

**MINISTRY OF
AGRICULTURE AND
RURAL DEVELOPMENT**

**SOCIALIST REPUBLIC OF VIETNAM
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No. 43/2018/TT-BNNPTNT

Hanoi, December 28, 2018

CIRCULAR

EXPORT AND IMPORT OF PLANT VARIETIES, ANIMAL BREEDS, PLANT GENE RESOURCES; IMPORT OF AGROCHEMICALS AND IMPORT OF OBJECTS ON THE LIST OF OBJECTS THAT HAVE TO UNDERGO PEST RISK ANALYSIS BEFORE IMPORT

Pursuant to the Government's Decree No. 15/2017/NĐ-CP dated February 1, 2017 defining functions, tasks, entitlements and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Law on Plant Protection and Quarantine dated November 25, 2013;

Pursuant to the Law on Foreign Trade Management dated June 12, 2017;

Pursuant to the Ordinance on Plant Varieties dated March 24, 2004;

Pursuant to the Ordinance on Animal Breeds dated March 24, 2004;

Pursuant to the Government's Decree No. 69/2018/NĐ-CP dated May 15, 2018 on elaboration of the Law on Foreign Trade Management dated;

At the request of Director of Agrottrade Vietnam;

The Minister of Agriculture and Rural development promulgated a Circular on export and import of plant varieties, animal breeds, plant gene resources; import of agrochemicals and import of objects on the list of objects that have to undergo pest risk analysis before import.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides for:

1. Documents, time limits, authorities licensing export and import of some products under management of the Ministry of Agriculture and Rural Development, including:

- a) Export of plant varieties on the list of plant varieties banned from export for the purposes of scientific research, international cooperation, display at an exhibition or as gifts;
- b) Import of plant varieties that are not on the list of plant varieties permitted for production or sale for the purpose of scientific research, evaluation, test production, international cooperation, display at an exhibition, giving away as gifts or serving investment projects (except for those that are not on the list of plant varieties permitted for production or sale but have been recognized as new varieties by the Ministry of Agriculture and Rural Development);
- c) Import of plant varieties that are not on the list of plant varieties permitted for production or sale for the purpose of scientific research, evaluation, test production, use as ornamental trees or shade trees, serving international cooperation, display at an exhibition, giving away as gifts or serving investment projects (except for those that are not on the list of plant varieties permitted for production or sale but have been recognized as new varieties by the Ministry of Agriculture and Rural Development);
- d) Import of domestic animal breeds on the list of animal breeds banned from export for the purposes of scientific research and other special purposes;
- dd) First-time import of semen, embryos of animals; import of domestic animal breeds that are not on the list of animal breeds permitted for production or sale for the purpose of evaluation, research and other special purposes (except for those that are not on the list of animal breeds permitted for production or sale but evaluation results of which have been recognized by a specialized agency of the Ministry of Agriculture and Rural Development);
- e) Import of agrochemicals under Appendix III of the Government's Decree No. 69/2018/NĐ-CP.
- g) Import of objects on the list of objects that have to undergo pest risk analysis before import according to Appendix III of the Government's Decree No. 69/2018/NĐ-CP.
2. Export and import of plant genetic resources serving scientific research and exchange.
3. Export of forestry plant varieties.

Article 2. Regulated entities

This Circular applies to traders, organizations and individuals whose operation involve export and import of goods under management of the Ministry of Agriculture and Rural Development Documents mentioned in Article 1 hereof.

Chapter II

SPECIFIC PROVISIONS

Article 3. Documents, time limits, authority licensing export and import of forestry plant varieties

1. An application for the license to export agricultural plant varieties consists of:

- a) Application form No. 01/TT in Appendix I hereof;
- b) Technical declaration form No. 02/TT in Appendix I hereof;
- c) A copy of the certificate of enterprise registration or certificate of business registration (if required) or investment registration certificate (if the applicant is a foreign-invested enterprise), or ID card (if the applicant is an individual);
- d) In case of export serving research or international cooperation, 01 copy of the cooperation agreement in the foreign language and 01 Vietnamese translation certified by a translation agency;
- dd) In case of export for display at an exhibition, 01 copy of the confirmation or invitation to the exhibition in the foreign language and 01 Vietnamese translation certified by a translation agency;
- e) In case of export as gift, 01 copy of the confirmation by both parties in the foreign language and 01 Vietnamese translation certified by a translation agency;

