- Technical documents
  - + A list of workshops and warehouses of the producer of hazardous chemicals;
  - + A list of labor safety equipment, made according to the form provided in Appendix 3 to this Circular;
  - + A written announcement of regulation conformity and a plan on regular supervision of chemical quality based on chemical inspection equipment or a contract on cooperation with a capable chemical inspection body accredited by a competent state agency;
  - + Chemical safety cards of all hazardous chemicals of the producer.
- Documents on conditions on producers
  - + A list of staff members, made according to the form provided in Appendix 4 to this Circular, including leading and managerial staff, technicians and employees directly engaged in the production, preservation and transportation of hazardous chemicals;

+ Valid copies of university degrees in chemical disciplines of the director or deputy director in charge of technical matters; certificates of chemical-related skill training of technicians, employees and laborers of the producer:

#### 8.2.2. Grant of licenses for traders of industrial chemicals restricted from production and trading

##### *a) Process:*

- A license applicant shall send one dossier set to the Ministry of Industry and Trade (the Chemical Department).

- Within 20 (twenty) days after receiving a complete and valid dossier specified in Article 17.18.19.21) or 21 of this Circular, the Ministry of Industry and Trade (the Chemical Department) shall examine it and grant a license according to the form provided in Appendix 7 to this Circular to the applicant.

- When refusing to grant a license, the Ministry of Industry and Trade (the Chemical Department) shall give a written reply clearly stating the reason.

- Within 5 (five) days after receiving an incomplete or invalid dossier, the Ministry of Industry and Trade (the Chemical Department) shall request in writing the applicant to supplement the dossier.

- Organizations or individuals that are granted licenses shall pay a fee under the Finance Ministry's regulations.

- Chemical producers and traders conducting production and trading activities before the effective date of this Circular without a license-shall, if wishing to continue these activities, carry out license application procedures under this Article.

- Producers and traders of chemicals restricted from production and trading that cease production and trading activities or relocate their production and trading places shall report thereon in writing to the Ministry of Industry and Trade (the Chemical Department).

##### *b) Method:*

- Via post;

- Direct submission

##### *c) A dossier comprises:*

- Legal documents

+ An application for a license, made according to the form provided in Appendix 6 to this Circular;

+ A valid copy of the business registration certificate;

+ A valid copy of the certificate of satisfaction of fire prevention and fighting conditions or the record of inspection of the assurance of fire prevention and fighting safety, issued by a competent police office;

+ A written certification of environmental protection commitment registration, issued by a competent agency.

- Technical documents
- + An explanatory document on the needs for chemical trading;
- + A list of workshops and warehouses of each trader of hazardous chemicals;
- + A list of labor safety equipment, made according to the form provided in Appendix 3 to this Circular;
- + A list of special-use vehicles and a valid copy of the license for transportation of hazardous goods:
- + A list of business places. If a trader has many business places for the same chemical, a separate dossier shall be made for each business place under this Article and a license shall be granted for all business places;
- + Chemical safety cards of all hazardous chemicals of the trader.
- Documents on conditions on traders : A list of staff members, made according to the form provided in Appendix 4 to this Circular, including leading and managerial staff, technicians and employees directly engaged in the trading, preservation and transportation of hazardous chemicals

### 8.2.3. Grant of licenses to producers-cum-traders of chemicals restricted from production and trading

#### *a) Process:*

- A license applicant shall send one dossier set to the Ministry of Industry and Trade (the Chemical Department).
- Within 20 (twenty) days after receiving a complete and valid dossier specified in Article 17.18.19.21) or 21 of this Circular, the Ministry of Industry and Trade (the Chemical Department) shall examine it and grant a license according to the form provided in Appendix 7 to this Circular to the applicant.
- When refusing to grant a license, the Ministry of Industry and Trade (the Chemical Department) shall give a written reply clearly stating the reason.
- Within 5 (five) days after receiving an incomplete or invalid dossier, the Ministry of Industry and Trade (the Chemical Department) shall request in writing the applicant to supplement the dossier.
- Organizations or individuals that are granted licenses shall pay a fee under the Finance Ministry's regulations.
- Chemical producers and traders conducting production and trading activities before the effective date of this Circular without a license-shall, if wishing to continue these activities, carry out license application procedures under this Article.
- Producers and traders of chemicals restricted from production and trading that cease production and trading activities or relocate their production and trading places shall report thereon in writing to the Ministry of Industry and Trade (the Chemical Department).

*b) Method:*

- Via post
- Direct submission

*c) A dossier comprises:*

For producers-cum-traders of chemicals restricted from production and trading, a license application dossier comprises:

- An application for a license.
- A valid copy of the business registration certificate.
- Chemical safety cards of all hazardous chemicals of the producer trader.
- A list of staff members, made according to the form provided in Appendix 4 to this Circular, including leading and managerial staff, technicians and employees directly engaged in the production, trading, preservation and transportation of hazardous chemicals.
- Valid copies of university degrees in chemical or econo-technical disciplines of the director or deputy director in charge of technical matters; certificates of chemical-related skill training of technicians, employees and laborers of the producer-trader,
- Health certificates issued by district- or higher-level health establishments to the persons defined in Clause 4 of this Article.
- Documents specified as Technical documents at Points c. d and e. Clause 1, and Points a. b and c. Clause 2. Article 17; and Points a. d and e. Clause 2. Article 18, of this Circular.

**8.3. Conditions for Production Schedule 1, 2 and 3 chemicals:**

The conditions of that sector prescribed in Article 15 of Decree No.38/2014/ND-CP; and MOIT has regulated 01 administrative procedure, includes: The issuance of a Production Certificate of the Schedule 1 chemicals

*a) Process:*

Procedures for the issuance of the Certificates

- Each Schedule 1, Schedule 2 or Schedule 3 chemical producer shall file 1 (one) application to the Ministry of Industry and Trade directly or by post;
- The Ministry of Industry and Trade shall notify the producer of the sufficiency and validity of the application and request the producer to complete the application once within at most 03 (three) working days from the receipt of the application. The time for notification and completion of the application is not included in the processing time for issuance of the Production Certificate as prescribed in Clause 3 this Article.

*b) Method*

- Via post.
- Direct submission

*c) A dossier comprises:*

An application consists of:

- A written request for the issuance of the production certificate of the applicant using the prescribed form;
- A copy of either the Enterprise registration certificate, Investment certificate or Business registration Certificate.
- The written commitment on the production of the Schedule 1, Schedule 2, Schedule 3 chemicals in accordance with the regulations in Points b and c Clause 1 Article 15; point b Clause 1 Article 16 of this Decree.
- Documents that satisfy the conditions prescribed in Points c, d, dd, d, e, h, i Clause 1 Article 15 of this Decree;

#### ***8.4. Conditions for Import and Export of Schedule 1, Schedule 2, and Schedule 3 chemicals***

The conditions of that sector prescribed in Article 19 of Decree No.38/2014/ND-CP; and MOIT has regulated 01 administrative procedure, includes: The issue of Import (or Export) Permit for the Schedule 1 chemicals; The issue of Import (or Export) Permit for the Schedule 2 chemicals; The issue of Import (or Export) Permit for the Schedule 3 chemicals.

*a) Procedures for the issuance of a Certificate*

- Each importer or exporter of Schedule 1, Schedule 2 and Schedule 3 chemicals shall file 1 (one) application and send it to the Ministry of Industry and Trade directly or by post;
- The Ministry of Industry and Trade shall notify each importer or exporter of the sufficiency and validity of the application and request the importer or exporter to complete the application once within at most 03 (three) working days from the receipt of the application. The time for notification and completion of the application is not included in the processing time of the issuance of the Certificates of import or export as prescribed in points a and b Clause 4 this Article.

*b) Method*

- Via post.
- Direct submission

*c) A dossier comprises:*

- An application for the issuance of the Permit consists of:
- A written request for the issuance of the permit using the prescribed form;
- A copy of either the Enterprise registration certificate or Investment certificate or Business registration Certificate which covers chemical business, issued by the competent authorities.
- The contract or agreement on trading the Schedule 1, Schedule 2 and Schedule 3 with the organizations that are Members of the Organization.

#### ***8.5. Conditions for Production of DOC and DOC-PSF:***

The conditions of that sector prescribed in Articles 15, 18 and 20 of Decree No.38/2014/ND-CP; and MOIT has regulated 01 administrative procedure, includes:

The administrative procedures related to manufacturing activities included: The issuance of a Production Certificate of DOC, DOC-PSF chemicals

## **9. Trading on inorganic fertilizers**

For these sector, the legal documents has regulate 05 conditions, with a total of 9 administrative procedures involved, as follows

### ***9.1. Requirements for manufacturing fertilizers***

The conditions of that sector prescribed in Article 8 of Decree No.202/2013/ND-CP; and Article 5 of Circular No. 29/2014/TT-BCT. MOIT has regulated 06 administrative procedures, includes: Granting License for manufacture of inorganic fertilizers; Re-granting the License for manufacture of inorganic fertilizers; Adjusting the License for manufacture of inorganic fertilizers; Granting the license for manufacture inorganic fertilizer, organic fertilizer and other types of fertilizer; Re-granting the License for manufacture of inorganic fertilizers, organic fertilizer and other types of fertilizer; Adjusting the License for manufacture of inorganic fertilizers, organic fertilizer and other fertilizers.

#### **9.1.1. Granting License for manufacture of inorganic fertilizers**

##### ***a) Procedures for granting the license***

- Organizations or individuals manufacturing inorganic fertilizer shall make 1( one) set of application including the papers and documents as prescribed in Paragraph 1 of this Article and submit to Vietnam Chemicals Agency by post or directly ;
- Within 3 (three) working days from the date of receipt of the application, Vietnam Chemicals Agency must notify the organizations and individuals of the completeness and validity of the application and request the organizations and individuals to complete the application. The time of notifying and completing the application shall not include in the time of granting the licence specified in point c of this clause;
- Within 20 (twenty) working days from the date of receipt of the satisfactory application, the Vietnam Chemicals Agency shall verify the application, inspect the actual conditions and grant the License for manufacture of inorganic fertilizers in the form prescribed in Appendix 4 enclosed with this Circular to organizations and individuals meeting the conditions. If the application is not satisfactory, Vietnam Chemicals Agency must make a reply in writing and clearly state the reason

##### ***b) Method:***

- Via post
- Direct submission

##### ***c) The application shall include:***

- A written form for granting License for manufacture of inorganic fertilizers under the form specified in Appendix 2 enclosed with this Circular;
- A copy of Certificate of Enterprise registration or Investment certificate or Certificate of Business registration;



- A written description of manufacturing process, technical facilities (factories, storage), machinery, equipment (A list of machinery capacity, equipment that suit the production stage and scale of the facility; instruments of measurement, inspection of quality of fertilizer). A list of area, premises of the factory, storage, offices and ancillary works;
- A copy of the Decision of approval for environmental impact assessment report or certificate of environment protection commitment registration granted by competent agencies;
- A copy of the Certificate of approval for fire prevention, firefighting or a copy of the decision of approval for firefighting plans granted by competent agencies ;
- A list of the team of management, technique and manufacture operating. A statistical table of total employees and the amount of trades directly manufacturing fertilizers in the form prescribed in Appendix 3 enclosed with this Circular; A copy of work permit for foreign workers (if any);
- A copy of the testing contract with designated test organizations (if any);
- A copy of the written declaration of the application standard for the main material, input additives corresponding to each type of production fertilizer (if any);
- A copy of the certificate of the quality control system according to ISO 9001: 2008 or equivalent (if any);
- An outsourcing contract (for the case of organizations and individuals hiring another organization or individual to manufacture inorganic fertilizer);

#### 9.1.2. Granting the license for manufacture inorganic fertilizer, organic fertilizer and other types of fertilizer

##### *a) Procedures for granting the license*

- The organization or individual manufacturing inorganic fertilizer shall make 1( one) set of application including the papers and documents as prescribed in Paragraph 1 of this Article and submit it to the Ministry of Industry and Trade by post or directly ;
- Within 3 (three) working days from the date of receipt of the application, The Ministry of Industry and Trade must notify the organizations and individuals of the completeness and validity of the application and request the organizations and individuals to complete the application. The time of notifying and completing the application shall not be included in the time of granting the licence specified in point c of this clause;
- Organizations and individuals that have been granted the License for manufacture of inorganic fertilizers, in the course of operation, if needing to supplement the production of organic fertilizer and other types of fertilizer, must make an application for granting the License for manufacture of organic fertilizer and other types of fertilizer as prescribed by the Ministry of Agriculture and Rural Development and shall use the License for manufacture of inorganic fertilizers, the License for manufacture of organic fertilizer and other types of fertilizer without needing the License for manufacture of inorganic fertilizers, organic fertilizers and other types of fertilizer. This provision shall also be applied to cases where organizations and individuals who have been granted the License for manufacture of organic fertilizer and other types of fertilizer wish to manufacture inorganic fertilizer

*b) Method:*

- Via post;
- Direct submission.

