

ATTACHMENT

English free translation version of the Circular No.35/2014/TT-BCT dated October 15, 2014

MINISTRY OF INDUSTRY AND TRADE

No. 35/2014/TT-BCT

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, October 15, 2014

CIRCULAR

On the application of automatic import licenses to some fertilizer products

Pursuant to the Decree No. 95/2012/ND-CP dated November 12, 2012 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

Pursuant to the Decree No. 187/2013/ND-CP dated November 20, 2013 of the Government detailing the implementation of the Commercial Law regarding international goods sale and purchase and goods sale, purchase, processing and transit agency activities with foreign countries;

Pursuant to the Decision No. 41/2005/QĐ-TTg dated March 2, 2005 of the Prime Minister promulgating the Regulation on goods import licensing;

At the proposal of the Director General the Agency of Foreign Trade;

The Minister of Industry and Trade issues the Circular on the application of automatic import licenses to some fertilizer products,

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Circular provides the application of automatic import licensing to some fertilizer products specified in attached Appendix I.

2. Imported fertilizer products listed below are not regulated by this Circular and comply with current regulations:

a) Fertilizers which are temporarily imported for re-export, temporarily exported for re-import, transferred from/to border gate or transited;

b) Fertilizers imported for testing, work samples, scientific researches.

Article 2. Subjects of application

This Circular is applicable to State management agencies and importers.

Chapter II

ORDERS AND PROCEDURES OF AUTOMATIC IMPORT LICENSES

Article 3. Grant of automatic import licenses

1. The Ministry of Industry and Trade grants automatic import licenses to traders by certifying the import registration application for each shipment.

2. An automatic import license is valid for 30 (thirty) days, counting from the date the Ministry of Industry and Trade gives its certification.

Article 4. Agency granting the automatic import licenses

1. Agency granting the automatic import licenses is the Agency of Foreign Trade, the Ministry of Industry and Trade (hereinafter referred to as licensing agency).

2. The agency address receiving the application and granting automatic import licenses includes:

a) Agency of Foreign Trade, the Ministry of Industry and Trade: No. 54, Hai Ba Trung Street, Hoan Kiem District, Hanoi.

b) Representative office of Agency of Foreign Trade in Ho Chi Minh city: No. 12 Vo Van Kiet Street, 2nd Floor, Nguyen Thai Binh Ward, District 1, Ho Chi Minh city

Article 5. The application for the automatic import license

1. The application for the automatic import license includes:

a) The automatic import registration form: 02 (two) sheets under Form 1 in Appendix II promulgated together with this Circular.

b) Enterprise registration certificate or business registration certificate or investment certificate including business relative to fertilizer trading: 01 (one) copy (stamped the duplicate copy seal of the trader).

c) The import contract or documents of equivalent contract value: 01 (one) copy (stamped the duplicate copy seal of the trader).

d) The commercial invoice: 01 (one) copy (stamped the duplicate copy seal of the trader).

đ) The Letter of credit (L/C), or the payment receipt: 01 (one) copy (stamped the duplicate copy seal of the trader); or the written bank payment certification (enclosed with the written request for bank payment certification) under Form 2 and Form 3 in Appendix II promulgated together with this Circular: 01 (one) original.

e) The bill of lading or the transportation document of the consignment: 01 (one) copy (stamped the duplicate copy seal of the trader);

2. If the goods is imported through land border-gates, or imported from non-tariff zones, the trader may not submit the bill of lading or the transportation document, but shall submit the report on the implementation of import of import registration sheet certified previously under Form 4 in Appendix II promulgated together with this Circular.

Article 6. The order and procedures for automatic import licenses

1. Traders send 01 (one) registration dossier of the automatic import license to licensing agency address specified in Clause 2 Article 4 of this Circular by post. Dates of records per date stamped on the upcoming document.

2. The term for issuing automatic import license is 07 (seven) working days from the receipt of a valid dossier, the licensing authority considers and grants automatic import licenses to traders; in case of refusal, the written explanation is needed.

3. If the dossier is incomplete, invalid, within 03 (three) working days from the receipt of the dossier, the licensing agency sends the written document requesting the trader to supplement and complete the dossier.