2. An application for the license to import agricultural plant varieties consists of:

- a) Application form No. 03/TT in Appendix I hereof;
- b) Technical declaration form No. 04/TT in Appendix I hereof (only required for the first import);
- c) A copy of the certificate of enterprise registration or certificate of business registration (if required) or investment registration certificate (if the applicant is a foreign-invested enterprise), or ID card (if the applicant is an individual);
- d) From the second import of the plant variety for evaluation or test production, the result of the previous evaluation or test production;
- dd) In case of import serving research, evaluation or international cooperation, 01 copy of the cooperation agreement in the foreign language and 01 Vietnamese translation certified by a translation agency;
- e) In case of import for display at an exhibition, 01 copy of the confirmation or invitation to the exhibition in Vietnam;

g) In case of import as gift, 01 copy of the confirmation by both parties in the foreign language and 01 Vietnamese translation certified by a translation agency;

h) In case of import to serve execution of a investment project, a copy enclosed with the original copy or certified true copy of a competent authority's written approval for the project or the project approved by the enterprise as prescribed by law;

i) In case of import of plant varieties serving a road construction project, a certified true copy of the Certificate of Free Sale (CFS) issued by a competent authority of the exporting country or certified true copy of one of the following documents: Certificate of recognition of new plant variety; Confirmation that the plant variety is not included on the exporting country's list of banned varieties; another certification that has similar content enclosed with a Vietnamese translation certified by a translation agency, or result of research or evaluation in Vietnam which shows that the plant variety is environment-friendly.

2. Deadline:

a) If the application is not valid or not satisfactory, the receiving authority shall inform the applicant within 03 working days.

b) Within 05 working days from the day on which the valid and satisfactory application is received, the licensing authority shall issue the export or import license (Form No. 05/TT in Appendix I hereof). If the application is rejected, the receiving authority shall respond and explain in writing.

3. The maximum effective period of such an export or import license is 12 months from its issuance date.

4. Processing authority:

- "Single-window" unit of Department of Crop Production.

- Website: www.cuctrongtrot.gov.vn

- Address: House A6A, No. 02 Ngoc Ha street, Ba Dinh district, Hanoi.

- Tel: 024.3823.4651; Fax: 024.3734.4967.

- Email: tt@mard.gov.vn

Article 4. Export and import of forestry plant varieties

1. Export of plant varieties on the list of endangered species of wild fauna and flora in Appendix of Convention on International Trade in Endangered Species (CITES) shall comply with regulations of the government on management of endangered species of wild fauna and flora and regulations on implementation of CITES.

2. An application for the license to import forestry plant varieties consists of:

a) Application form No. 01/LN in Appendix II hereof;

b) Variety profile form No. 02/LN in Appendix II hereof;

c) Relevant documents such as sale contract or giveaway contract;

d) In case of import for evaluation or test production, the technical design of the evaluation or test production. d) From the second import for evaluation or test production, the result of the previous evaluation or test production;

dd) In case of import as ornamental plants or shade trees, a document issued by the Department of Agriculture and Rural Development of the province approving the import and requesting permission for the import;

e) In case of import serving research or international cooperation, 01 copy of the cooperation agreement in the foreign language and 01 Vietnamese translation certified by a translation agency;

g) In case of import for display at an exhibition, the confirmation or invitation to the exhibition in Vietnam;

h) In case of import as gift, 01 copy of the confirmation by both parties in the foreign language and 01 Vietnamese translation certified by a translation agency;

i) In case of import to serve execution of an investment project, a copy enclosed with the original copy or certified true copy of a competent authority's written approval for the project or the project approved by the enterprise as prescribed by law;

3. Deadline:

a) If the application is not valid, the receiving authority shall inform the applicant within 03 working days.

b) Within 05 working days from the day on which the valid and satisfactory application is received, the licensing authority shall issue the export or import license (Form No. 03/LN in Appendix II hereof). If the application is rejected, the receiving authority shall respond and explain in writing.

4. The maximum effective period of such an import license is 12 months from its issuance date.

5. Processing authority: Vietnam Administration of Forestry

- Receiving and responding agency: Office of Vietnam Administration of Forestry

- Address: No 2 Ngoc Ha street, Ba Dinh district, Hanoi.

- Tel: 024.3843.8792; Fax: 024.3843.8793.

- Email: ln@mard.gov.vn

Article 5. Documents, time limits, authority licensing import of genetically modified (GM) varieties

1. An application for import of GM varieties consists of:

a) Application form No. 06/TT in Appendix I hereof;

b) Technical declaration form No. 07/TT in Appendix I hereof (only required for the first import);

c) A copy of the certificate of enterprise registration or certificate of business registration (if required) or investment registration certificate (if the applicant is a foreign-invested enterprise), or ID card (if the applicant is an individual);

d) A copy of the biosafety certificate and certificate of suitability of the GM plant for use as foods of animal feeds issued by a Vietnamese competent authority;

dd) The comparative evaluation plan, including small-scale and large-scale evaluation mentioned in Appendix 7 of Circular No. 29/2014/TT-BNNPTNT.