*c) Application for licensing shall include:*

- A written form of licensing to manufacture inorganic fertilizer, organic fertilizer and other types of fertilizer in the form prescribed in Appendix 8 enclosed with this Circular;
- Papers and documents of guarantee of production conditions of inorganic fertilizer as prescribed in clause 1, Article 6 of this Circular;
- Papers and documents of guarantee of production conditions of organic fertilizer and other types of fertilizers under the regulations of the Ministry of Agriculture and Rural development.

**9.2. Conditions for automatic import fertilizers**

The conditions of that sector prescribed in Circular No. 35/2014/TT-BCT dated October 15, 2014, applying the regulation on issuance of automatic import license with respect to fertilizer products. Including these administrative procedures: Issuance of automatic import license with respect to some fertilizer products; Re-issuance of automatic import license with respect to some fertilizer products; Revision of automatic import license with respect to some fertilizer products

*a) Sequence, procedures for issuance of automatic import license*

- Entrepreneurs must send a set of registration documents for issuance of automatic import license by post to the issuing agency as prescribed in Clause 2, Article 4 hereof. Date of receiving documents shall be based on date marked on incoming dispatch;
- The time limit for issuance of automatic import license is seven working days since receipt of eligible documents. In case the license cannot be issued, the issuing agency must issue a written notice with reasons specified.
- In case the documents are found inadequate and ineligible, within three working days since the receipt of such documents, the issuing agency shall issue a written notice to the entrepreneur for supplements.
- Automatic import license shall be sent by post to the entrepreneur at the address specified in the registration form.

*b) Method:*

- Via post.

*c) Registration documents for issuance of automatic import license*

- Registration form: Two originals (Form 01 in the Appendix II enclosed herewith);
- One certified true copy of Certificate of Enterprise registration or Certificate of Business registration, or Investment certificate relating to fertilizer business;
- One certified true copy of import contract or equivalent documents;
- One certified true copy of commercial invoice;

- One certified true copy of Letter of Credit (L/c) or payment document, or an original of the bank payment confirmation letter (accompanied by a request for bank payment confirmation) (See Forms 2 and 3 in the Appendix II enclosed herewith);

- One certified true copy of the bill of lading or transport document of imported goods;

In case goods are imported via road checkpoints or from free trade zones, only a previously confirmed report on importation conducted by the importer is needed (See form 04 in the Appendix II enclosed herewith).

## **10. Trading on alcohol**

For these sector, the legal documents has regulate 02 group of conditions, with a total of 18 administrative procedures involved, as follows

### ***10.1. Requirements for production of alcohol***

The conditions of that sector prescribed in Article 8 and Article 11 of Decree No.94 /2012/ND-CP. MOIT has regulated administrative procedures, includes: Issuing the License for mass production of wine that reach at least 3 million liters per year; Amending the License for mass production of wine that reach at least 3 million liters per year; Re-Issuing the License for mass production of wine that reach at least 3 million liters per year; Issuing the License for mass production of wine that reach under 3 million liters per year; Amending the License for mass production of wine that reach under 3 million liters per year; Re-Issuing the License for mass production of wine that reach under 3 million liters per year; Issuing the License for small-scale production of wine for sale; Amending the License for small-scale production of wine for sale; Re-issuing the License for small-scale production of wine for sale.

#### **10.1.1. Issuing the License for mass production of wine**

##### ***a) The procedure for issuing the License for mass production of wine***

Within 20 days as from receiving the complete and valid dossiers, the Ministry of Industry and Trade or the local Service of Industry and Trade shall consider and issue the License for mass production of wine. The refusal must be explained in writing;

If the dossier is not complete or not valid, within 07 days after receiving it, the licensing agency must request the supplementation in writing.

##### ***b) Method:***

- Via post
- Direct submission

##### ***c) Application for granting License for industrial wine production***

Enterprises requesting for granting the License for industrial wine production shall make 02( two ) sets of application for granting the License for industrial wine production, 01 (one) shall be submitted to licensing competent agencies, 01 (one) shall be kept in the enterprises. Application for granting the License for industrial wine production shall include:

- A written form of granting the License for industrial wine production (in the form provided in Appendix 1 enclosed with this Circular)

- A copy of the Investment certificate or the Certificate of Enterprise registration or the Certificate of Business registration or the certificate of tax codes
- A copy of the Certificate of reception of Declaration of conformity, the Certificate of fulfilment of food safety conditions
- A list of wine names enclosed with a copy of labels of the wine which enterprises shall expect to produce.
- A copy of the approval Decision of the report on environmental impact assessment or the Certificate of commitment to environment protection registration granted by competent agencies

#### 10.1.2. Issuing the License for small-scale production of wine for sale

##### a) The procedure for issuing the License for small-scale production of wine for sale:

- Within 15 days as from receiving the complete and valid dossier, the Department of Industry and Trade affiliated to the People's Committee of the district, where the premises of small-scale production of wine for sale is situated, shall consider and issue the License for small-scale production of wine for sale according to the form provided by the Ministry of Industry and Trade. The refusal must be explained in writing;
- If the dossier is not complete or not valid, within 07 days after receiving it, the licensing agency must request the supplementation in writing.

##### b) *Method:*

- Via post
- Direct submission

##### c) *A dossier comprises:*

Organizations and individuals requesting for granting the Licence of small-scale production of wine for sale shall make 2 (two) sets of application for granting the Licence of small-scale production of wine for sale, 1 (one) shall be submitted to the granting competent agencies and 01(one) shall be kept in the facilities of such organizations and individuals

An application for granting the License for small-scale production of wine for sale shall include:

- A written form of granting the License for small-scale production of wine for sale in the form provided in Appendix 10 enclosed with this Circular;
- A copy of the Certificate of Enterprise registration or the Certificate of Business registration and the Certificate of tax code;
- A copy of the Certificate of reception of Declaration of conformity, the Certificate of fulfilment of food safety conditions
- A list of wine names enclosed with a copy of labels of the wine which enterprises shall expect to produce.

## ***10.2. Conditions for issuing the License for alcohol trading***

The conditions of that sector prescribed in Articles that 8, 11, 17 and 18 of Decree No.94 /2012/ND-CP. MOIT has regulated administrative procedures, includes: Issuing the License for wine trading; Amending the License for wine trading; Re-issuing the License for wine trading; Issuing the License for wine wholesaling; Amending the License for wine wholesaling; Re-issuing the License for wine wholesaling; Issuing the License for wine retailing; Amending the License for wine retailing; Re-issuing the License for wine retailing

### **10.2.1. Issuing the License for wine trading**

#### ***a) The procedure to issue the License for wine trading***

- Within 15 days as from receiving the complete and valid dossier, the State management agency in charge of Industry and Trade shall consider and issue the License for wine trading to the trader as guided by the Ministry of Industry and Trade. The refusal must be explained in writing;

- If the dossier is not complete or not valid, within 07 days after receiving it, the State management agency in charge of Industry and Trade must request the supplementation in writing.

#### ***b) Method:***

- Via post

- Direct submission

#### ***c) Application for granting:***

Enterprises requesting for granting the Licenses for wine distribution shall make 02 (two) sets of application, 01 (one) shall be submitted to licensing competent agencies, 01(one) shall be kept in the enterprises. The application for granting the Licenses for wine distribution shall include:

- A written form of granting the Licenses for wine distribution in the form provided in Appendix 27 enclosed with this Circular.

- A copy of the Investment certificate or the Certificate of Enterprise registration or the Certificate of Business registration or the certificate of tax codes

- A commitment made by the enterprises themselves, which clearly states the content that traders ensure the full compliance with the requirements for fire protection and fire fighting, environmental protection under the provisions of law in business stores and its warehouse.

- A report on income statement of the enterprises, including:

+ The business result of 03 previous years, enclosed with a detailed list and a valid copy of the sale contract with each wine manufacturer or other distributors of wine, the paid tax ;

+ The sale forms, management methods of the distribution system.

- A list of traders, a copy of the investment certificate or certificate of business registration or certificate of business registration and the certificate of tax codes, the License to trade wine (if business) of the enterprises who belonged or will belong to the wine

distribution system in an area of at least 06 provinces (in each area, there must be at least 03 wholesalers).

- A copy of the written introduction or sale contract of wine manufactures or of other wine distributors (which specify the location, types of wine expected to be traded).
- A copy of the Certificate of declaration of conformity or the standard certificate of types of wine of the enterprises which are expected to be traded;
- A dossier of transportation including copies of documents proving the right to use vehicles (owned or co-owned according to the joint-venture contract, capital contribution linking contract; or lease contract of vehicles matching the business scale of enterprises with a minimum rental period of 01 year); at least the right to use 03 vehicles with vehicular weight of 500 kg or more; meeting of requirements for preserving the quality of the wine during transport.
- A dossier of financial capability including the financial capacity which guarantees the normal operation of the entire distribution system (Certificate of bank with the account balance of at least 01 billion).
- A copy of fee receipts as prescribed by the Ministry of Finance.

#### 10.2.2. Issuing the License for wine wholesaling

##### *a) The procedure to issue the License for wine trading*

- Within 15 days as from receiving the complete and valid dossier, the State management agency in charge of Industry and Trade shall consider and issue the License for wine trading to the trader as guided by the Ministry of Industry and Trade. The refusal must be explained in writing;

- If the dossier is not complete or not valid, within 07 days after receiving it, the State management agency in charge of Industry and Trade must request the supplementation in writing

##### *b) Method:*

- Via post
- Direct submission

##### *c) A dossier comprises:*

Enterprises requesting for granting the License for wine wholesaling shall make 02 (two) sets of application, 01(one) shall be submitted to licensing competent agencies, 01 (one) shall be kept in the enterprises. The application for granting the License for wine wholesaling shall include:

- A written form of granting the License for wine wholesaling in the form provided in Appendix 29 enclosed with this Circular.
- A copy of the Investment certificate or the Certificate of Enterprise registration or the Certificate of Business registration or the certificate of tax codes
- A commitment made by the enterprises themselves, which clearly states the content that traders ensure the full compliance with the requirements for fire protection and fire

fighting, environmental protection under the provisions of law in business stores and their warehouse.