4. The automatic import license is sent to traders by post to the address indicated on the registration application.

Article 7. The reissue, adjustment and revocation of automatic import licenses

1. If the automatic import license is lost or damaged, the trader shall submit the written explanation to the licensing agency for reissuing the License, enclosed with the registration sheet under Form 1 in Appendix II promulgated together with this Circular.

Within 05 (five) working days after the licensing agency receives the complete and valid dossier from the trader, the licensing agency considers and reissues the automatic import license if the certified license is valid. If the dossier is incomplete, invalid, it shall comply with Clause 3 Article 6 of this Circular.

2. If the contents of the automatic import license, that have been certified, need to be changed, the trader shall submit a written explanation and request for adjustment to the licensing agency, new registration form (Form 1 in Appendix II promulgated together with this Circular) enclosed with the relating documents and the certified automatic import license (original);

The adjusted automatic import license shall be issued by the licensing agency within 05 working days after the licensing agency receives the complete and valid dossier from the trader. If the dossier is incomplete, invalid, it shall comply with Clause 3 Article 6 of this Circular. In case of refusal, the written explanation is needed.

3. If the automatic import license is improperly issued, traders violating the provisions of this Circular or the laws relating to importing goods management, licensing agency shall revoke the licenses and notify in writing to the relevant authorities.

Article 8. Other Provisions

1. When carrying out the import procedures, the trader shall submit the certified automatic import licenses and the imported records in accordance with current regulations to the customs agency and have the responsibility to fully implement the provisions on imported goods subject to specialized management.

2. Fertilizer on the list specified in Appendix I of this Circular shall be imported only through international border gates and the main gates. In special cases, the import of fertilizer on the list specified in Appendix I of this Circular via border side gate, crossings must have written permission from the Ministry of Industry and Trade.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 13. Effect

This Circular takes effect from December 01, 2014.

Article 14. Implementation responsibility

Traders and relevant agencies, organizations, individuals should report in writing any problems arising in the course of implementation of this Circular to the Ministry of Industry and Trade for timely handling.

Recipients:

- Party Central Committee Secretariat;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, governmental agencies;
- People's Committees of provinces;
- Office of the President;
- National Assembly Office;
- General Secretary Office;
- The Supreme People's Procuracy;
- Supreme Court;
- Dept. of Legal Document Inspection (Ministry of Justice);
- State Auditor;
- General Department of Customs;
- Gazette;
- Government Website;
- Minister, Deputy Ministers and departments of the Ministry of Industry and Trade;
- Provinces' Departments of Industry and Trade;
- Website of the Ministry of Industry and Trade;
- Save: Archives, AFT (15).

**ON BEHALF OF MINISTER
DEPUTY MINISTER**

(signed and sealed)

Cao Quoc Hung

Appendix I

LIST OF FERTILIZER PRODUCTS APPLIED THE AUTOMATIC IMPORT LICENSING PROCEDURES

(Attached with the Industry and Trade Minister's Circular No. 35/2014/TT-BCT of October 15, 2014, on the application of automatic import licensing to some fertilizer products)

HS Code	Description
3102.10.00	Urea, whether or not in aqueous solution
3105.20.00	Mineral or chemical fertilizers containing the three fertilizing elements nitrogen, phosphorus and potassium

Appendix II

FORMS

(Attached with the Industry and Trade Minister's Circular No. 35/2014/TT-BCT of October 15, 2014, on the application of automatic import licensing to some fertilizer products)

Form No.1: Application for registration of automatic import licensing procedure

NAME OF TRADER

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

No.:

On registration for import under
automatic import licensing
procedure

..., date ... month... year...

To: Agency of Foreign Trade - Ministry of Industry and Trade

- Name of Trader:
- Address:
- Tel:Fax:
- No. of business registration/ investment:

Requesting the Agency of Foreign Trade..... to confirm the import registration under automatic import licensing procedure regulated in the Ministry of Industry and Trade's CircularNo.35/2014/TT-BCT dated on October 15, 2014 with the following details of the shipment:

No.	Goods name	HS (08 digits)	Exporting country	Amount or quantity	Value (USD)
1
2
...

No. of import contract: ... date... month... year...

No. of commercial invoice: ... date... month... year...

No. of bill of lading or transportation invoice: ... date... month...year...