2. Deadline:

a) If the application is not valid, the receiving authority shall inform the applicant within 03 working days.

b) Within 05 working days from the day on which the valid and satisfactory application is received, the licensing authority shall issue the export or import license (Form No. 08/TT in Appendix I hereof). If the application is rejected, the receiving authority shall respond and explain in writing.

3. The maximum effective period of such an import license is 12 months from its issuance date.

4. Processing authority:

- "Single-window" unit of Department of Crop Production.

- Website: www.cuctrongtrot.gov.vn.

- Address: House A6A, No. 02 Ngoc Ha street, Ba Dinh district, Hanoi.

- Tel: 024.3823.4651; Fax: 024.3734.4967.

- Email: tt@mard.gov.vn

Article 6. Export and import of plant genetic resources serving scientific research and exchange

Export and import of plant genetic resources serving scientific research and exchange shall apply provisions of the Government's Decree No. 59/2017/NĐ-CP dated May 12, 2017 on management of genetic resources and sharing of benefits thereof.

Article 7. Documents, time limits, authority licensing export and import of animal breeds; first-time import of semen and embryos

1. An application for the license to export animal breeds consists of:

- a) Application form No. 01/CN in Appendix III hereof;
- b) The animal breed profile which is certified by a competent authority of the exporting country and specifies the name, quality, origin, quantity, economic and technical indicators of the breed;
- c) A copy of the research cooperation project or contract whose content is relevant to the export of the breed.

2. An application for the license to import animal breeds consists of:

- a) Application form No. 02/CN in Appendix III hereof for permission to import animal breeds for evaluation, research or other special purposes.
- b) In case of evaluation, add the following documents:

The animal breed profile which is certified by a competent authority of the exporting country and specifies the name, quality, origin, quantity, economic and technical indicators of the breed. The profile can be the original copy or certified true copy enclosed with the Vietnamese translation. In case of direct submission of the copy, the original copy must be presented for comparison;

The evaluation outlines and breeding process;

A copy of the certificate of enterprise registration or certificate of business registration (if required) or investment registration certificate (if the applicant is a foreign-invested enterprise) or the establishment decision. These documents are only required for the first import.

3. An application for the license to import semen or embryos into Vietnam for the first time:

- a) Application form No. 03/CN in Appendix I hereof;

b) For semen and embryos of cattle (cows, bulls, buffalos, goats, sheep): 3-generation profile of the male stud animals (in case of semen); 3-generation of the male and female stud animals (in case of embryos). The profile shall contain the name, grade, productivity of each individual, information about the breeding farm and certification by a competent authority of the exporting country. Do not import semen after 60 months from the date of production;

c) For pigs: The profile of the male stud animals which contain the name, grade, productivity of each individual, information about the breeding farm;

d) The profile can be the original copy or certified true copy enclosed with the Vietnamese translation. In case of direct submission of the copy, the original copy must be presented for comparison.

dd) A copy of the certificate of enterprise registration or certificate of business registration (if required) or investment registration certificate (if the applicant is a foreign-invested enterprise) or the establishment decision. These documents are only required for the first import.

4. Deadline:

a) If the application is not valid, the receiving authority shall inform the applicant within 03 working days.

b) Within 05 working days from the day on which the valid and satisfactory application is received, the licensing authority shall issue the export or import license (Form No. 04/CN in Appendix I hereof). If the application is rejected, the receiving authority shall respond and explain in writing.

5. The maximum effective period of such an import license is 12 months from its issuance date.

6. Processing authority: the Department of Livestock Production

- Receiving authority: "Single-window" unit of the Department of Livestock Production

- Address: No 16 Thuy Khue, Tay Ho district, Hanoi

- Tel: 024.3734.5443, Fax: 024.3734.5444

- Email: cn@mard.gov.vn

Article 8. Documents, time limits, authority licensing import of agrochemicals

1. Application:

a) In case of temporary import or import for export production (under a contract with the foreign party) of an agrochemical that is not on the list of agrochemicals permitted for use in Vietnam:

Application form No. 01/BVTV in Appendix IV hereof;

A copy of the investment registration certificate or certificate of business registration or certificate of enterprise registration bearing the trader's seal (only required for the first import);

The original copy or certified true copy of the import contract, export contract or processing contract with the foreign party;

A certified true copy of the CFS issued in the exporting country (only required for the first import).

b) In case of import of fumigants that contain methyl bromide and ingredients of Toxicity Class I or Class II defined by Globally Harmonized System of Classification and Labelling of Chemicals (GHS):

Application form No. 01/BVTV in Appendix IV hereof;