- An income statement of the enterprises, including:
  - + The income statement of 03 previous years, enclosed with a detailed list and a valid copy of the sale contract with each organization, individual producing wine or wine distributors, the paid tax ;
  - + The sale forms, management methods of the wholesaling system.
- A list of traders, a copy of the investment certificate or Certificate of Enterprise registration or certificate of business registration and the certificate of tax codes, the License to trade wine (if business) of the enterprises who belonged or will belong to the wine distribution system ( there must be at least 03 retailers).
- A copy of the written introduction or sale contract of wine manufacturers or of wine distributors (which specifies the location, types of wine expected to be traded).
- A copy of the Certificate of declaration of conformity or the standard certificate of types of wine of enterprises which are expected to be traded;
- A dossier of transportation including copies of documents proving the right to use vehicles (owned or co-owned according to the joint-venture contract, capital contribution linking contract; or lease contract of vehicles matching the business scale of enterprises with a minimum rental period of 01 year); at least the right to use 01 vehicles with vehicular weight of 500 kg or more; meeting of requirements for preserving the quality of the wine during transport.
- A dossier of financial capability including the financial capacity which guarantees the normal operation of the wholesaling system (Certificate of bank with the account balance of at least 300 billion).
- A copy of fee receipts as prescribed by the Ministry of Finance.

#### 10.2.3. Issuing the License for wine retailing

##### *a) The procedure to issue the License for wine trading*

- Within 15 days as from receiving the complete and valid dossier, the State management agency in charge of Industry and Trade shall consider and issue the License for wine trading to the trader as guided by the Ministry of Industry and Trade. The refusal must be explained in writing;

- If the dossier is not complete or not valid, within 07 days after receiving it, the State management agency in charge of Industry and Trade must request the supplementation in writing

##### *b) Method:*

- Via post
- Direct submission

*c) Application of granting License for wine retailing*

Retailers requesting for granting the License for wine retailing shall make 02 (two) sets of application, 01(one) shall be submitted to licensing competent agencies, 01 (one) shall be kept in the enterprises, business households. 01(one) License for wine retailing shall be applied for only one business store

An application for granting the License for wine retailing shall include:

- A written form of granting the License for wine retailing in the form provided in Appendix 31 enclosed with this Circular.
- A copy of the Investment certificate or the Certificate of Enterprise registration or the Certificate of Business registration or the certificate of tax codes
- A commitment made by the retailers themselves, which clearly states the content that traders ensure the full compliance with the requirements for fire protection and fire fighting, environmental protection under the provisions of law in business stores and their warehouse.
- A copy of the written introduction or sale contract of enterprises trading wine (which specifies the location, types of wine expected to be traded).
- A copy of the Certificate of declaration of conformity or the standard certificate of types of wine of retailers which are expected to be traded;
- A copy of fee receipts as prescribed by the Ministry of Finance.

**11. Trading on tobacco and tobacco ingredients, machinery and equipment for tobacco manufacturing**

For these sector, the legal documents has regulate 12 group of conditions, with a total of 23 administrative procedures involved, as follows:

***11.1. Conditions for the issuance of the License to manufacture tobacco***

The conditions of that sector prescribed in Article 17 of Decree No.67/2013/ND-CP. MOIT has regulated 03 administrative procedures, includes: Issuing the license to manufacture tobacco; Re – issuing the License to manufacture tobacco; Amending the license to manufacture tobacco.

*a) Authority and procedure for issuing the License to manufacture tobacco*

Authority to issue the License to manufacture tobacco:

- The Ministry of Industry and Trade shall issue, reissue, and adjust the License to manufacture tobacco.
- Procedure for issuing the License to manufacture tobacco:
  - + The enterprise that manufactures tobacco shall submit 01 application for the License to manufacture tobacco to the Ministry of Industry and Trade;
  - + Within 20 working days from the day on which the valid application is received, the Ministry of Industry and Trade shall consider issuing the License to manufacture tobacco. If the aforesaid conditions are not met, the Ministry of Industry and Trade shall issue a written refusal and provide explanation.



+ If the application is not sufficient, the Ministry of Industry and Trade shall request the applicant to supplement the application within 07 working days from the day on which the application is received.

- Making and keeping the License to manufacture tobacco:

- The License to manufacture tobacco shall be made into 04 copies; 02 copies are kept by the Ministry of Industry and Trade, 01 copy is sent to the applicant, and 01 copy is sent to the Service of Industry and Trade of the locality where the head office of the enterprise is situated.

- Each License to manufacture tobacco is valid for 05 year. 30 days before the expiration date, the tobacco manufacturer shall submit 01 application for the reissuance of the License to manufacture tobacco if they wish to continue manufacturing. The documentation and procedure for the reissuance are specified in Article 39 of this Decree

*b) Method:*

- Via post

- Direct submission

*c) Application of granting License*

The written request for License of tobacco production

- A copy of the Certificate of Enterprise registration or Certificate of Business registration that covers the tobacco manufacturing.

- A report on the performance of the enterprise over the last 03 years (if any) and estimated production in the next 05 years (specifying the production of each product).

- The manifest of machinery and equipment for rolling and packing cigarettes (productivity of each stage).

- Documents proving legal origins of machinery and equipment.

- Contracts to process shredded tobacco, contracts for quality inspection services (if any)

- The declaration of the area, floor plan of the storage, workshop, office, and other ancillary sites.

- Copies of documents proving the legal ownership right of use of tobacco brands.

- Copies of the Declaration of conformity with National Technical Regulations on tobacco.

- Copies of documents proving the investment in the development of tobacco ingredient areas

### ***11.2. Requirements of the issuance of the License to trade in tobacco***

The conditions of that sector prescribed in Articles 26, 27, 28 of Decree No.67/2013/ND-CP. MOIT has regulated 09 administrative procedures, includes:

+ *Issuing the license to trade in tobacco*

+ *Amending the license to trade in tobacco*

- + *Re-issuing the license to trade in tobacco*
- + *Issuing the license for tobacco wholesaling*
- + *Re-issuing of the license for tobacco wholesaling*
- + *Amending the license for tobacco wholesaling*
- + *Issuing the license for tobacco retailing*
- + *Re-issuing of the license for tobacco retailing*
- + *Amending the license for tobacco retailing.*

#### 11.2.1. Issuing the license to trading in tobacco

##### *a) Procedure for issuing Licenses to trade in tobacco*

- Every applicant for the License to trade in tobacco shall make 02 applications according to Article 27 of this Decree. 01 application is sent to the licensing authority, 01 application is kept by the applicant;

- Within 15 working days from the day on which the valid application is received, the licensing authority shall consider and issue the License to trade in tobacco. If the enterprise fails to meet the requirements, the licensing authority shall make a written refusal and provide explanation;

- If the application is not sufficient, the licensing authority shall request the enterprise to supplement the application within 07 working days from the day on which the application is received.

##### *b) Method*

- Via post
- Direct submission

##### *c) Application for the License to distribute tobacco:*

- The written request for the issuance of the License to distribute tobacco;

- A copy of the Certificate of Enterprise registration or Certificate of Business registration and the Certificate of Tax code;

- Copies of letters of introduction or sale contracts signed with tobacco suppliers, which specify the intended business location;

- Documents about the business location, including:

+ The address, area, and description of the tobacco sale location;

+ Copies of documents proving the right to use the business location (under ownership or co-ownership or leased for at least 01 year);

+ The manifests of equipment for checking and regulating temperature and humidity at the tobacco sale location.

- Income statement of the enterprise (when applying for the reissuance of the license):

- + Income statements of the previous 03 years, enclosed with the list and copies of sale contracts signed with other tobacco distributors or tobacco suppliers, the tax that were paid;
- + Method of sale and management of the distribution system.
- The list of traders, a copy of the Certificate of Enterprise registration or Certificate of Business registration and the Certificate of Tax code, the Licenses for tobacco sale of the traders that belong or will belong the tobacco distribution network;
- Documents about the means of transport: copies of the documents proving the right to use means of transport (under ownership or co-ownership according to the joint venture contract or capital contribution contract; or contracts to hire means of transport for at least 01 year);
- Documents about the financial capacity: the financial capacity is able to ensure the normal operation of the entire distribution system (a certification is issued by a bank);
- Documents about the warehouse, including:
  - + Documents proving the right to use the business location (under ownership or co-ownership or leased for at least 01 year);
  - + A written commitment to ensure the conformity of the warehouse with the requirements for fire prevention and fighting and environment protection is made by the enterprise;

#### 11.2.2. Issuing the license for tobacco wholesaling

##### *a) Procedure for issuing Licenses to trade in tobacco*

- Every applicant for the License to trade in tobacco shall make 02 applications according to Article 27 of this Decree. 01 application is sent to the licensing authority, 01 application is kept by the applicant;
- Within 15 working days from the day on which the valid application is received, the licensing authority shall consider and issue the License to trade in tobacco. If the enterprise fails to meet the requirements, the licensing authority shall makes a written refusal and provide explanation;
- If the application is not sufficient, the licensing authority shall request the enterprise to supplement the application within 07 working days from the day on which the application is received.

##### *b) Method*

- Via post
- Direct submission

##### *c) Application for the License for tobacco wholesaling:*

The written request for the issuance of the License for tobacco wholesaling:

- A copy of the Certificate of Enterprise registration or Certificate of Business registration and the Certificate of Tax code;

- Copies of letters of introduction or sale contracts signed with tobacco suppliers or tobacco wholesalers, which specify the intended business location;
- Documents about the business location, including:
  - + The address, area, and destruction of the tobacco sale location;
  - + Copies of documents proving the right to use the business location (under ownership or co-ownership or leased for at least 01 year);
  - + The manifests of equipment for checking and regulating temperature and humidity at the tobacco sale location.
- Income statements of the enterprise:
  - + Income statements of the previous 03 years, enclosed with the list and copies of sale contracts signed with other tobacco distributors or tobacco suppliers or tobacco wholesalers, the tax that were paid;
  - + Method of sale and management of the distribution system.
- The list of traders, a copy of the Certificate of Enterprise registration or Certificate of Business registration and the Certificate of Tax code, the Licenses for tobacco sale of the local traders that belong or will belong the tobacco distribution network;
- Documents about the means of transport: copies of the documents proving the right to use means of transport (under ownership or co-ownership according to the joint venture contract or capital contribution contract; or contracts to hire means of transport for at least 01 year);
- Documents about the financial capacity: the financial capacity is able to ensure the normal operation of the entire distribution system (a certification is issued by a bank);
- Documents about the warehouse, including:
  - + Documents proving the right to use the business location (under ownership or co-ownership or leased for at least 01 year);
  - + A written commitment to ensure the conformity of the warehouse with the requirements for fire prevention and fighting and environment protection is made by the enterprise;

### 11.2.3. Issuing the license for tobacco retailing

#### a) *Procedure for issuing Licenses to trade in tobacco*

- Every applicant for the License to trade in tobacco shall make 02 applications according to Article 27 of this Decree. 01 application is sent to the licensing authority, 01 application is kept by the applicant;
- Within 15 working days from the day on which the valid application is received, the licensing authority shall consider and issue the License to trade in tobacco. If the enterprise fails to meet the requirements, the licensing authority shall makes a written refusal and provide explanation;

- If the application is not sufficient, the licensing authority shall request the enterprise to supplement the application within 07 working days from the day on which the application is received.