No. of payment document: ... date ... moth... year... or No. of L/C at sight: ... date... month... year...

Total amount / quantity:

Total value (USD):

(Converting into USD in the case of making payment in other currencies)

Import border gate:

(Please indicate in the case of importing from duty-free area)

Estimated date for import clearance:

(Please indicate from date... month... year... to date... month... year...)

Registration has the effect within 30 days from the date of Export and Import Management Office of.....'s confirmation

Registered at the Agency of Foreign Trade

Hanoi (or Ho Chi Minh City),

Date... month... year...

Legal representative of the Trader

(Please indicate position, sign and seal)

The registration is valuable within 30 days from the day the Agency of Foreign Trade certifies it.

Form No.2: Request for confirmation of making payment via bank

NAME OF TRADER

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

No.:

..., date ... month... year...

REQUEST FOR CONFIRMATION OF MAKING PAYMENT VIA BANK

To: The Bank.....

In order to fulfill the application for automatic import licensing procedures in accordance with the Minister of Industry and Trade's Circular No.35/2014/TT-BCT dated on October 15, 2014, the Company...(please indicate name, address and No. of business registration/ investment) requests the Bank... to confirm the payment via bank for our automatic import lot with the following details:

1. Details of the shipment:

- 1.1. No. of Import contract:
- 1.2. No. of Commercial invoice:
- 1.3. Method of payment:
- 1.4. Total value of the contract: (In words and numbers)

2. Content requested for confirmation

- 2.1. Our company currently has the account No..... in the Bank.....
- 2.2. In the time of confirmation, the balance of the account is:
- 2.3. The latest period for making payment via bank is:

3. Commitments of the Company:

- 3.1. Ensuring the adequate amount paid to the seller and making payment via the payment-confirmation bank. If the Company fails to do this commitment, the Bank has the right to refuse the confirmation of the later shipment without being responsible for any arose costs or losses (if any).
- 3.2 Bearing the arose expenses and being legally responsible for the accuracy of the above declaration, all of arose complaints and losses due to our request for this confirmation.
- 3.3 Only using this document to fulfill the application for automatic import licensing procedure.

Attachments:

- Copy of Import Contract
- Copy of Commercial Invoice

THE LEGAL REPRESENTATIVE

(Please indicate position, sign and seal)

Form No. 3: Confirmation for making payment via bank

NAME OF BANK

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

No.:

..., date ... month... year...

CONFIRMATION FOR MAKING PAYMENT VIA BANK

Pursuant to the request of confirmation for making payment via bank No..... for the shipment automatically imported with the Import Contract No..... of the Company....(name, address and business registration/investment No.), the Bank confirms as follows:

1. The Company... currently has the account No. ... in our Bank. In the time of confirmation, the account balance is ...

2. The Company... has committed to use the above account in our Bank to make payment for the shipment with the Import Contract No. ..., with the total value ... (*in words and numbers*) and the payment method

3. The latest period for making payment via bank is

4. This confirmation is only valid until ... (*please indicate the latest payment date of the Company*) and is used for fulfilling the application for automatic import licensing procedure only. If the Company... fails to make payment via bank after the above period, the Bank has the right to refuse to confirm for the later shipment without being responsible for any arose costs or losses (if any).

5. This is not the Bank's payment commitment to the Seller.

BANK REPRESENTATIVE
(Please indicate position, sign and seal)

Form No. 4: Report on the import performance

NAME OF TRADER

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

No.:

_____, date ... month... year...

REPORT ON THE IMPORT PERFORMANCE

(For imported goods confirmed to have import registration according to time)

To: Agency of Foreign Trade - Ministry of Industry and Trade

Pursuant to the Minister of Industry and Trade's Circular No. 35/2014/TT-BCT dated on October 15, 2014 regulating automatic import licensing procedure to a number of goods items, the Trader reports on the import performance as follows:

Goods name	HS (08 digits)	Registration No. (issued by the Agency of Foreign Trade when confirming the import registration)	Customs Declaration No.	Amount/ Quantity	Value (USD)	Accumulated import amount as of report time	Accumulated import value as of report time (USD)

The Trader guarantees that the above declaration is accurate.

The Legal Representative of the Trader
(Please indicate position, sign and seal)