A copy of the investment registration certificate or certificate of business registration or certificate of enterprise registration bearing the trader's seal (only required for the first import);

A copy of the fumigation certificate issued by Plant Protection Department (only required for the first import) in case of fumigant import;

A report on import, use and trade of methyl bromide (form No. 02/BVTV in Appendix IV hereof) if the imported fumigant contains methyl bromide.

c) In case of import of an agrochemical that is not on the list of agrochemicals permitted for use in Vietnam for evaluation serving registration; testing or research:

Application form No. 01/BVTV in Appendix IV hereof;

A copy of the investment registration certificate or certificate of business registration or certificate of enterprise registration bearing the trader's seal (only required for the first import);

A copy of the permit for evaluation of agrochemicals or the chemical safety data sheet of the evaluated or tested sample;

The research outlines of the agrochemical (in case of import for research).

d) In case of import of agrochemicals that are used for foreign projects in Vietnam; used as samples at exhibition and some special cases under decisions of the Minister of Agriculture and Rural development:

Application form No. 01/BVTV in Appendix IV hereof;

A copy of the investment registration certificate or certificate of business registration or certificate of enterprise registration bearing the trader's seal (only required for the first import);

A certified true copy of the import contract;

A certified true copy of the CFS issued in the exporting country if the imported agrochemical contains an ingredient that is not included in the list of agrochemicals permitted for use in Vietnam.

dd) In case of import of an agrochemical on the list of banned agrochemicals in Vietnam for use as a reference material:

Application form No. 01/BVTV in Appendix IV hereof;

A copy of the investment registration certificate or certificate of business registration or certificate of enterprise registration bearing the trader's seal (only required for the first import).

2. Deadline:

a) If the application is not valid, the receiving authority shall inform the applicant within 03 working days.

b) Within 05 working days from the day on which the valid and satisfactory application is received, the licensing authority shall issue the import license (Form No. 03/BVTV in Appendix IV hereof). If the application is rejected, the receiving authority shall respond and explain in writing.

3. Effect of the license:

The license to import agrochemicals has the effect on the entire shipment specified in therein; the effective period for each chemical shall be specified in the license but not exceeding 12 months from the date of issuance. The license to import methyl bromide is only effective within the year in which it is issued.

4. Processing authority: Plant Protection Department

- Address: No 149 Ho Duc Di, Dong Da district, Hanoi

- Tel: 024.3533.0361, Fax: 024.3533.0043;

- Email: cchc.bvtv@mard.gov.vn

Article 9. Application for the license for quarantine of imported plants on the list of objects that have to undergo pest risk analysis before import

1. An application for such a license consists of:

- a) Application form No. 04/BVTV in Appendix IV hereof;
- b) A copy of the commercial contract;
- c) A copy of the investment registration certificate or certificate of business registration or certificate of enterprise registration (only required for the first import).

2. Deadline:

- a) If the application is not valid, the receiving authority shall inform the applicant within 03 working days.
- b) Within 10 working days from the day on which the valid and satisfactory application is received, the licensing authority shall issue the license (Form No. 05/BVTV in Appendix IV hereof). If the application is rejected, the receiving authority shall respond and explain in writing.

3. Effect of the license:

The license for plant quarantine has the effect on the entire shipment specified in therein; the effective period for each article shall be specified in the license but not exceeding 12 months from the date of issuance.

4. Processing authority: Plant Protection Department

- Address: No 149 Ho Duc Di, Dong Da district, Hanoi
- Tel: 024.3533.0361, Fax: 024.3533.0043;
- Email: cchc.bvtv@mard.gov.vn

Chapter III

IMPLEMENTATION CLAUSE

Article 10. Transition clause

1. Export and import licenses issued under Circular No. 04/2015/TT-BNNPTNT dated February 12, 2015 of the Minister of Agriculture and Rural development, which provides guidelines for the Government's Decree No. 187/2013/NĐ-CP dated November 20, 2013; licenses for import of agrochemicals and licenses for quarantine of imported plants that have been issued by competent authorities are still effective until their expiration.
2. Applications for the license to export or import of plant varieties or animal breeds, license to import agrochemicals and license for quarantine of imported plants that are submitted before January 01, 2019, if valid, shall be processed in accordance with Circular No. 04/2015/TT-BNNPTNT dated February 12, 2015.

Article 11. Effect

1. This Circular comes into force from January 01, 2019.
2. This Circular annuls Article 40 of Circular No. 21/2015/TT-BNNPTNT dated June 08, 2015 of the Minister of Agriculture and Rural development on agrochemical management.
3. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Agriculture and Rural Development for consideration./.

**PP MINISTER
DEPUTY MINISTER**

Tran Thanh Nam

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