*b) Method;*

- Via post

- Direct submission

*c) Application for the issuance of the License for tobacco retailing:*

The written request for the issuance of the License for tobacco retailing:

- A copy of the Certificate of Enterprise registration or Certificate of Business registration and the Certificate of Tax code;

- Copies of letters of introduction or sale contracts are signed with tobacco wholesalers;

- Documents about the business location, including:

+ The address, area, and description of the tobacco sale location;

+ Copies of documents proving the right to use the business location (under ownership or co-ownership or leased for at least 01 year);

+ The manifests of equipment for checking and regulating temperature and humidity at the tobacco sale location.

### ***11.3. Conditions for the issuance of the License to trade in tobacco ingredients***

The conditions of that sector prescribed in Article 9 of Decree No.67/2013/ND-CP. MOIT has regulated 03 administrative procedures, includes:

+ Issuing the license to trade in tobacco ingredients

+ Re-issuing the license to trade in tobacco ingredients

+ Amending the license to trade in tobacco ingredients

*a) The procedure for issuing the License to trade in tobacco ingredients:*

- Each enterprise that invests in tobacco cultivation and each enterprise that trades in tobacco ingredients shall submit 01 application for the Certificate of eligibility to invest in tobacco cultivation or License to trade in tobacco ingredients to the Service of Industry and Trade;

- Within 10 working days from the day on which the valid application is received, the Service of Industry and Trade shall consider issuing the Certificate of eligibility to invest in tobacco cultivation or License to trade in tobacco ingredients. If the aforesaid conditions are not met, the Service of Industry and Trade shall issue a written refusal and provide explanation.

- If the application is not sufficient, the Service of Industry and Trade shall request the enterprise to supplement the application within 05 working days from the day on which the application is received.

*b) Method:*

- Via post
- Direct submission

*c) Application for the License to trade in tobacco ingredients*

The written request for the License to trade in tobacco ingredients

- A copy of the Certificate of Business registration.
- The declaration of the area, floor plan of the warehouse, workshop, office, other ancillary sites, and means of transport.
- The manifest of equipment: ventilation system, fire prevention and fighting equipment, hygrometer, thermometer, pest prevention equipment, shelves and platforms.
- The list of employees, copies of labor contract and intermediate degrees in agriculture (or higher) of ingredient purchasers.
- Copies of contracts to entrust the import of tobacco ingredients are signed with tobacco manufacturers or enterprises that process tobacco ingredients, or contracts to entrust the export of tobacco ingredients signed with enterprises eligible to invest in tobacco cultivation or enterprises that process tobacco ingredients.

***11.4 . Conditions for the issuance of the License to process tobacco ingredients***

The conditions to give License for processing tobacco ingredients are prescribed in Article 12 of Decree No.67/2013/ND-CP. MOIT has regulated 03 administrative procedures, includes:

- + Issuing the license to process tobacco ingredients
- + Amending the license to process tobacco ingredients
- + Re-issuing the license to process tobacco ingredients

*a) Procedure of issuing the License to process tobacco ingredients:*

- The enterprise that processes tobacco ingredients shall submit 01 application for the License to process tobacco ingredients to the Ministry of Industry and Trade;
- Within 20 working days from the day on which the valid application is received, the Ministry of Industry and Trade shall consider issuing the License to process tobacco ingredients. If the aforesaid conditions are not met, the Ministry of Industry and Trade shall issue a written refusal and provide explanation.
- If the application is not sufficient, the Ministry of Industry and Trade shall request the enterprise to supplement the application within 07 working days from the day on which the application is received.

*b) Method:*

- Via post
- Direct submission

*c) Application for the License to process tobacco ingredients*

- The written request for the License to process tobacco ingredients.

- A copy of the Certificate of Enterprise registration or Certificate of Business registration.
- The declaration of area, floor plans of the classification sector, processing sector, packaging sector, warehouses, offices, and other ancillary sectors.
- The manifest of synchronous machinery and equipment for tobacco ingredient processing, equipment for inspecting the quality of ingredients before and after processing, ventilation system, fire prevention and fighting equipment, hygrometer, thermometer, pest prevention equipment, shelves and platforms.
- Documents proving legal origins of machinery and equipment.
- The list of employees.
- Copies of labor contracts enclosed with copies of qualifications in mechanics, technology, and food chemistry of employees that process tobacco ingredients.
- Copies of contracts to invest in tobacco cultivation signed with tobacco planters and ingredient sale contracts signed with enterprises that invest in tobacco cultivation.
- Copies of Certificate of qualified tobacco ingredients issued by competent authorities.

#### ***11.5. Conditions for the import of tobacco ingredients and cigarette paper***

The conditions of that sector prescribed in Article 36 of Decree No.67/2013/ND-CP. MOIT has regulated an administrative procedure:

*Notification of the import quota of tobacco ingredients and cigarette paper.*

##### *a) Process:*

- Before November 15 every year, the enterprises that manufacture tobacco and enterprises that process shredded tobacco must send report on their demand for import of tobacco ingredients and cigarette paper to serve the tobacco manufacturing for domestic sale and processing of shredded tobacco in the next year to the Ministry of Industry and Trade;
- The report must specify the performance, production, import of tobacco ingredients and cigarette paper in the year, the estimated production, the demand for tobacco ingredients and cigarette paper in the next year

##### *b) Method:*

- Via post
- Direct submission

*c) Application:* The document on their demand for import of tobacco ingredients and cigarette paper to serve the tobacco manufacturing for domestic sale and processing of shredded tobacco in the next year

#### ***11.6. Conditions for the issuance of the Certificate of eligibility to invest in tobacco cultivation***

The conditions to have license to invest in tobacco cultivation are prescribed in Article 7 of Decree No.67/2013/ND-CP. MOIT has regulated 03 administrative procedures, includes:

- + Issuing the Certificate of eligibility to invest in tobacco cultivation.

+ Amending the Certificate of eligibility to invest in tobacco cultivation.

+ Re-issuing the Certificate of eligibility to invest in tobacco cultivation.

*a) The procedure for issuing the Certificate of eligibility to invest in tobacco cultivation:*

- Each enterprise that invests in tobacco cultivation and each enterprise that trades in tobacco ingredients shall submit 01 application for the Certificate of eligibility to invest in tobacco cultivation or License to trade in tobacco ingredients to the Service of Industry and Trade;

- Within 10 working days from the day on which the valid application is received, the Service of Industry and Trade shall consider issuing the Certificate of eligibility to invest in tobacco cultivation or License to trade in tobacco ingredients. If the aforesaid conditions are not met, the Service of Industry and Trade shall issue a written refusal and provide explanation.

- If the application is not sufficient, the Service of Industry and Trade shall request the enterprise to supplement the application within 05 working days from the day on which the application is received.

*b) Method:*

- Via post

- Direct submission

*c) Application for the Certificate of eligibility to invest in tobacco cultivation*

- A written request for the Certificate of eligibility to invest in tobacco cultivation.

- A copy of the Certificate of Business registration.

- The declaration of the area, floor plan of the warehouse, workshop, office, and other ancillary sites.

- The manifest of equipment: ventilation system, fire prevention and fighting equipment, hygrometer, thermometer, pest prevention equipment, shelves and platforms.

- The list of employees, copies of labor contract and intermediate degrees in agriculture (or higher) of investment managers, technical supporters, and ingredient purchasers.

- Copies of contracts to invest in tobacco cultivation signed with planters and the statement of planting area and estimated quantity of tobacco leaves.

#### ***11.7. Conditions for Import of machinery and equipment for tobacco manufacturing:***

The conditions of those sectors are prescribed in Article 34 of Decree No.67/2013/ND-CP. MOIT has regulated an administrative procedures: Import of machinery and equipment for tobacco manufacturing.

*a) Process:*

Within 10 working days from the day on which the sufficient dossier is received, the Ministry of Industry and Trade shall make a written reply. The refusal (if any) must be explained.



*b) Method:*

- Via post
- Direct submission

*c) A dossier comprises:* The enterprise shall send 01 dossier of the import of machinery and equipment for tobacco manufacturing, including the written approval for the investment policy, the projects, relevant approving documents, and the written request for the permission of the Ministry of Industry and Trade.

***11.8. Requirements and procedure for investment in upgrading equipment and technologies; investment in manufacture and processing of tobacco for export; moving; investment in tobacco ingredient processing***

The conditions of that sector prescribed in Article 24 of Decree No.67/2013/ND-CP. MOIT has regulated an administrative procedures: Approving of investment in upgrading equipment and technologies; investment in manufacture and processing of tobacco for export; moving; investment in tobacco ingredient processing

*a) The procedure for making investments in upgrading equipment and technologies, manufacture and processing of tobacco for export and moving:*

- An enterprise that has a License to manufacture tobacco or License to process tobacco ingredients shall send an application and the investment scheme to the Ministry of Industry and Trade.

- Within 15 working days from the day on which the valid application is received, the Ministry of Industry and Trade shall make a written reply. If the application is not valid, the Ministry of Industry and Trade shall send a written request to the enterprise in writing for the supplementation of the application within 07 working days from the day on which the application is received. If the enterprise fails to meet the requirements, the Ministry of Industry and Trade shall makes a written refusal and provide explanation;

- After the Ministry of Industry and Trade makes the written approval, the enterprise shall make investment in accordance with the procedure for investment and fundamental construction required by law;

- The enterprise shall send the Ministry of Industry and Trade a report on the settlement of machinery and equipment that are replaced during the investment.

*b) Method:*

- Via post
- Direct submission

*c) The application must specify:* the project name, location, relevant specifications, scale, production, efficiency, and the plan for handling the machinery and equipment being replaced (if they are replaced);

## **12. The goods exchange activities**

### ***12.1. Conditions for establishment of the Goods Exchange***

The conditions of that sector prescribed in Articles 8, 15, 32 of Decree No.158/2006/ND-CP; and Article 1 of Circular No.03/2009/TT-BCT. MOIT has regulated an administrative procedures

- + Issuing the establishment license of the Goods Exchange
- +Amending the establishment license of the Goods Exchange;
- + Re-issuing the establishment license of the Goods Exchange

#### *a) Process:*

- The Trade Ministry shall examine the conditions and dossier of application for establishment license of the Goods Exchange specified in Articles 8 and 9 of Decree No.158/2006/ND-CP.

- Within seven working days after receiving the dossier of application for establishment license of the Goods Exchange, the Trade Ministry shall examine its validity and may request supplementation of the incomplete dossier contents according to Article 9 of this Decree. The Trade Ministry shall complete the examination within forty five days after receiving the valid dossier. This time limit may be prolonged but must not exceed sixty days. Upon the expiration of the time limit specified in Clause 3 of this Article, the Trade Ministry shall decide to grant or refuse to grant the establishment license of the Goods Exchange. In case of refusal to grant the license, the Trade Ministry shall notify it in writing, clearly stating the reason therefor.

#### *b) Application:*

The dossier of application for establishment license of the Goods Exchange comprises:

- An application for establishment license of the Goods Exchange, made according to a form set by the Trade Ministry;

- A list of members in case the Goods Exchange operates as a limited liability company and the following enclosed documents:

+ For individual members: Copies of their identity cards or other lawful personal identification papers;

+ For institutional members: Copies of their establishment decisions, business registration certificates or other equivalent documents; powers of attorney, identity cards or lawful personal identification papers of their authorized representatives.

- A list of founding shareholders in case the Goods Exchange operates as a joint-stock company and the following enclosed documents:

+ For individual shareholders: Copies of their identity cards or other lawful personal identification papers;

+ For institutional shareholders: Copies of their establishment decisions, business registration certificates or other equivalent documents; powers of attorney, identity cards or lawful personal identification papers of their authorized representatives.

- The competent agency's written certification of the legal capital;

- The economy-technical explanation, stating objectives, location, schedule for establishment and operation commencement, and technological solutions to conduct transactions;
- Draft operation charter of the Goods Exchange;
- Draft charters of enterprises.

### **13. Activities related Electricity generation; Electricity transmission; Electricity distribution; Electricity wholesaling; Electricity retailing; Electricity import and export and Specialized electricity consultation**

For these sectors, the legal documents have regulated conditions, with a total of 36 administrative procedures involved, as follows:

- Specialized electricity consultation, including:
  - + Consultation of national electricity development planning; consultation of electricity development planning of provinces and centrally-run cities and consultation of hydroelectric planning;
  - + Consultation of investment in power the Plant, transmission line and substation building projects;
  - + Consultation of performance supervision of power the Plant, transmission line and substation projects;
- Electricity generation
- Electricity transmission.
- Electricity distribution
- Electricity wholesaling.
- Electricity retailing
- Electricity import and export.

#### *a) Order and procedures for issue of electricity activity permit*

- The organizations and individuals requesting the issue of electricity activity Permit shall send 01 set of dossier as prescribed in the provisions in Chapter II of this Circular to the licensing organ and shall take the responsibility for the accuracy and honest of dossier for issue of Permit. The dossier can be sent directly or by post or online via the website of licensing organ (if any).
- Within 03 working days after the receipt of dossier requesting the issue of electricity activity Permit, the licensing organ shall notify in writing the organizations or individuals requesting the issue of Permit if their dossiers are not complete or valid. The written notice must state the reasons and requires the supplementation or medication of data, documents and other relevant information for completion of dossier.
- Within 05 working days after the receipt of requirements for supplementation and modification of data, documents and relevant information from the licensing organ, the organizations or individuals requesting the issue of electricity activity Permit have to

supplement or modify such data, documents and relevant information and send their written feedback.

- If within 60 days from the date the licensing organ sends its written notice of supplementation and modification but the organizations or individuals requesting the issue of electricity activity Permit do not supplement their dossiers and reply in writing, the licensing organ has the right to return the dossier for issue of electricity activity Permit.

- Within 15 working days after the receipt of complete and valid dossiers, the licensing organ shall verify such dossiers, inspect at the head office of organizations or individuals (if necessary) and issue the electricity activity Permit.

- During the verification of dossier and actual inspection, if the organizations or individuals do not satisfy the prescribed conditions, the organ issuing the Permit shall require such organizations or individuals to supplement the conditions or refuse to issue the Permit stating the reasons.

- The issued electricity activity Permit includes 03 originals: 01 delivered to the issued unit; 02 kept at the organ issuing the Permit.

- Order and procedures for issue of Permit are applied as follows:

+ For dossiers sent directly or by post: Apply the provisions in Clause 2, 3, 4, 5 and 6 of this Article;

+ For dossiers sent via the website of the Electricity Regulatory Authority: comply with instructions of the Electricity Regulatory Authority;

+ The People's Committee of provinces and centrally-run cities shall provide instructions on issue of Permit under their authority in the online form (if any) in accordance with the provisions in this Circular.

- Within 60 days prior to the expiration of electricity activity Permit, if the electricity units issued with the Permit wish to continue their operation, they must prepare dossiers to request the issue of electricity activity Permit as prescribed in Clause 1 of this Article and comply with the prescribed order and procedures for issue of electricity activity Permit .

### ***13.1. Dossier for issue of specialized electricity consultation Permit***

- A written request for issue of the electricity activity Permit is done the Form No.01 specified in the Annex issued with this Circular.

- A copy of Certificate of enterprise registration, establishment Decision or establishment Certificate of the organization requesting the issue of Permit.

- List of managerial staff and main consultants is under the Form 7a specified in the Annex issued with this Circular; a certified copy of graduation diploma or certificate of practice and signed labor contract of the persons named in the list with consulting organization.

- List of projects with similar scale has been done by the consulting organization or main consultants.

- List of technical equipment and means and applied software used for consultation ensure the requirements for consultation activity.

- In case of change of name, address of head office of the unit issued with Permit, the dossier includes only the contents specified in Clause 1 and 2 of this Article.

### ***13.2. Dossier for issue of electricity generation Permit***

- A written request for issue of the electricity activity Permit is done the Form No.01 specified in the Annex issued with this Circular.
- A copy of Certificate of enterprise registration of the organization requesting the issue of Permit.
- The list of direct technical management staff, team of shift heads of power Plant under the Form 7b in the Annex issued with this Circular; a copy of graduation diploma and operation certificate issued by the dispatching level with control right to the persons named in the list as per the dispatching Procedures of national electricity system issued by the Ministry of Industry and Trade.
- A copy of Decision approving the investment project of power the Plant from the competent authorities.
- A copy of Decision approving the Report on assessment of impact on environment or the written certification of environmental protection Plan of power the Plant investment project of the competent authorities.
- A of electricity sale Contract.
- The list of equipment with strict requirements on labour safety and commitment of project owner to fully comply with regulations of law in using equipment with strict requirements on labour safety.
- A certified copy of document on ensuring the fire prevention and fighting conditions as prescribed by law.
- A copy of decision approving the reservoir operation Procedures of the competent authorities (for hydroelectric the Plants).
- A copy of acceptance record of information technology and telecommunications infrastructure system and the acceptance record of completion of signal connection to SCADA/EMS, SCADA/DMS system of dispatching level with control right for proper operation of electricity system and electricity market.
- A copy of acceptance record of hydroelectric dam and energy route; registration for dam safety sent to the competent authorities; plan for dam safety assurance and dam downstream areas as prescribed by law; report on result of dam inspection (for hydroelectric dams to be periodically inspected).
- A copy of final acceptance record or written certification ensuring the commercial operation conditions for each generating unit.
- A copy of procedure for coordinated operation of power the Plant with the dispatching Unit of electricity system.
- In case of change of name, address of head office of the unit issued with Permit, the dossier includes only the contents specified in Clause 1 and 2 of this Article

### ***13.3. Dossier for issue of electricity transmission and distribution Permit***

- A written request for issue of the electricity activity Permit is done the Form No.01 specified in the Annex issued with this Circular.
- A copy of Certificate of enterprise registration, establishment Decision or establishment Certificate of the organization requesting the issue of Permit.
- The list of direct technical management staff, team of operational shift heads under the Form 7b in the Annex issued with this Circular; a copy of graduation diploma and operation certificate issued by the dispatching level with control right to the persons named in the list as per the dispatching Procedures of national electricity system issued by the Ministry of Industry and Trade.
- The List of main power grid works items which the organization is managing and operating or prepares the receipt under the decision of the competent authorities.
- A certified copy of document on ensuring the fire prevention and fighting conditions as prescribed by law.
- A copy of connection Agreement or connection Contract.
- A map of power grid boundary and scope of activity.
- In case of change of name, address of head office of the unit issued with Permit, the dossier includes only the contents specified in Clause 1 and 2 of this Article.

### ***13.4. Dossier for issue of electricity wholesaling and retailing Permit***

- A written request for issue of the electricity activity Permit is done the Form No.01 specified in the Annex issued with this Circular.
- A copy of Certificate of enterprise registration, establishment Decision or establishment Certificate of the organization or individual requesting the issue of Permit.
- List of managerial staff under the Form 7a specified in the Annex issued with this Circular; a copy of graduation diploma or graduation certificate of the persons named in the list.
- In case of change of name, address of head office of the unit issued with Permit, the dossier includes only the contents specified in Clause 1 and 2 of this Article

### ***13.5. Dossier for issue of electricity import and export Permit***

- A written request for electricity activity Permit is under the Form No.01 specified in the Annex attached to this Circular.
- A copy of Certificate of enterprise registration of the unit requesting the issue of Permit.
- A copy of Decision approving the policy on electricity sale with foreign countries, the approved power grid connection plan for electricity sale with foreign countries;
- A copy of electricity import and export contract or a copy of written request for electricity purchase or electricity sale approval from foreign country.

- Diagram of power grid principles concerning the electricity sale points and procedures for coordinated operation and processing of power grid events between the electricity buyer and the seller (if any).
- A certified copy of document of prescribed implementation of regulations on fire prevention and fighting at the substations.
- In case of change of name, address of head office of the unit issued with Permit, the dossier includes only the contents specified in Clause 1 and 2 of this Article.

#### **14. Trading on food**

- + Issuing the certificate of food safety for producing establishment
- + Re-Issuing the certificate of food safety for producing establishment
- + Issuing the certificate of food safety for trading
- + Re-Issuing the certificate of food safety for trading establishment
- + Issuing the Certificate of food safety knowledge validation

##### ***14.1. Issuing the certificate of food safety for producing/ trading establishment***

###### *a) Procedures for Certificate issuance*

- Receive, examine the conformity of the application

Within 05 working days from the day on which the application is received, the authorized agency shall examine the conformity of the documents; if the application is not satisfactory, the authorized agency shall make a written response providing the notification and request for supplement. After 30 working days from the day on which the notification is sent, if the establishment does not make any response, competent licensing agency may cancel the application.

- Set up an inspectorate

Within 15 working days from the day on which the application is concluded to be sufficient and conformable, the competent agency shall carry out an on-site inspection. If the competent agency authorizes an inferior agency to carry out the inspection, there must be a letter of attorney. After the inspection, such authorized agency shall submit the result to the authorizing agency as the basis for the issuance of the Certificate;

The inspectorate is decided by a competent certification agency or an authorized evaluation agency. The inspectorate shall include from 03 to 05 members, 2/3 of whom work as specialists or managers in food safety (an expert in a relevant field may be invited to join the inspectorate). Head of the inspectorate is responsible for the result of the on-site inspection.

- The contents of the on-site inspection.

The evaluation commission is responsible for:

Examining the legitimacy of the application, making a comparison between the information in the application and the original retained at the food premises;

Evaluating the food safety conditions at the premises according to the regulation

- The result of the inspection

The inspection result must specify whether the establishment is “Passed”, “Partially passed” or “Failed” in the evaluation record of food safety conditions for food producing establishment using Form No. 3a or in evaluation record on food safety conditions for food producers using Form No. 3b in Annex III enclosed herewith;

A food establishment will be issued with the Certificate of Food Safety when the trading condition of at least 1 group of products is considered “Passed”. The groups of satisfactory products will be noted in the Certificate of Food safety;

If the result is “Partially passed” or “Failed”, the evaluation record must contain the explanation. If the result is “Partially passed”, rectification must be made within 60 days. When the rectification is completed at the request of the evaluation commission, the establishment shall submit to a competent agency the rectification report using Form No. 4 in Annex IV enclosed herewith so as for re-inspection as prescribed in point c of this Clause. Maximum time limit for re-inspection is 15 working days from the day on which the rectification report is received;

If the result of the re-inspection is “Failed” again, the authorized agency shall request the local regulatory bodies to supervise and request the establishment not to operate until the Certificate is issued;

The evaluation record shall be made in 02 copies with equal value, 01 is kept by the evaluation commission and 01 is kept by the establishment.

- The issuance of the Certificate

With regard to the establishment passed the evaluation, within 07 working days from the day on which the result is received, competent agencies shall issue the Certificate.

*b) Method*

- Direct submission;

- Via post.

*c) Application:*

- An application form using the Form No. 1a (with regard to producing establishment) or Form No. 1b (with regard to trading establishment) in Annex I enclosed herewith;

- Certificate of Business registration or Certificate of Enterprise registration or Investment Certificate that covers food manufacture or food trading (a copy certified by the applicant);

- A description of facilities using Form No. 2a (if the applicant is a producer) or Form No. 2b (if the applicant is a seller) in Annex II enclosed herewith;

- A certificate of training in food safety the owner and people who directly produces or trades food (a copy certified by the applicant)

d) A Health Certificate for food production and trading of the owner as well as people who directly produces or trades food product (a copy certified by the applicant)



#### ***14.2. Issuing the Certificate of food safety knowledge validation***

*a) Procedures for validation of knowledge of food safety.*

- Within 10 working days from the day on which the satisfactory application is received, a plan for validation of knowledge of food safety shall be made and the applicant shall be notified of the time for validation of knowledge of food safety.

- Knowledge of food safety shall be tested by the questions about food safety related to the applicant's field.

- The Certificate of food safety knowledge validation safety shall be issued to the applicants that correctly answer at least 80% of the questions about overall knowledge and at least 80% of the questions about professional knowledge. Within 30 working days from the examination date, the agency mentioned in Article 9 of this Circular shall issue Certificates. The template of the Certificate of food safety knowledge validation is provided in form 02a of Appendix 4 enclosed herewith.

*b) Method: Via post*

*c) Application for Certificate of food safety knowledge validation.*

The facility owner and the person that directly works with food shall submit an application for the Certificate of food safety knowledge validation to the same recipient to the agency mentioned in Article 9 of this Circular, whether directly or by post.

Composition of an application:

- If the applicant is an organization:

+ A written request for validation of knowledge of food safety (form 01a in Appendix 4 enclosed herewith);

+ A list of the applicants for validation of knowledge of food safety (form 01b in Appendix 4 enclosed herewith).

+ A copy of the Certificate of Business registration or Certificate of operation of the branch/representative office, or a Certificate of cooperative registration (bearing the seal of the tc0).

+ Receipts for fee payment in accordance with regulations of law on fees and charges.

- If the applicant is an individual:

+ A written request for validation of knowledge of food safety (form 01a in Appendix 4 enclosed herewith);

+ A copy of the ID card;

+ Receipts for fee payment in accordance with regulations of law on fees and charges

#### **15. Exporting of rice**

+ Issuing the certificate of eligibility for rice export business

+ Re-Issuing a new certificate of eligibility for rice export business substitute the certificate expires.

+ Re-issuing and modification of certificates of eligibility for rice export business

The conditions of that sector prescribed in Article 4 of Decree No.109/2010/ND-CP; and Circular No.44/2010/TT-BCT of December 31, 2010, detailing a number of articles of the Government's Decree No. 109/2010/ND-CP of November 4, 2010, on rice export business.

a) *The process:*

A certificate application dossier comprises:

- An application made according to the form provided.
- A valid copy of the business registration certificate or enterprise registration certificate or investment certificate-
- The original statement of rice warehouses and the original statement of mills made according to the forms provided, which are certified by a provincial-level Industry and Trade Department under this Decree.

Within 15 (fifteen) working days after receiving a complete and valid dossier, the Ministry of Industry and Trade shall consider the dossier and grant a certificate according to the form provided. In case of refusal, the Ministry of Industry and Trade shall issue a written reply clearly stating the reason.

A certificate is valid for 5 (five) years from the date of its grant. When a certificate expires a trader shall apply for a new certificate to continue rice export business.

A new certificate in replacement of a to-be-expired one shall be granted as follows:

At least 30 (thirty) days before a certificate expires, a trader shall submit a dossier of application for a new certificate to the Ministry of Industry and Trade. A dossier comprises:

- The papers specified.
- The original certificate. When the original certificate is lost, damaged or destroyed, the trader shall make a written explanation clearly stating the reason.
- A report on rice export business made according to the form provided.

## **16. Trading in temporary import for re-export for goods subject to excise tax**

Issuing the certificate of code number for trading in temporary import for goods subject to excise tax.

The conditions of that sector prescribed in Article 10 of Circular No.05/2014/TT-BCT.

a) *Procedures for code number grant of temporary import for re-export*

- Enterprises shall send via post 1 (one) set of dossier of applying for grant of code number of temporary import for re-export to the Export and Import Department - the Ministry of Industry and Trade (address: 54 Hai Ba Trung, Hoan Kiem, Ha Noi).
- In case of insufficient valid dossier, within 7 (seven) working days after receiving dossier of enterprises, the Ministry of Industry and Trade shall issue a written request for enterprise to supplement.
- For code number of temporary import for re-export of frozen foods, within 10 (ten) working days, after receiving a sufficient dossier as prescribed, the Ministry of Industry and

Trade shall check or authorize for the provincial Departments of Industry and Trade where enterprises locate warehouses and yards to check, confirm conditions on warehouses and yards. Within 10 (ten) working days from the date of examination result of conditions of warehouses and yards, the Ministry of Industry and Trade shall consider and grant code number of temporary import for re-export of frozen foods to enterprises.

- For code number of temporary import for re-export of goods with excise tax and the used foods, within 10 (ten) working days, after receiving a sufficient dossier as prescribed, the Ministry of Industry and Trade shall consider and grant code number of temporary import for re-export to enterprises.

- Case of refusing for code number grant of temporary import for re-export, the Ministry of Industry and Trade shall reply in writing and clearly state the reason.

- Code number of temporary import for re-export or written reply of the Ministry of Industry and Trade are sent to enterprises via post according to address in dossier of applying for code number grant of temporary import for re-export of enterprises.

*b) Method: Via Post*

*c) Application for code number grant of temporary import for re-export (made according to the set form in Annex I): 1 original;*

- Certificate of business registration or certificate of enterprise registration: A copy with confirmation and affixed seal for copying from original by enterprise;

- Written confirmation by Customs General Department for enterprises with activities of export, import or temporary import for re-export of goods as prescribed at Clause 1 Article 9 or Clause 1 Article 10 or Clause 1 Article 11 of this Circular; 1 original;

- Documents of provincial State Treasuries or branches of Commercial banks in provinces or cities in which confirm that enterprise has paid a deposit as prescribed at Clause 2 Article 9 or Clause 2 Article 10 or Clause 2 Article 11 of this Circular (according to the set form at Annex No.VII): 1 original;

- Documents proving that enterprise owns warehouses and yards or contract of leasing warehouses, yards in serve of trading in temporary import for re-export of frozen foods satisfied Clause 3 Article 9 of this Circular: A copy with confirmation and affixed seal for copying from original by enterprise;

- Documents of electricity agencies where enterprise has warehouses, yards in which confirm that warehouses and yards have sufficient network electricity to operate cold containers under capacity: 1 original;

## **17. Trading in temporary import for re-export of frozen foods**

Issuing the certificate of code number for trading in temporary import for re-export of frozen goods.

The conditions of that sector prescribed in Article 10 of Circular No.05/2014/TT-BCT.

*a) Procedures for code number grant of temporary import for re-export*

- Enterprises shall send via post 1 (one) set of dossier of applying for grant of code number of temporary import for re-export to the Export and Import Department - the Ministry of Industry and Trade (address: 54 Hai Ba Trung, Hoan Kiem, Ha Noi).

- In case of insufficient valid dossier, within 7 (seven) working days after receiving dossier of enterprises, the Ministry of Industry and Trade shall issue a written request for enterprise to supplement.

- For code number of temporary import for re-export of frozen foods, within 10 (ten) working days, after receiving a sufficient dossier as prescribed, the Ministry of Industry and Trade shall check or authorize for the provincial Departments of Industry and Trade where enterprises locate warehouses and yards to check, confirm conditions on warehouses and yards. Within 10 (ten) working days from the date of examination result of conditions of warehouses and yards, the Ministry of Industry and Trade shall consider and grant code number of temporary import for re-export of frozen foods to enterprises.

- For code number of temporary import for re-export of goods with excise tax and the used foods, within 10 (ten) working days, after receiving a sufficient dossier as prescribed, the Ministry of Industry and Trade shall consider and grant code number of temporary import for re-export to enterprises.

- Case of refusing for code number grant of temporary import for re-export, the Ministry of Industry and Trade shall reply in writing and clearly state the reason.

- Code number of temporary import for re-export or written reply of the Ministry of Industry and Trade are sent to enterprises via post according to address in dossier of applying for code number grant of temporary import for re-export of enterprises.

*b) Method: Via post*

*c) A dossier comprises:*

- Application for code number grant of temporary import for re-export (made according to the set form in Annex I): 1 original;

- Certificate of business registration or certificate of enterprise registration: A copy with confirmation and affixed seal for copying from original by enterprise;

- Written confirmation by Customs General Department for enterprises with activities of export, import or temporary import for re-export of goods as prescribed at Clause 1 Article 9 or Clause 1 Article 10 or Clause 1 Article 11 of this Circular; 1 original;

- Documents of provincial State Treasuries or branches of Commercial banks in provinces or cities in which confirm that enterprise has paid a deposit as prescribed at Clause 2 Article 9 or Clause 2 Article 10 or Clause 2 Article 11 of this Circular (according to the set form at Annex No.VII): 1 original;

- Documents proving that enterprise owns warehouses and yards or contract of leasing warehouses, yards in serve of trading in temporary import for re-export of frozen foods satisfied Clause 3 Article 9 of this Circular: A copy with confirmation and affixed seal for copying from original by enterprise;

- Documents of electricity agencies where enterprise has warehouses, yards in which confirm that warehouses and yards have sufficient network electricity to operate cold containers under capacity: 1 original;

### **18. Trading in temporary import for re-export for the used goods**

Issuing the certificate of code number for trading in temporary import for the used goods.

The conditions of that sector prescribed in Article 10 of Circular No.05/2014/TT-BCT.

#### *a)* Procedures for code number grant of temporary import for re-export

- Enterprises shall send via post 1 (one) set of dossier of applying for grant of code number of temporary import for re-export to the Export and Import Department - the Ministry of Industry and Trade (address: 54 Hai Ba Trung, Hoan Kiem, Ha Noi).

- In case of insufficient valid dossier, within 7 (seven) working days after receiving dossier of enterprises, the Ministry of Industry and Trade shall issue a written request for enterprise to supplement.

- For code number of temporary import for re-export of frozen foods, within 10 (ten) working days, after receiving a sufficient dossier as prescribed, the Ministry of Industry and Trade shall check or authorize for the provincial Departments of Industry and Trade where enterprises locate warehouses and yards to check, confirm conditions on warehouses and yards. Within 10 (ten) working days from the date of examination result of conditions of warehouses and yards, the Ministry of Industry and Trade shall consider and grant code number of temporary import for re-export of frozen foods to enterprises.

- For code number of temporary import for re-export of goods with excise tax and the used foods, within 10 (ten) working days, after receiving a sufficient dossier as prescribed, the Ministry of Industry and Trade shall consider and grant code number of temporary import for re-export to enterprises.

- Case of refusing for code number grant of temporary import for re-export, the Ministry of Industry and Trade shall reply in writing and clearly state the reason.

- Code number of temporary import for re-export or written reply of the Ministry of Industry and Trade are sent to enterprises via post according to address in dossier of applying for code number grant of temporary import for re-export of enterprises.

#### *b)* Method: Via Post

#### *c)* A dossier comprises:

- Application for code number grant of temporary import for re-export (made according to the set form in Annex I): 1 original;

- Certificate of business registration or certificate of enterprise registration: A copy with confirmation and affixed seal for copying from original by enterprise;

- Written confirmation by Customs General Department for enterprises with activities of export, import or temporary import for re-export of goods as prescribed at Clause 1 Article 9 or Clause 1 Article 10 or Clause 1 Article 11 of this Circular; 1 original;

- Documents of provincial State Treasuries or branches of Commercial banks in provinces or cities in which confirm that enterprise has paid a deposit as prescribed at Clause 2 Article 9 or Clause 2 Article 10 or Clause 2 Article 11 of this Circular (according to the set form at Annex No.VII): 1 original;
- Documents proving that enterprise owns warehouses and yards or contract of leasing warehouses, yards in serve of trading in temporary import for re-export of frozen foods satisfied Clause 3 Article 9 of this Circular: A copy with confirmation and affixed seal for copying from original by enterprise;
- Documents of electricity agencies where enterprise has warehouses, yards in which confirm that warehouses and yards have sufficient network electricity to operate cold containers under capacity: 1 original;

## **19. Franchising**

For these sector, the legal documents has regulate 2 administrative procedures involved, as follows:

For these sector, the legal documents has regulate 13 group of conditions, with a total of 6 administrative procedures involved, as follows:

- + Procedures for commercial franchising registration from overseas into Vietnam
- + Procedures for the change of registered information on commercial franchising from overseas into Vietnam

The conditions of that sector prescribed in Law of Commercial; Articles 5, 6, 7, 18 of Decree No.35/2006/ND-CP; Article 3 of Decree No.120/2011/ND-CP and of Circular No.09/2006/TT-BTM.

Before conducting commercial franchising, traders that intend to conduct franchises, both primary and secondary, shall register commercial franchising with competent agencies defined in Decree No. 35/2006/ND-CP and follow the guidance in Circular No.09/2006/TT-BTM.

A dossier of registration of commercial franchising with the Trade Ministry shall comprise:

- a/ An application for commercial franchising registration, made according to a set form;
- b/ A written description of commercial franchise, made according to a set form;
- c/ A notarized copy of the business registration certificate or investment certificate, in case of commercial franchises from Vietnam to overseas; a copy of the foreign trader's business registration certificate or paper of equivalent validity, certified by a competent agency of the place where the foreign trader is set up, in case of commercial franchises from overseas into Vietnam;
- d/ A notarized copy of the industrial property right protection title in Vietnam or a foreign country, in case of licensing industrial property subject matters for which protection titles have been granted;
- e/ Papers proving the approval of the primary franchisor's permission of franchise in case the trader registering franchising is the secondary franchisor;

## **20. Trading on coal**

For the trading in coal, the legal system has two groups of business investment conditions for this profession prescribed administrative procedure, MOIT managed by specific conditions.

- *Condition on trading coal.*

- *Condition on exporting coal*

## **21. Trading on logistics services**

For the trading in coal, the legal system has three groups of business investment conditions for this profession prescribed administrative procedure, MOIT managed by specific conditions.

- **Conditions for engaging in logistic services**

- **Conditions applicable to entities engaging in logistic services relating to transportation**

- **Conditions applicable to entities engaging in other relevant logistic services**

## **22. Trading in minerals**

For the trading on minerals, MOIT has not regulated administrative procedures, just managed by specific conditions.

## **23. Trading in industrial precursor chemicals**

For these sector, the legal documents has regulate conditions, with a total of 2 administrative procedures involved, as follows

### ***Conditions for export and import of industrial precursor chemicals***

The conditions of that sector prescribed in Decree No.58/2003/ND-CP; and Decree No.26/2011/ND-CP and in Article 10 of Circular No.42/20113/TT-BCT.

The administrative procedures relating to carry out conditions for export and import of industrial precursor chemicals:

+ Issuing the license to export and import of industrial precursor chemicals

+ Extend the license to export and import of industrial precursor chemicals

### **Application and procedure for issuance of export and import licenses**

1. Every applicant for the license for export/import of precursor chemicals shall send an application to the Ministry of Industry and Trade (the Vietnam Chemical Agency) directly, by post, or online.

2. The application consists of:

- An application form for export or import of industrial precursor chemicals

- The sales contract of industrial precursor chemicals or one of documents: Sale contract/agreement, memorandum, commercial invoice. If the application is submitted directly, sent by post, or sent online

- If the application is not satisfactory, within 3 days, the Vietnam Chemical Agency shall request the applicant to complete the application. This period 3-day period is not included in time limit for licensing mentioned in Point b of this Clause;

- Within 7 working days from the receipt of the satisfactory application according to Clause 2 this Article, the Vietnam Chemical Agency shall verify it and request the Ministry to issue the export or import license. If the application is rejected, a written response specifying the reasons shall be made.

#### **24. The goods trading and directly related activities of foreign-invested enterprises**

+ Issuing the license to foreign-invested enterprise for dealing in goods purchase and sale activities or goods purchase and sale related activities in Vietnam

+ Amending the license to foreign-invested enterprise for dealing in goods purchase and sale activities or goods purchase and sale related activities in Vietnam

+ Re-Issuing the license to foreign-invested enterprise for dealing in goods purchase and sale activities or goods purchase and sale related activities in Vietnam

+ Issuing the license to foreign-invested for retail establishment in addition to the first retail establishment in Vietnam

+ Amending registration inform of the license to foreign-invested retail establishment in addition to the first retail establishment in Vietnam

+ Amending the size of retail establishment in addition to the first retail establishment of foreign-invested in Vietnam

+ Supplementing content related activities for retail establishment in addition to the first retail establishment of foreign-invested in Vietnam

+ Re-Issuing the license to foreign-invested for retail establishment in addition to the first retail establishment in Vietnam

The conditions of that sector prescribed in Article 4 of Decree No.23/2007/ND-CP; Article 1 of Circular No.08/2013/TT-BCT; Circular No.34/2013/TT-BCT of December 24, 2013, publicizing roadmaps for goods trading and goods trading directly related activities of foreign-invested enterprises in Vietnam

##### ***24.1. Issuing the license to foreign-invested enterprise for dealing in goods purchase and sale activities or goods purchase and sale related activities in Vietnam***

Within 03 working days, after receiving dossier, the dossier-receiving agencies shall check validity of dossier and send dossier to consult the Ministry of Industry and Trade. If dossier is invalid, the dossier-receiving agency shall notify in writing to investor for amending and supplementing dossier.

Within 15 working days, after receiving dossier, the Ministry of Industry and Trade shall send its written opinion about issues under its management function.

In case of only adjusting investment certificate, within 07 working days, after receiving acceptance opinion of the Ministry of Industry and Trade, the competent state management agency shall adjust content of exercise of goods trading and directly related activities in the investment certificate.



In case of adjusting investment certificate enclosed with grant of business license, within 15 working days, after receiving acceptance opinion of the Ministry of Industry and Trade, the competent state management agency shall adjust content of exercise of goods trading and directly related activities in the investment certificate enclosed with grant of business license according to the form

*Application.*

- Application for business license according to the form
- A written explanation about the satisfaction of conditions in exercise of goods trading and directly related activities according to the form
- Documents proving the financial capability and experiences of investor in exercise of right to export and right to import;
- Vouchers of tax agencies on performing the enterprise income tax liability within two consecutive years for case the foreign-invested enterprises wish to supplement the exercise of right to export, right to import. If an enterprise has no voucher or is lack of voucher, it may make written explanation in which clearly stated reason thereof.

#### ***24.2. Issuing the license to foreign-invested for retail establishment in addition to the first retail establishment in Vietnam***

Within 03 working days, after receiving dossier, the dossier-receiving agencies shall check validity of dossier and send dossier to consult the Ministry of Industry and Trade. If dossier is invalid, the dossier-receiving agency shall notify in writing to investor for amending and supplementing dossier.

Within 15 working days, after receiving dossier, the Ministry of Industry and Trade shall send its written opinion about issues under its management function.

Within 15 working days, after receiving acceptance opinion of the Ministry of Industry and Trade, the competent state agencies shall grant new license for the setting up of retail establishment according to the form GP-2 promulgated together with this Circular, concurrently withdraw the issued license for the setting up of retail establishment.

*A dossier comprises:*

- Written request for license to set up retail establishment according to the form MD-4 promulgated together with this Circular;
- Report on situations of investment and operation of the retail establishment that requests for license for setting up retail establishment.

After having acceptance of the Ministry of Industry and Trade, the competent state agency shall grant the license for the setting up of retail establishments according to the form GP-2.

## **25. E-commerce activities**

### ***25.1. Conditions for setting up sales e-commerce websites:***

The conditions of that sector prescribed in Article 52 of Decree No.52/2013/ND-CP; Circular No. 47/2014/TT-BCT dated December 05, 2014, regulations on management of e-commerce websites.

MOIT has regulated an administrative procedure: Notifying online shopping websites

Every owner of online shopping websites shall access to the e-commerce management portal and execute the following steps:

Step 1: The website owner shall register for access to the system by providing the following information:

- The website owner's name;
- Business registration No. of traders or Establishment decision No. of organizations, or personnel tax codes of individuals;
- Business lines;
- Addresses of traders and organizations' head offices or permanent addresses of individuals;
- Contact information

Step 2: Within three working days, traders, organizations or individuals shall receive results from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- If registration information for an account is adequate, traders, organizations and individuals shall be granted an account and proceed Step 3:
- If registration is rejected or additional information is required, traders, organizations and individuals should carry out the registration again or provide additional information as requested.

Step 3: After being granted an account for access to the system, traders, organizations and individuals shall carry out logging on, select online shopping website registration and fill in the forms as instructed.

Step 4: Within a period of three working days, traders, organizations or individuals shall receive responses from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- Confirmations that the declared information is adequate and eligible;
- Notification that the declared information is inadequate or invalid; In this case, traders, organizations and individuals should return to Step 3 for declaration again or providing additional information as requested.

Traders, organizations and individuals shall be responsible for following up the handling of the documents via emails or granted account to carry out updating and revising the information as requested.

Within a period of 10 working days since receipt of request for additional information in Step 4 as prescribed in Clause 2 of this Article, if traders, organizations and individuals receive no responses, the documents shall be terminated and notification shall resume from Step 3.

Change or postponement of the notified information about the online shopping website shall be done online via the account to access the system granted to traders, organizations and individuals when carrying out the notification according to the provisions.

Time limit for confirmation of change and postponement of notification is three working days since receipt of adequate and accurate notification sent to the Ministry of Industry and Trade by traders, organizations and individuals according to the provisions.

### ***25.2. Conditions for setting up e-commerce service provision websites***

The conditions of that sector prescribed in Article 54 of Decree No.52/2013/ND-CP; Circular No. 47/2014/TT-BCT dated December 05, 2014, regulations on management of e-commerce websites.

- + Registering websites providing e-commerce services
- + Re-registering websites providing e-commerce services
- + Registration modification or supplementation of registered information websites providing e-commerce services

### **Process of registration**

1. Receipt and handling of the registration documents for e-commerce service websites shall be done online by the Ministry of Industry and Trade on the e-commerce management portal.
2. To declare information, traders and individuals should access the e-commerce management portal and do the following steps:

Step 1: Traders and organizations register for the account to access the system by providing the following information:

- Names of traders and organizations;
- Business registration No. of traders or Establishment decision No. of organizations;
- Areas of business;
- Addresses of traders and organizations' head offices;
- Contact information

Step 2: Within three working days, traders, organizations or individuals shall receive results from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- If registration information for an account is adequate, traders and organizations shall be granted an account and continue Step 3:
- If the registration is rejected or supplements are required, traders and organizations should carry out registration again or supplement the information as requested.

Step 3: After being granted an account for access to the system, traders and organizations shall carry out logging on, choose a feature “registration for e-commerce service websites, fill in the forms as instructed and enclose registration documents according to the provisions set out in Article 14 hereof .

Step 4: Within a period of seven working days, traders and organizations shall receive responses from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- Confirmations that the documents are adequate and eligible and traders; requests for traders and organizations to do Step 5;
- Notice the documents are inadequate or requests for supplements. In this case, traders and organizations should return to Step 3 for declaration again or supplementing the information as requested.

Step 5: After receipt of the notice confirming adequacy and eligibility of the documents, traders and organizations shall send to the Ministry of Industry and Trade (Department of E-commerce and Information Technology) a complete registration dossier (hard copy) according to the provisions set out in Article 14 hereof.

3. Traders and organizations shall be responsible for following up the handling of the documents via emails or granted accounts to carry out updating and revising the information as requested.
4. Within a period of 30 working days since receipt of request for supplements of information in Step 4 as prescribed in Clause 2 of this Article, if traders and organizations receive no responses, the documents shall be terminated and registration should start again from the beginning.

### **Registration documents**

1. Registration form for e-commerce service websites
2. An authenticated copy of Establishment Decision (for organizations), Certificate of Enterprise Registration or Investment Certificate (for traders)
3. Plans to provide services according to the provisions set out in Clause 3, Article 54 of the Decree No.52/2013/NĐ-CP.
4. Statute of management of e-commerce service websites comprises:
  - a) Subject matters as set out in Article 38 of the Decree No.52/2013/NĐ-CP;
  - b) Method and time limit for handling violations of the e-commerce service websites upon detection.
5. Forms of service contract or cooperation agreement between traders and organizations that are in possession of e-commerce service websites and traders, organizations and individuals who take part in the buying and selling of goods and services on such websites.
6. General trading conditions applied to the buying and selling of goods and services on the website (if any).

### ***25.3. Conditions for conducting credit rating of e-commerce websites***

The conditions of that sector prescribed in Article 61 of Decree No.52/2013/ND-CP; Circular No. 47/2014/TT-BCT dated December 05, 2014, regulations on management of e-commerce websites.

- + Registering e-commerce websites rating activities
- + Re-Registering e-commerce websites rating activities
- + Amending the registered information of websites rating activities

## **Registration documents**

1. Registration form for e-commerce website
2. An authenticated copy of Establishment Decision (for organizations), Certificate of Enterprise Registration or Investment Certificate (for traders)
3. Plan for e-commerce website rating comprise at least:
  - a) Official name of e-commerce website rating program
  - b) Purpose of e-commerce website rating
  - c) Explanations of experience and qualification appropriate for website rating;
  - d) Scope of rating appropriate for scope of activity of traders and organizations;
  - e) Time and frequency of rating
  - f) Subjects or types of e-commerce websites for rating;
  - g) Criteria for rating an e-commerce website including criteria for completion of notification or registration with the Ministry of Industry and Trade according to the provisions set out in the Decree No. 52/2013/NĐ-CP;
  - h) Process and manner of e-commerce website rating
  - i) Manner of organizing rating and selecting personnel to do the rating;
  - k) A designed "credit" sign shall be displayed on the rated e-commerce website;
  - l) Plan of surveillance of operation of the e-commerce websites displayed with a 'credit' sign.
  - m) Rights and obligations of the rating party and the party website of which is rated

## **Process of registration**

1. Receipt and handling of registration documents for e-commerce website rating shall be done online by the Ministry of Industry and Trade on the e-commerce management portal.
2. To declare information, traders and organizations should access the e-commerce management portal and do the following steps:

Step 1: Traders and organizations register for a user account to access the system by providing the following information:

- Names of traders and organizations;
- Business registration No. of traders or Establishment decision No. of organizations;
- Areas of business;
- Addresses of traders and organizations' head offices;
- Contact information including telephone number, facsimile and emails.

Step 2: Within a period of three working days, traders and organizations shall receive results from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- If registration information for an account is adequate, traders and organizations shall be granted an account and continue Step 3:

- If the registration for an account is rejected or supplements are required, traders and organizations should carry out registration again or supplement the information as requested.

Step 3: Traders and organizations shall log on, choose “registration for e-commerce website rating” feature, fill in the forms as instructed and attached with registration documents as prescribed in Article 22 hereof.

Step 4: Within a period of 15 working days, traders and organizations shall receive responses from the Ministry of Industry and Trade via registered emails regarding one of the following subject matters:

- Confirmations that the documents are adequate and eligible and traders and organizations are requested to continue Step 5;

- Notices that the documents are inadequate documents, or requests for supplements. In this case, traders and organizations should return to Step 3 for declaration again or supplementing the information as requested.

Step 5: After receipt of the notice confirming adequacy and eligibility of the documents, traders and organizations shall send to the Ministry of Industry and Trade (Department of E-commerce and Information Technology) a complete registration dossier (hard copy) according to the provisions set out in Article 22 hereof.

3. Traders and organizations shall be responsible for following up the handling of the documents via emails or granted user accounts to carry out updating and revising the information as requested.

4. Within a period of 30 working days since receipt of request for supplements of information in Step 4 as prescribed in Clause 2 of this Article, if traders and organizations receive no responses, the registration documents shall be terminated and registration should start again from the beginning.

## **26. Petroleum activities**

Acceptance of materials safety on Petroleum

a) Required documentation

- Application for acceptance signed by the head of the organization

- 03 (three) sets of documents on safety management in accordance with Clause 1 of this Article (in Vietnamese) signed by the head of the organization;

- Documentation sent to the Ministry of Industry and Trade in person or by mails.

b) Verification council

The Ministry of Industry and Trade shall issue the decision to establish the Assessment Council to examine materials on safety management. The number of members in the Council varies depending on characteristics, features and extent of oil and gas industry operations but are restricted to a minimum of 07 persons.

c) Verification process

- Consider the relevance and accuracy of contents of materials. When necessary, the Council can carry out the on-site inspection;

- Establish the minutes of the verification meeting - Based on the minutes of the verification meeting, the Ministry of Industry and Trade can notify in writing organizations or individuals applying for consent to justification and modification requirements to clarify contents of materials. The written notification should clearly state which contents will be justified or modified;
- Prepare the report on the verification result for submission to the Minister of Industry and Trade for consideration and decision to grant their consent;
- Based on the report on the verification result, the Minister of Industry and Trade shall issue their decision to accept these materials;

d) Verification time limit

- Verification duration: 20 (twenty) working days from the date on which the Ministry of Industry and Trade receives all valid materials;
- Time limit for issuance of the acceptance decision: 05 (five) working days after receiving the report on the verification result.

**27. Assessment of conformity of pneumatic tools, industrial lifting devices, chemicals, industrial explosives, equipment serving mineral and petroleum extraction; except for equipment and instruments serving extraction at sea**

For the sector of Assessment of conformity of pneumatic tools, industrial lifting devices, chemicals, industrial explosives, equipment serving mineral and petroleum extraction; except for equipment and instruments serving extraction at sea managed by specified conditions. Furthermore, MOIT has not regulated administrative procedures for this sector.

**28. Multi-level marketing activities**

- + Grant of multi-level marketing registration certificates
- + Modification and supplementation of multi-level marketing registration certificates
- + Re-grant of multi-level marketing registration certificates
- + Extension of multi-level marketing registration certificates
- + Revocation of multi-level marketing registration certificates
- + Notification of suspension of multi-level marketing activities
- + Notification of resumption of multi-level marketing activities
- + Termination of multi-level marketing activities
- + Granting trainer certificates
- + Revocation of trainer certificates:
- + Withdrawal of escrow money
- + Use of escrow money
- + Notification of multi-level marketing activities
- + Notification of organization of conferences, seminars and training courses

***28.1. Grant of multi-level marketing registration certificates***

The Vietnam Competition Authority shall receive, appraise and grant multi-level marketing registration certificates to businesses that register for multi-level marketing activities. The order and procedures for granting a multi-level marketing registration certificate are as follows:

1. Receiving the dossier

a/ A business that registers for multi-level marketing activities shall submit 1 (one) set of the dossier prescribed in Article 2 of Circular No.24/2014/TT-BCT (enclosed with a soft copy recorded in a CD-ROM disc or an USB flash drive) to the Office of the Vietnam Competition Authority. The dossier may be submitted directly or sent by post;

b/ Within 5 working days after receiving the dossier, the Vietnam Competition Authority shall check its completeness and validity. If the dossier is incomplete or invalid, the Vietnam Competition Authority shall notify such to the business for the latter to modify or supplement the dossier within subsequent 30 days;

c/ If the business fails to modify or supplement the dossier within 30 days after the Vietnam Competition Authority issues a notice for dossier modification or supplementation, the Vietnam Competition Authority shall return the dossier.

2. Appraising the dossier

a/ Within 15 working days after receiving a complete and valid dossier, the Vietnam Competition Authority shall appraise the dossier and issue an appraisal document.

b/ Appraisal contents:

- Examining the form of documents provided by the business in order to ensure their conformity with regulations;

- Appraising contents of documents related goods to be traded by the mode of multi-level marketing and documents related to multi-level marketing activities of the business in order to ensure their conformity with Decree No. 42/2014/ND-CP.

**28.2. Granting trainer certificates**

1. Trainer certificates shall be made according to form No. M-16 provided in the Appendix.

2. A trainer certificate is valid for training activities of the business which has requested the grant of such certificate.

3. Order and procedures for granting trainer certificates:

a/ A multi-level marketing business shall submit directly or send by post to the Vietnam Competition Authority a dossier of application for trainer certificates, comprising:

- An application for trainer certificates;

- Certified copies of labor contracts or training service provision contracts signed between the multi-level marketing business and persons applying for trainer certificates;

- A list of persons applying for trainer certificate, 2 (two) photos (3cm x 4cm) of each person and certified copies of their certificates of training in basic multi-level marketing knowledge prescribed.



b/ Within 10 working days after receiving a complete and valid dossier, the Vietnam Competition Authority shall grant trainer certificates as requested by the multi-level marketing business and post information thereon on its website.

In case the dossier is incomplete or invalid, the Vietnam Competition Authority shall notify such to the business for dossier modification or supplementation. The time limit for dossier modification or supplementation is 10 working days after the Vietnam Competition Authority issues the notice.

### ***28.3. Administrative procedures of escrow money***

1. After 90 days since the Vietnam Competition Authority issues a written certification of a dossier of notification of termination of multi-level marketing activities, the business concerned may submit directly or send by post to the Vietnam Competition Authority a dossier of request for withdrawal of escrow money.

2. A dossier of request for withdrawal of escrow money must comprise:

a/ A request for unfreezing of the escrow account, made according to form M-17 provided in the Appendix.

b/ A list of multi-level marketing participants by the time of termination of multi-level marketing activities (their names, serial numbers of people's identity cards or passports, addresses, telephone numbers, serial numbers and dates of signing multi-level marketing participation contracts, serial numbers of member cards).

3. Receipt of dossiers of request for withdrawal of escrow money:

a/ Within 5 working days after receiving a dossier of request for withdrawal of escrow money from a multi-level marketing business, the Vietnam Competition Authority shall check its completeness and validity.

In case the dossier is incomplete or invalid, the Vietnam Competition Authority shall issue a notice requesting the business to modify or supplement the dossier. The time limit for dossier modification or supplementation is 10 working days after the Vietnam Competition Authority issues the notice.

In case the dossier is complete and valid, the Vietnam Competition Authority shall post on its website information on the business's termination of multi-level marketing activities and its request for withdrawal of escrow money.